

567—55.3(455B) ASR project application processing.**55.3(1) Applications.**

a. Initial application. An ASR permit shall be required for the storage of all treated water in an aquifer for later recovery for potable uses. An initial ASR permit application (a request for a new permit) shall be made on a form obtained from the department. An application must be submitted by or on behalf of the water system owner, lessee, or option holder of the area where the water is to be stored and recovered.

(1) An application must be accompanied by a map portraying:

1. The points of injection and withdrawal;
2. The immediate vicinity of the receiving aquifer;
3. Any production, test, or other observation wells within the aquifer; and
4. The area of water storage.

(2) An application must include a description of the land where wells are located and water will be injected, withdrawn, and used, oriented as quarter-section, section, township, and range.

(3) One application will be adequate for all uses on contiguous tracts of land.

(4) A PWS construction permit issued pursuant to 567—Chapter 43 is also required for all injection/recovery wells.

b. Limited registration. In response to an initial application, the department will issue a limited registration to initiate an ASR pretesting program pursuant to 55.4(1) “a.” The department will only issue an ASR permit after approval and completion of an ASR pretesting program, with appropriate public notification pursuant to 55.3(3) and evaluation of the test results.

c. Modification or renewal. An ASR permit modification or renewal request shall be made in a manner similar to an initial application. A modification or renewal request does not need to reiterate map and location information unless the information has changed. The limited registration requirement for aquifer pretesting does not apply to modified or renewed ASR permit requests unless required by the department.

55.3(2) Application fee. A nonrefundable fee of \$700 in the form of a credit card, check, electronic payment, or money order made payable to “Iowa Department of Natural Resources” must accompany any ASR permit application, modification request, or renewal request.

55.3(3) Published notice—limited registration. Prior to receiving a limited registration, an applicant shall publish a notice of intent to test the injection and water pumpage/recovery equipment. Publication shall be in a manner acceptable to the department and in the newspaper of largest circulation in the county where the ASR project is located. Proof of publication shall be submitted to the department. After the publication, the department will issue a limited registration allowing the applicant to conduct test pumping pursuant to 55.4(1) “a,” and the applicant shall notify contiguous landowners by mail of receipt of the limited registration and the intent to test an ASR site.

55.3(4) Published notice—departmental notice of proposed decision. Before issuance of a final ASR permit, the department shall publish notice of proposed decision to issue an ASR permit or deny an ASR application. Publication shall be in the newspaper of largest circulation in the county where the ASR project is located.

a. A notice of proposed decision shall summarize the department’s findings on whether an application conforms to relevant criteria as outlined in 55.4(1). An engineering or hydrogeological summary report prepared by the department may be attached to the notice.

b. The notice of proposed decision shall be mailed to the applicant, any person who commented, and any other person who requests a copy of a proposed decision. The notice shall be accompanied by a certification of the mailing date.

c. A proposed decision becomes the final department decision unless a timely notice of appeal is filed in accordance with 55.3(6).

55.3(5) Department decision. The department’s decision on an application shall be an ASR permit or denial letter. Each ASR permit shall include appropriate standard and special conditions consistent with Iowa Code sections 455B.261 through 455B.274 and 455B.281 and 567—Chapters 50 through 55. The decision may incorporate the summary report described in 55.3(4). Each decision shall include the following:

a. Determinations as to whether the project satisfies all relevant criteria not addressed in an attached summary report;

b. An explanation of each special condition; and

c. An explanation of consideration given to all comments submitted pursuant to 55.3(3) and 55.3(4), unless comments are addressed in the attached summary report.

55.3(6) *Appeal of department decision.* Any person aggrieved by an initial ASR permit decision may appeal the action. An appeal request must be submitted in writing to the director within 30 days of the date of issuance of the final department decision. The director's decision on an appeal may be further appealed to the commission. The form of appeal and appeal procedures are governed by 567—Chapter 7. The department shall mail a copy of the notice of appeal to each person who commented on the application.

[ARC 9202C, IAB 5/14/25, effective 6/18/25]