COVID-19 ENFORCEMENT AND COMPLIANCE PROTOCOL

As of 03/20/2020

The Iowa Department of Natural Resources (Department) is issuing this enforcement and compliance protocol in recognition of the extraordinary circumstances facing the state from COVID-19. Consistent with Governor Reynold's public health proclamation dated March 17, 2020, the Department is attempting to provide some regulatory relief and mitigate the economic effects of business closings and social distancing standards necessary to protect the public's health. To that end, the Department is issuing this protocol in an attempt to balance the need to protect and maintain Iowa's natural resources against the need to protect people from infection. This protocol may be extended if warranted by the on-going pandemic, and it may also be amended at any time.

The Department will be exercising its enforcement discretion in the following manner through April 30, 2020. If persons and regulated entities meet the following criteria and adhere to the applicable directives, the Department will exercise its enforcement discretion by, as appropriate, (1) not seeking administrative penalties for cited violations of law, or by (2) renewing or not seeking to revoke certain licenses, certifications, or permits.

The Department reserves the right to, consistent with law, take any appropriate enforcement action if the terms of this protocol are not followed or if there is noncompliance outside the protocol's scope. Finally, notwithstanding this protocol, the Department reserves the right to take enforcement action for conduct that endangers Iowa's natural resources or the public's health and welfare.

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Solid Waste

567 Iowa Administrative Code chapters 104, 113 - 115; Iowa Code chapter 455B, Division IV, Part I

I. Continuing Education Unit Requirements for Landfill and Incinerator Certificates
   - A. The Department is extending the upcoming continuing education credits deadline for certification renewal from June 30, 2020 to September 30, 2020. This is warranted due to the cancellation or likely cancellation of conferences and training sessions between now and that credit deadline.
   - B. Questions to Becky Jolly at (515)725-8308, becky.jolly@dnr.iowa.gov

II. Prohibition on the disposal of Yard Waste at Municipal Solid Waste Landfills
   - A. The prohibition on disposal of yard waste at municipal landfills is suspended. Landfill operators may accept yard waste for disposal if the operator determines doing so is necessary. This is warranted due to likely staff shortages and prioritization of resources to ensure landfills can remain open.
   - B. Questions to Mike Smith at (515)725-8314, mike.smith@dnr.iowa.gov

Animal Feeding Operations

567 Iowa Administrative Code chapter 65; Iowa Code chapter 459

I. Double stocking of confinement buildings if producers are required to keep animals on-site longer than scheduled
   - A. Producers will be allowed to overstock and not be required to do the following: 1) pay the extra Manure Management Plan (MMP) fees, 2) comply with the construction permitted capacity numbers, or 3) notify the field office of doublestocking.

B. However, producers will be required to continue to contain all manure and update the MMP if application changes because of the higher levels of manure in the storage structures.

II. Manure application inconsistent with MMP due to doublestocking
   A. DNR requests that the MMPs be amended and submitted with the next MMP updates.

III. Manure applicator certification testing
   A. Testing at the field offices has been discontinued. Therefore, the certifications for applicators who were previously certified will remain in effect until such time testing is resumed.
   B. Once testing is resumed, applicators will be given 60 days to become officially certified.

IV. County signatures needed on MMPs, MMP updates, and Construction Design Statements (CDS)
   A. With many of the county offices closed, producers may not be able to obtain the required county certification signatures.
   B. Producers are required to submit the MMP, MMP update or Construction Design Statement on time, but will have 60 days after the county offices reopen to obtain the signatures and submit them to the DNR.
   C. Producers are encouraged to submit MMP updates through the eMMP program.

V. Questions to Kelli Book at (515) 725-9572, kelli.book@dnr.iowa.gov

Air Quality

567 Iowa Administrative Code chapters 20 - 35; Iowa Code chapter 455B, Division II, Part I

I. Construction Permits
   A. Requirement to conduct stack testing required by an air quality construction permit (not required by federal New Source Performance Standards (NSPSs) or (National Emission Standards for Hazardous Air Pollutants (NESHAPs)) will be extended by 45 days after expiration of this protocol.
   B. Requirement to start construction within 18 months or complete construction within 36 month of permit issuance otherwise permit will be extended by 45 days after expiration of this protocol.
   C. Requirements to amend stacks or stack parameters will be extended by 30 days after expiration of this protocol.
   D. Requirements to add control devices either through judicial orders, compliance plans, construction permits, etc. are not extended, but requests for a variance from a requirement can be made to Brian Hutchins, 515-725-9550, Brian.Hutchins@dnr.iowa.gov
   E. Other questions can be directed to Sarah Piziali at 515-725-9549, sarah.piziali@dnr.iowa.gov

II. Compliance
   A. Method 9 Certifications - Due to lecture class and field certification cancellations, Method 9 certifications that are valid as of March 1, 2020, will be considered valid for up to 6 months after the expiration of this protocol.
   B. NSPS or NESHAP Stack testing and Reporting deadlines will be extended by 45 days after expiration of this protocol.
   C. Continuous Emission Monitoring Systems ongoing calibrations will be extended until expiration of this protocol.
   D. Excess Emission reporting deadlines will be extended until expiration of this protocol.
   E. Questions to Brian Hutchins at 515-725-9550, brian.hutchins@dnr.iowa.gov

III. Title V Operating Permits & Emissions Inventories
   A. Title V Emissions Inventories will be accepted through April 30.
   B. Title V Semi-Annual Monitoring Reports will be accepted through April 30.
   C. Title V Annual Compliance Certifications will be accepted through April 30.
   D. Stack testing required by a Title V operating permit (but not required by federal NSPS or NESHAP) will be extended by 45 days after expiration of this protocol.
   E. Wet signatures will not be required on any of the following:

1. Title V applications
2. SLEIS application forms
3. EASY Air Electronic Subscriber Agreement for EASY Air

F. Questions may be directed to Lori Hanson at 515-725-9525, lori.hanson@dnr.iowa.gov

Storm Water

567 Iowa Administrative Code chapter 64; Iowa Code chapter 455B, Division III, Part I

I. General Permit #1

A. Permit condition requires monitoring / sampling at an expected frequency. Interruptions in staffing or restricted access to a facility due to the COVID-19 may result in monitoring / sampling not being completed timely. Such facilities are directed to mitigate any environmental impacts during this time, and to resume monitoring / sampling immediately upon staffing availability. Notify the Department upon resumed monitoring / sampling.

II. General Permit #2

A. Permit condition requires permittee to conduct weekly inspections. Interruptions in staffing at sediment control contractors due to the COVID-19 may result in these inspections not being completed timely. Such facilities are directed to mitigate any environmental impacts during this time, and to resume monitoring / sampling immediately upon staffing availability. Notify the Department upon resumed monitoring / sampling.

III. MS4 Permit

A. Permit condition requires permittee to conduct quarterly inspections. Interruptions in staffing at municipalities/universities due to the COVID-19 may result in these inspections not being completed timely. Such facilities are directed to mitigate any environmental impacts during this time, and to resume monitoring / sampling immediately upon staffing availability. Notify the Department upon resumed monitoring / sampling.

IV. Questions to Ted Petersen at 515-725-0274, ted.peterson@dnr.iowa.gov

Iowa DNR Certified Time of Transfer Program

567 Iowa Administrative Code chapter 69; Iowa Code chapter 455B, Division III, Part I

I. Certificate renewal

A. Certified Time of Transfer Inspectors who do not meet the continuing education credit requirements by March 31 will be allowed to renew their inspector license.

B. Any continuing education credits obtained after April 1, 2020 will go towards meeting the continuing education credit requirements for the 2020-2022 certification period.

II. Questions to Cory Frank at 515-725-8404, cory.frank@dnr.iowa.gov

Wastewater

567 Iowa Administrative Code chapter 64; Iowa Code chapter 455B, Division III, Part I

I. Monitoring

A. Permit conditions require Discharge Monitoring Report / self-monitoring at an expected frequency. Interruptions in staffing or restricted access to a facility due to the COVID-19 may result in these activities not being completed timely. Contact the DNR Field Office (FO) for consultation if flexibility is needed to meet the NPDES permit conditions (i.e. monitoring requirements, reporting requirements, operating conditions, and limited laboratory capacity).

II. Op Cert Compliance plan

A. If a facility's compliance plan includes a set date that is now not achievable due to a postponed test, the plan will be revised with a proposed date of "as soon as testing resumes."

III. Operator certificates

A. Exam testing has been postponed indefinitely statewide. Operators may continue to operate facilities with an expired certificate until testing resumes. Once testing is resumed, operators will be given 60 days to become officially certified.

IV. Questions to Ted Petersen at 515-725-0274, ted.petersen@dnr.iowa.gov

Water Supply

567 Iowa Administrative Code chapters 42, 43, and 81; Iowa Code chapter 455B, Division III, Part I

I. These are the specific areas in Water Supply that may be affected by noncompliance.

A. Health-based drinking water standards must be met at all times. Contact the DNR Field Office (FO) for consultation if flexibility is needed to meet the water supply operation permit conditions (i.e., monitoring requirements, operating conditions, corrective action delays, and limited laboratory capacity).

B. The public water supply consumer confidence report deadline is being extended from April 1st to July 1st.

C. The FO may allow flexibility in operator contingency planning, specifically with the operator-in-charge certification and shift operator certification, for both public water supply and wastewater treatment systems. Contact information in part II below.

D. Well Contractors, well drillers, and pump installers who are certified by March 31, 2020, can renew their certification(s) even if they have not earned the minimum number of contact hours.

E. On a case by case basis, the Water Supply Operation Section may allow for flexibility with all of the following: the timing of public notice; submission of public notice delivery certification; and with public water supply monthly operation reports submission deadlines. Contact information in part II below.

II. Contacts in the Water Supply program

A. Public water supply operators or their designee shall contact the applicable Field Office or Water Supply Operations staff with any issue. The applicable DNR staff are listed in the cover letters to the sanitary survey and operation permits.

B. Well contractors should contact DNR Water Supply Operator Certification or Private Wells staff: Laurie Sharp at 515/725-0284, Laurie.sharp@dnr.iowa.gov or Russell Tell at 515-725-0462, russell.tell@dnr.iowa.gov

Kayla Lyon, Director

V. Joyce Flinn, Director
Iowa Department of Homeland Security and Emergency Management