Regulatory Analysis

Notice of Intended Action to be published: Iowa Administrative Code 561—Chapters 1, 3 to 6 "Description of Organization; Submission of Information and Complaints—Investigations; Agency Procedure for Rulemaking; Petitions for Rule Making; Declaratory Orders"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 17A.3(1)"a" through "c" (repealed in 2024 Iowa Acts, Senate File 2370), 17A.7(1), 17A.9(2), and 455A.

State or federal law(s) implemented by the rulemaking: 2024 Iowa Acts, Senate File 2370, and Executive Order 10 (2023).

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows. Please contact Kelli Book at kelli.book@dnr.iowa.gov for sign-in information.

September 24, 2024 1 p.m.	Via video/conference call

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis. Written comments in response to this Regulatory Analysis must be received by the Department of Natural Resources no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Email: tamara.mcintosh@dnr.iowa.gov

Purpose and Summary

The Iowa Administrative Procedure Act has long required agencies to adopt rules describing its internal organization and mission, how to submit information and complaints, its rulemaking process (to include receiving and evaluating rulemaking petitions), and how it will receive and process declaratory orders. To satisfy these obligations, the Department promulgated Chapters 1 and 3 and also adopted by reference, with appropriate edits, the applicable chapters contained in the Uniform Rules on Agency Procedure (Chapters 4, 5, and 6).

However, 2024 Iowa Acts, Senate File 2370, rescinds some applicable law (section 4) and creates a new related statute (section 12). The new statute states that the administrative rules coordinator, in partnership with the Iowa Attorney General's Office, may adopt a new set of uniform model rules that will automatically apply to agencies in the absence of self-promulgated rules (more information can be found in Iowa Code section 17A.24 as enacted by 2024 Iowa Acts, Senate File 2370).

Accordingly, the Department is proposing to rescind these chapters consistent with the principles of Executive Order 10 as being either unauthorized or unnecessary. It will instead operate under the new model rules and other applicable laws. On that point, specific information regarding filing complaints related to environmental matters was incorporated into 567—Chapter 10 during the Department's 2023 Executive Order 10 rulemaking process.

Analysis of Impact

1. Persons affected by the proposed rulemaking:

- Classes of persons that will bear the costs of the proposed rulemaking:

None. There are no costs associated with this proposed rulemaking. The agency will still operate consistent with Iowa Code chapter 17A and other applicable law. Additionally, all contact information that was previously provided in Chapters 1 and 3 is available on the Department's website and other Department publications. Specific information regarding filing complaints related to environmental matters was incorporated into 567—Chapter 10 during the Department's 2023 Executive Order 10 rulemaking process.

- Classes of persons that will benefit from the proposed rulemaking:

There will be no groups impacted by the rescission of these chapters.

2. Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:

- Quantitative description of impact:

None. The agency will still operate consistent with Iowa Code chapter 17A and other applicable law. Additionally, all contact information that was previously provided in Chapters 1 and 3 is available on the Department's website and other Department publications. Specific information regarding filing complaints related to environmental matters was incorporated into 567—Chapter 10 during the Department's 2023 Executive Order 10 rulemaking process.

- Qualitative description of impact:

None.

3. Costs to the State:

- Implementation and enforcement costs borne by the agency or any other agency:

None. The agency will still operate consistent with Iowa Code chapter 17A and other applicable law. Additionally, all contact information that was previously provided in Chapters 1 and 3 is available on the Department's website and other Department publications. Specific information regarding filing complaints related to environmental matters was incorporated into 567—Chapter 10 during the Department's 2023 Executive Order 10 rulemaking process.

- Anticipated effect on state revenues:

None.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

Not applicable. The agency will still operate consistent with Iowa Code chapter 17A and other applicable law. Additionally, all contact information that was previously provided in Chapters 1 and 3 is available on the Department's website and other Department publications. Specific information regarding filing complaints related to environmental matters was incorporated into 567—Chapter 10 during the Department's 2023 Executive Order 10 rulemaking process.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Not applicable. Underlying statutory authority for these rules was either rescinded or changed. Moreover, the agency will still operate consistent with Iowa Code chapter 17A and other applicable law, and all contact information that was previously provided in Chapters 1 and 3 is available on the Department's website and other Department publications. Specific information regarding filing complaints related to environmental matters was incorporated into 567—Chapter 10 during the Department's 2023 Executive Order 10 rulemaking process.

6. Alternative methods considered by the agency:

- Description of any alternative methods that were seriously considered by the agency:

None. See section 5.

- Reasons why alternative methods were rejected in favor of the proposed rulemaking:

See section 5.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Not applicable.

Text of Proposed Rulemaking

ITEM 1. Rescind and reserve **561—Chapter 1**.

ITEM 2. Rescind and reserve **561—Chapter 3**.

ITEM 3. Rescind and reserve **561—Chapter 4**.

ITEM 4. Rescind and reserve **561—Chapter 5**.

ITEM 5. Rescind and reserve **561—Chapter 6**.