

To: Honorable Governor Terry E. Branstad  
From: The Environmental Protection Commission  
Date: January 21, 2014  
Subject: 2013 Annual Report and Recommendations

The Iowa Environmental Protection Commission respectfully submits its Annual Report and Recommendations to the Governor and General Assembly of Iowa pursuant to Iowa Code Section 455B.105(5). The report highlights what we consider the major activities and accomplishments of the Commission in 2013. As part of this report, the Commission submits our recommendations for policy consideration for 2014. These recommendations reflect the issues that the Commission has worked on in 2013, comments from Iowa citizens that have been shared with the Commission and issues that we believe may warrant attention in the coming months.

We thank you for your consideration of this report and its recommendations.

Sincerely,



Mary Boote, Chair, Des Moines  
Environmental Protection Commission

Nancy Couser, Secretary, Nevada  
Cindy Greiman, Garner  
Chad Ingels, Randalia  
Brent Rastetter, Ames  
Bob Sinclair, Sigourney  
Max Smith, Vice-Chair, Knoxville  
Gene VerSteeg, Inwood

# **Iowa Environmental Protection Commission 2013 Annual Report and Recommendations**

Pursuant to Code of Iowa Section 455B.105(5) the Iowa Environmental Protection Commission (Commission) submits the following report to Governor Branstad and the Iowa General Assembly. As specified in the status, this report discusses the accomplishments and status of the programs administered by the Environmental Services Division of the Department of Natural Resources (DNR). The report also makes legislative recommendations for consideration of the Governor and General Assembly based on Commission observations regarding the state of the environment in the past year. The report also takes into account comments and concerns the Commission hears from Iowa citizens.

As 2013 saw the beginning implementation of the statewide collaborative effort called the Nutrient Reduction Strategy, the Commission witnessed the scope and breadth of such an undertaking. The DNR will be responsible for the point-source restrictions and working towards that goal will require considerable staff time and effort.

The Commission received a Petition for Rulemaking from the Iowa Environmental Council and the Environmental Law and Policy Center to adopt numeric water quality standards on a specific set of Iowa Lakes. We agreed unanimously with DNR leadership that there were compelling reasons to deny this second attempt at numeric standards and to allow the Nutrient Reduction Strategy a chance to work.

## **DNR, U of I Partnership Agreement**

The Commission was in unanimous agreement with DNR leadership that a cooperative agreement between the DNR and the University of Iowa could result in significant cost savings and increased research capacity for the state's water and geological resources by transferring a number of groundwater and geological activities by contract to the University's College of Engineering, IIHR – Hydrosience & Engineering.

This agreement allows the university to leverage existing state resources and obtain more grants for research. The goal is more efficient and effective services for Iowa's citizens. The DNR will retain the state Geologist position.

## **Summary of Air Quality Rule Changes in 2013**

- Chapter 33, Plantwide Applicability Limits for Greenhouse Gases
- New Air Quality Standards - addresses changes EPA made to National Ambient Air Quality Standards for fine particulate matter (PM2.5), lead and sulfur dioxide. This included much consultation with stakeholders to maintain air quality and protect public health while minimizing the regulatory impact of implementation.
- Chapter 23, Adopting the RICE NESHAP- involves standards for stationary internal combustion engines, again with much stakeholder and EPA input to come to

satisfactory regulation that will not overburden the small utilities who rarely use such equipment.

- Chapters 20,22,31, and 33 Rule amendments regarding National Ambient Air Quality Standards. The construction of new major sources of air pollution (or major modifications of existing sources of air pollution) in areas that are not in attainment with the NAAQS is governed by federal Nonattainment New Source Review regulations. In Iowa, a portion of Council Bluffs is in nonattainment for lead and in Muscatine for sulfur dioxide. By adopting these regulations, the DNR will be able to issue permits in the nonattainment areas.

## **Working Towards Better Relations with Stakeholders**

In Chapter 17 a revision was made to compliance and enforcement procedures, allowing for informal meetings, letters of inquiry, and letters of non-compliance to be used where no environmental harm or threat to human health or safety had occurred. This allows staff to address issues of noncompliance such as late paperwork in a less punitive manner.

## **Enforcement of Existing Regulations**

In 2013 DNR issued 116 orders, consisting of 82 Consent Orders and 34 Unilateral Orders. The total penalties were \$363,224. They breakdown as follows: Animal Feeding Operations were penalized \$45,800, Air Quality \$103,235, Solid Waste \$64,581, Underground Storage Tanks \$16,618, Wastewater \$63,550, Water Supply \$58,440, and Flood Plain \$11,000. The Commission also referred four cases to the Attorney General for further action.

## **Agreement with EPA**

DNR entered into an agreement with EPA to expand inspections of CAFO's by the department. The department has hired and is currently training the additional staff for implementing this program after the legislature provided funding for the personnel this summer. We would highly encourage continued funding for the 7 new inspectors.

## **Summary and Recommendations**

Public comments for the year have focused on the number of impaired waters in the state. Confinement facilities continue to garner considerable public attention as well.

### **Legislative agenda:**

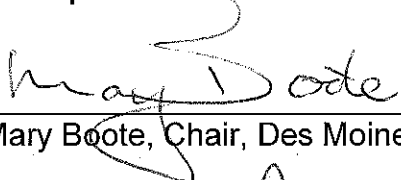
The Commission supports DNR's request to update the Code of Iowa to reflect the current air permitting program and remove conditional air quality permits from the Iowa Code. The conditional permit was created in the 1970s when the Iowa Utilities Board (IUB) required utilities to have their regulatory permits issued prior to setting electricity rates. IUB updated its administrative rules to no longer require the permit prior to rate setting. The DNR Air Quality Bureau has never used this permit type and the conditional permit requirement causes confusion for the regulated community.

**Financial sustainability:**

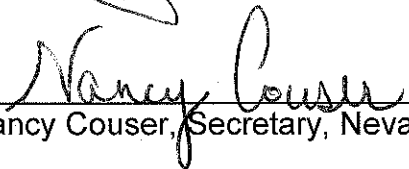
The Commission recognizes that DNR has made great strides in recent years in process improvement which has allowed DNR to improve performance in spite of declining budgets. More permits are being issued today with less staff and in less time than has happened historically. However, it must be recognized that these efficiencies have limits and that adequate financial resources are necessary to maintain responsible and reliable environmental programs for communities, industry, and agriculture.

The Commission recognizes that a number of programs have been tied to fees associated with pollutant loading and that with improved air quality and reduced generation of solid and hazardous wastes, financial support for these necessary programs is diminishing. The Commission supports the continuation of the robust programs that the DNR has developed for the protection of Iowa's land, air, and water. Specifically, the Commission further supports the collaborative development of long-term solutions in order to meet industry's need for rapidly issued permits in the air quality program. This funding challenge will provide stakeholders and the department the opportunity to work together to find the appropriate tools to assure that permitting services at the department meet the needs of a growing Iowa economy.


The Commission thanks the Governor and the General Assembly for the opportunity to submit this report and invites further inquiry and conversation about these issues.

  
Mary Boote, Chair, Des Moines

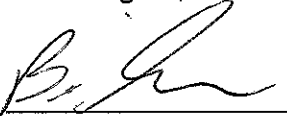
  
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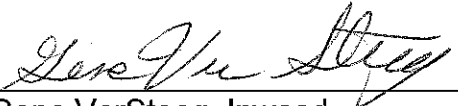
  
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