

IOWA UTILITIES COMMISSION

IN RE: HOMELAND ENERGY SOLUTIONS, LLC	DOCKET NO. P-0879
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ORDER GRANTING WAIVER AND ADDRESSING NOTICE

On April 25, 2025, Homeland Energy Solutions, LLC (Homeland), filed with the Utilities Commission (Commission) a Petition for Pipeline Permit Amendment (Petition) for Pipeline Permit No. 1242, issued to Homeland on December 18, 2008. The Petition was filed to add approximately 0.52 miles of previously constructed pipeline to Homeland's existing permit after it was determined the permit did not have the same length as the existing pipeline.

On the same day, Homeland filed a request for waiver of Commission rules with respect to its petition. Homeland requested the Commission grant a waiver from 199 Iowa Administrative Code (IAC) rules 10.4, 10.6, and 10.9(2)(b), which require an official notice and hearing for an amendment to a pipeline permit.¹ Homeland also requested an amendment to Permit No. 1242 to correct the discrepancies between the length of the pipeline as-built and the length stated in the permit. No party has filed an objection to the request.

¹ On July 16, 2025, a new version of 199 IAC chapter 10 became effective that adjusted the numbers of rules within the chapter. Due to these changes, the request for waiver of 199 IAC 10.9(2)(b) is now considered a request for waiver of 10.8(2)(b), as the rules regarding the amendments of permits are now contained within 10.8.

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WAIVER REQUEST

Homeland states that the hearing and notice requirements pursuant to 199 Iowa Administrative Code (IAC) 10.4, 10.6, and 10.8(2) should be waived in this instance because the amendment arises solely to include 0.50 miles of previously constructed pipeline located on Homeland's property into Homeland's permit.

Homeland further states that a hearing would create an undue hardship for Homeland, impose unnecessary costs, and create confusion for nearby landowners. Finally, Homeland states that because the amendment does not require any new construction, land rights, permits, nor affects any person who has not provided land rights to Homeland, a waiver would not prejudice the substantial legal rights of any person.

ANALYSIS

Pursuant to 199 IAC 10.8(1)(b), an amendment of a pipeline permit is required for the extension of an existing pipeline outside of the permit easement. Lettered paragraph 10.8(2)(b) provides that the applicable procedures for an original petition for permit, including hearing, shall be followed for a petition for permit amendments. Commission rule at 199 IAC 1.3 provides that the Commission may, in response to a request, grant a waiver from a rule adopted by the Commission, in whole or in part, as applied to a specific set of circumstances that meets the requirements of Iowa Code section 17A.9A(2), which are:

1. The application of the rule would pose an undue hardship on the person for whom the waiver is requested.
2. The waiver from the requirements of a rule in the specific case would not prejudice the substantial legal rights of any person.

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3. The provisions of a rule subject to a petition for a waiver are not specifically mandated by statute or another provision of law.

4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the particular rule for which the waiver is requested.

Requiring Homeland to provide notice and hold a hearing regarding this amendment would pose an undue hardship by causing unnecessary delay. Because Homeland already has all necessary land rights, there are no persons whose substantial legal rights will be prejudiced by waiving the hearing requirements. The requirements found at 199 IAC 10.4, 10.6, and 10.8(2)(b), as they relate to hearings for amendments to pipeline permits, are not mandated by statute or other provisions of law. Lastly, equal protection of public health, safety, and welfare of the public will still be afforded, as granting the waiver does not alter the safety requirements for the pipeline, and the Commission will still perform all necessary inspections and will review the Petition for amendment.

Based upon review of the information, and there being no objection to the request for waiver, the Commission finds that the four criteria of 199 IAC 1.3 and Iowa Code § 17A.9A(2) have been met. The hearing requirements and any associated notice of hearing requirements as set forth in 199 IAC 10.4, 10.6, and 10.8(2)(b) will be waived.

ORDERING CLAUSE

IT IS THEREFORE ORDERED:

The waiver request filed by Homeland Energy Solutions, LLC, on April 25, 2025, is granted in accordance with 199 Iowa Administrative Code 1.3 for rules 199 Iowa

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Administrative Code 10.4, 10.6, and 10.8(2)(b) relating to the requirement to hold a hearing on this matter and any associated notice requirements.

UTILITIES COMMISSION



Sarah Martz, Chair



Joshua Byrnes, Commissioner



Erik Helland, Commissioner