



Administrative Rules Review Committee

THE RULES DIGEST

August
2015

Scheduled for Committee review
Tuesday, August 11, 2015
Room #103

Reference
XXXVIII IAB No. 1 (07/08/15)
XXXVIII IAB No. 2 (07/22/15)

HIGHLIGHTS IN THIS ISSUE:

MULTIRESIDENTIAL REAL ESTATE ASSESSMENT—DUAL CLASSIFICATION, <i>Revenue Department</i>	1
NPDES GENERAL PERMIT NO. 2, <i>Environmental Protection Commission</i>	2
IOWA PRISON INDUSTRIES, <i>Corrections Department</i>	3

Agriculture and Land Stewardship Department

9:30

Storage and handling of anhydrous ammonia, 07/22/15 IAB, ARC 2059C, ADOPTED.

This rulemaking adopts the newest national safety standards for the safety and handling of anhydrous ammonia with some exceptions. The rulemaking necessitates that the emergency shut-off valve required in the line going to the remote transfer station be placed on the intake side of the pump

Revenue Department

10:05

Multiresidential real estate assessment—dual classification, 07/22/15 IAB, ARC 2060C, NOTICE.

This proposed amendment updates the department's rules to reflect changes to the definition of dual classification properties for property tax purposes which were enacted by 2015 Iowa Acts, House File 616, section 3. The Act changed the definition to include properties that have a primary use for human habitation containing three or more dwelling units but also have a commercial or industrial use.

Environmental Protection Commission

10:20

Withdrawal of water from Cambrian-Ordovician (Jordan) aquifer, 07/08/15 IAB, ARC 2053C, ADOPTED.

These amendments will revise the rules governing the use of the Cambrian-Ordovician Aquifer, commonly called the Jordan Aquifer, in Iowa. The Jordan Aquifer extends

underneath much of Iowa and is a significant well water source in the state. The commission has determined that protection from overuse of the resource, also known as dewatering the aquifer, is needed in some parts of the state. The amendments are a result of the recommendations made to the commission by the Executive Order 80 Stakeholder Group that was tasked with evaluating the current rules to better manage the usage of the Jordan Aquifer.

The stakeholder group developed a tiered classification system for existing and future Jordan wells that are required to be permitted under the state's water allocation rules, so that the resource will have a sustainable use into the future. A water allocation permit must be obtained by anyone withdrawing at least 25,000 gallons in a single day during the year. A permit holder withdrawing more water than the aquifer can sustain at that well location will be required to develop a water use reduction plan and implement measures so that the aquifer can recover to a sustainable level. Other amendments require activities that result in closer oversight of the aquifer.

Environmental Protection Commission

10:20

NPDES general permit no. 2—topsoil preservation at construction sites, 07/08/15 IAB, ARC 2054C, ADOPTED.

This rulemaking will revise General Permit No. 2, which authorizes the discharge of stormwater from construction sites. The changes in General Permit No. 2 involve topsoil preservation at construction sites. Federal regulations require permittees to minimize soil compaction and, unless infeasible, preserve topsoil. Currently, the commission defines this requirement as the preservation of at least 4 inches of topsoil at construction sites when this is consistent with land use practices and if at least 4 inches of topsoil existed on the site prior to construction. This rulemaking strikes the 4 inch standard and defines “infeasible” as not technologically possible, or not economically practicable and achievable in light of the best industry practices.

The commission received over 700 mailed, e-mailed, and verbal public comments on this rulemaking. Public comments received by the commission and other information about this rulemaking can be found at this website:

<http://www.iowadnr.gov/InsideDNR/RegulatoryWater.aspx>

Corrections Department

No Representatives Requested to Appear

Iowa Prison Industries, 07/08/15 IAB, ARC 2056CC, ADOPTED.

These amendments make a variety of changes to rules for Iowa Prison Industries. The department submitted these amendments for publication in error. These published amendments were not adopted by the department. At the committee's July meeting, it authorized the department to adopt emergency rules to rescind these erroneous amendments. Further review will occur at the September meeting.