

ENVIRONMENTAL PROTECTION COMMISSION[567]**Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455B.304, 455C.9, 455D.7(1), and 455E.9(1), the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 107, “Beverage Container Deposits,” and to rescind Chapter 110, “Hydrogeologic Investigation and Monitoring Requirements,” Chapter 112, “Sanitary Landfills: Biosolids Monofills,” Chapter 210, “Beautification Grant Program,” and Chapter 218, “Waste Tire Stockpile Abatement Program,” Iowa Administrative Code.

This rule making results from the comprehensive five-year rules review that the Department of Natural Resources (Department) is currently undertaking pursuant to Iowa Code section 17A.7(2). The goal of the review is to identify and eliminate rules that are outdated, redundant or inconsistent with statute or other rules. This proposed rule making will eliminate unnecessary and unused verbiage and correct cross references, thus simplifying the rules of the Commission and making them easier to use and understand.

Amendments to Chapter 107, Beverage Container Deposits.

- The second unnumbered paragraph of rule 567—107.1(455C) relates to Iowa Code section 455C.8, which was repealed in 2013. Therefore, rescission is proposed for the paragraph.

- The definitions of “alcoholic beverage,” “alcoholic liquor,” “beer,” and “wine” in rule 567—107.2(455C) are unnecessarily redundant given the definitions cross-referenced in the definition of “beverage” in rule 567—107.2(455C) (see Iowa Code section 123.3). Therefore, rescission of these definitions is proposed.

- The definition of “beverage” in rule 567—107.2(455C) is proposed for rescission in order to be replaced with a new definition of “beverage” that updates the cross references to the definitions of “alcoholic liquor,” “beer,” and “wine” in Iowa Code section 123.3. In addition, the proposed new definition of “beverage” includes a cross reference to the definition of “high alcoholic content beer” in Iowa Code section 123.3. The new definition of “beverage” also lists all referenced items from Iowa Code section 123.3 in alphabetical order.

- Rule 567—107.16(82GA, HF2700) provides means for managing a grant program for beverage container redemption centers under Iowa Code section 455C.17. The grant program was funded once in 2008. No funding has been appropriated since, and additional funding is not anticipated. If the grant program is ever funded again, it is likely that starting over with new administrative rules fashioned for the circumstances at that time would be beneficial. Therefore, this rule is proposed for rescission.

Rescission of Chapter 110, Hydrogeologic Investigation and Monitoring Requirements.

Provisions of this chapter have been incrementally incorporated into other individual landfill chapters and no longer apply to any sanitary disposal projects currently permitted by the Department. The chapter is obsolete and does not serve the purpose for which it was originally drafted.

Rescission of Chapter 112, Sanitary Landfills: Biosolids Monofills. This chapter is no longer implemented because there are no landfills that accept only biosolids in Iowa. Should a facility decide to construct a landfill to accept biosolids, the existing Chapter 113 for municipal solid waste landfills would be applicable.

Rescission of Chapter 210, Beautification Grant Program. The funding for this program expired on June 30, 2014. There is no longer a need for this chapter.

Rescission of Chapter 218, Waste Tire Stockpile Abatement Program. This program was funded through a surcharge on vehicle titles; however, the funding expired at the end of fiscal year 2007. Iowa

Code section 455D.11F, cited as the authority for this chapter, was repealed in 2004. The correct statutory authority for this chapter is Iowa Code section 455D.11C(2)“d.” Although there are still stockpiles of waste tires, without funding, this program cannot continue.

Any interested person may make written suggestions or comments on the proposed amendments until 4:30 p.m. on February 18, 2015. Such written materials should be directed to Theresa Stiner, Iowa Department of Natural Resources, 502 East Ninth Street, Wallace State Office Building, Des Moines, Iowa 50319-0034; fax (515)725-8202; or by e-mail to Theresa.Stiner@dnr.iowa.gov. Persons who have questions may contact Theresa Stiner by e-mail or at (515)725-8315.

A public hearing will be held on February 18, 2015, from 1 to 2 p.m. in the Fourth Floor West Conference Room of the Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa. Persons attending the public hearing may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to mobility or hearing impairments, should contact the Department to advise of specific needs.

This rule making will have no fiscal impact on the State.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapter 455C and sections 455B.304, 455D.11C and 455E.11.

The following amendments are proposed.

ITEM 1. Rescind the second unnumbered paragraph in rule **567—107.1(455C)**.

ITEM 2. Rescind the definitions of “Alcoholic beverage,” “Alcoholic liquor,” “Beer” and “Wine” in rule **567—107.2(455C)**.

ITEM 3. Rescind the definition of “Beverage” in rule **567—107.2(455C)** and adopt the following **new** definition in lieu thereof:

“*Beverage*” means alcoholic liquor or intoxicating liquor as defined in Iowa Code section 123.3(5), beer as defined in Iowa Code section 123.3(7), high alcoholic content beer as defined in Iowa Code section 123.3(19), wine as defined in Iowa Code section 123.3(47), and mineral water, soda water or similar carbonated soft drinks in liquid form intended for human consumption.

ITEM 4. Rescind and reserve rule **567—107.16(82GA, HF2700)**.

ITEM 5. Rescind and reserve **567—Chapter 110**.

ITEM 6. Rescind and reserve **567—Chapter 112**.

ITEM 7. Rescind and reserve **567—Chapter 210**.

ITEM 8. Rescind and reserve **567—Chapter 218**.