



# IOWA SOCIETY OF SOLID WASTE OPERATIONS

Iowa Chapter of SWANA

January 4, 2019

Ola Babcock Miller Library – Forrest Spaulding Room 310  
1112 E Grand Ave Des Moines IA 50319  
**REGULAR BOARD MEETING**  
**10:00 AM**

## Board Officers

### President

Bill Rowland  
Landfill of North Iowa  
(641) 357-5452  
bill@landfillnorthiowa.org

### Vice President

John Foster  
Dubuque Metropolitan Area Solid  
Waste Agency  
(563) 589-4354  
jfoster@cityofdubuque.org

### Secretary

Jennifer Frampton  
South Central Iowa Solid Waste  
Agency  
(641) 828-8545  
jframpton@sciswa.org

### Treasurer

Lori Dicks  
Buena Vista County Solid Waste &  
Recycling  
(712) 732-7171  
bvrecyclecenter@gmail.com

### Past President

Brian Seals  
Waste Commission of  
Scott County  
(563) 381-1300  
bseals@wastecom.com

### Chapter Director

Mary Wittry  
Carroll County Solid Waste  
(712) 792-5001  
mwittry@carrollcountylandfill.com

## Board Members

Dan Bacehowski  
Foth Infrastructure & Environment  
(515) 251-2572  
dan.bacehowski@foth.com

Wade Hamm  
Great River Regional Waste  
(319) 372-6140  
whamm@grrwa.com

Yuta Naganuma  
Metro Waste Authority  
(515) 333-4446  
yna@mwatoday.com

Lauren Norland  
Barker Lemar  
(515) 256-8814  
lnelson@barkerleamar.com

Garrett Prestegard  
Cedar Rapids Linn County  
Solid Waste Agency  
(319) 377-5290  
gprestegard@solidwasteagency.org

## AGENDA

1. **Call to Order**
2. **Roll Call/Introductions**
3. **Amend/approve agenda**
4. **Approve Meeting Minutes from December 7, 2018**
5. **Discuss/Approve Treasurer's Report**
6. **New Business**
  - o SWANA Chapter Report
7. **Chapter Director's Report**
  - o SWANA MOU Update
  - o SWANA Governance Vote
8. **DNR Update**
  - o Solid waste visioning process
9. **Committee Reports**
  - o Audit – Wade Hamm
  - o Legislative – John Foster
    - DNR Environmental Services omnibus bill
  - o Technical – Dan Bacehowski
  - o Nominating Committee – Brian Seals
  - o Member Services – Lauren Norland, Yuta Naganuma
  - o Programs & Arrangements
    - Spring Conference - Mary Wittry, Christine Collier
    - Fall Conference – John Foster, Garrett Prestegard
  - o Awards – Bill Rowland
  - o Scholarship – Jennifer Frampton
  - o By-laws – Garrett Prestegard
  - o Young Professionals – Lauren Norland
  - o Safety – Brian Seals
10. **Other**
11. **Adjourn**

Join by phone

[\(920\) 496-6979](tel:(920)496-6979)

Conference ID: 5644572

Improving the Environment Everyday

[www.isoswo.org](http://www.isoswo.org)



## IOWA SOCIETY OF SOLID WASTE OPERATIONS

Iowa Chapter of SWANA

### Board Meeting Minutes

December 7, 2018 ISOSWO Board of Directors meeting was held at Ola Babcock Miller Library, 1112 E Grand Ave Des Moines, IA 50319.

**Call to Order:** President Rowland called the meeting to order at 10:03 AM.

**Roll Call:** Rowland called roll.

Present: Lori Dicks, Dan Bacehowski, Wade Hamm, John Foster, Garrett Prestegard, Mary Wittry, Bill Rowland, Yuta Naganuma and Jennifer Frampton, Brian Seals.

Absent: Lauren Norland.

Also present: Hal Morton, Amie Davidson, Alex Moon, Christine Collier, Dan Halbur, Jim Obradovich, Rhonda O'Conner, via phone-Angie Ullman and Wade Hamm.

**Approve/Amend Agenda:** Seals moved to approve the agenda. Second by Wittry. All ayes, motion carried.

**Approval of November 7, 2018 meeting minutes:** Dicks moved to approve the November 7, 2018 meeting minutes. Second by Foster. All ayes, motion carried.

**Approval of Treasurer's Report:** Dicks presented the Treasurer's report, the scholarship account is still being reconciled. Dicks reported of accounting services bills to be paid. The Quickbooks online license is now held by Blandon and Associates in Omaha, they are also filing the year-end tax return. Discussion about concluding business with Blandon and moving to a local accountant for assistance. Dicks will investigate costs for licensing and fees. Discussion about fiscal year budget. Foster moved to approve the Treasurer's Report. Second by Wittry. All ayes, motion carried.

### **New Business:**

Discussion of proposed 2019 meeting schedule: change March 6 to March 1 at Ola Babcock Miller Library. Meeting times will remain at 10:00 am and add a December 6, 2019 meeting at the regular meeting location. Naganuma offered MWA office as a meeting location, Rowland will finalize locations with the changes to the schedule.

Rowland presented suggested chair positions for 2019, Prestegard volunteered to co-chair the Fall Conference committee. Naganuma volunteered to sit on the Audit committee as well as co-chair Member Services with Nelson. Prestegard will also chair By-laws. Wittry moved to approve the committee chairs as stated. Second by Seals. All ayes, motion carries. Rowland: please get your committee lists updated for January. Bacehowski: we should provide previous chair contacts to new chair members, Rowland will follow up. Seals will follow up on providing continued and new board member training on the ISOSWO website. Frampton suggested we write up short committee summaries

to distribute to the membership, please send to Frampton by Jan 1 to be included on e-blast. Foster suggested tracking committee hours as well.

Rowland presented information on access to banking accounts, consensus that ISOSWO President and Treasurer should have access to both accounts. Motion by Wittry to designate the ISOSWO President Bill Rowland, Treasurer Lori Dicks, and one Fall Conference Co-Chair (Garrett Prestegard) as signatories on the ISOSWO regular checking account and to remove all other signatories from the account as of December 7, 2018. Seconded by Bacehowski. All ayes, motion carries.

Motion by Seals to designate the ISOSWO President Bill Rowland and Treasurer Lori Dicks as signatories on the ISOSWO scholarship checking account and to remove all other signatories from the account as of December 7, 2018. Seconded by Foster. All ayes, motion carries.

**Chapter Director Report:** Wittry reported on the SWANA Region 10 MOU that was approved by the board last month. The MOU has not been approved by all chapters in the region, we will lose \$500 for travel expenses for the region if not approved by the December 31 deadline. Results of the SWANA December 14<sup>th</sup> vote may result in approval by all chapters with some changes. We may need to have a conference call to approve the MOU with any changes that have been made to meet the December 31 deadline.

**DNR Update:** Davidson updated the board on department activities and code updates. Moon reported on department personnel changes including retirement of one of the department's legislative liaison, there will be no legislative proposals this year. The formal filing process of waste conversion technology rules has begun. Discussion regarding the department's solid waste visioning process to include multiple stakeholder meetings. Morton: are there any direct ties from this process to the sustainable funding issue? Moon: yes, we will be evaluating the programs we currently have and plan to determine funding as well as legislative needs for those programs. Seals: so ISOSWO support is something you are looking for at these stakeholder meetings? Moon: yes, if that is something ISOSWO would like to consider catering would be a suggestion. Foster: the Legislative Committee recommends supporting this, and agencies would probably be willing to provide local support as well. Moon will keep the board apprised of progress and details about events.

#### **COMMITTEE REPORTS:**

**Legislative:** Foster presented the 2019 legislative positions. Obradovich reported on activities in the Iowa legislature and outlook for ISOSWO positions. Motion by Wittry to approve the legislative positions as presented. Second by Bacehowski. All ayes, motion carries.

**Technical:** Bacehowski provided a summary of a meeting with the department and suggested topics for TAC to address next. The department has approached us in the past about EQUIS database usage, would like to explore costs associated and whether or not that would be beneficial for us to participate as landfills.

**Member Services:** Seals presented the committee recommendation for the Web Content Coordinator position to be contracted at an hourly rate for the next six months with Grit Marketer and evaluate at the end of term. Foster: make a motion to authorize the committee chair to negotiate a contract with Grit Marketer for six months services according to the proposal to be signed by the President. Second

by Wittry. All ayes, motion carries. Update on SWANA Webinar activities, Seals will reach out via e-blast to look for topics.

**Programs and Arrangements:**

**Fall Conference:** Foster presented the 2018 fall conference audit summary and reported net income of \$59,372.00. Foster made a motion to authorize payment to Iowa Recycling Association in the amount of \$29,686.00 and to authorize the Treasurer to provide 50% of conference revenue received on collectable items to IRA through December 31, 2018. Second by Bacehowski. All ayes, motion carries. Foster presented a proposal from Shannon Meister for 2019 Spring and Fall Conference Planning Services. This proposal matches the former contract held for these services. Wittry made a motion to execute both the 2019 Spring Conference Proposal with an amount not to exceed \$2,335.00 and the 2019 Fall Conference Proposal with an amount not to exceed \$30,790.00 with Shannon Meister for conference planning services. Second by Foster. All ayes, motion carries.

**Spring Conference:** Wittry reported on local committee activities, the committee is finalizing topics and looking for speakers.

**Safety:** Seals will provide a summary of the Heavy Equipment Operator Training held in October and is working on a comment letter back to the training provider ATS. MWA will provide potential dates for a spring training date, expect a report in February. Discussion about training topics to be communicated to membership through the ISOSWO website and if this information should be available to non-members as well, perhaps for a subscription rate rather than require membership.

**Other:** Collier: could attachments for meetings be made available to the membership? Rowland: yes, we will do that now that the website coordinator position has been filled.

**Adjourned:** Wittry made a motion to adjourn at 12:02. All ayes, motion carried.

Respectfully Submitted, Jennifer Frampton

# Iowa Society of Solid Waste Operations

## TRANSACTION DETAIL BY ACCOUNT

December 2018

DATE	TRANSACTION TYPE	NUM	NAME	CLASS	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
<b>Wells Fargo - Checking</b>								
12/03/2018	Expense		Merchant Services		Merchant Services Fees	Fall Conference Expenses	-27.99	-27.99
12/05/2018	Deposit		Hilton Garden Inn		Charlie Sedlock room reimbursement Fall Conf 2018	Fall Conference Expenses	275.52	247.53
12/07/2018	Bill Payment (Check)	1983	(IRA) IOWA RECYCLING ASSOCIATION		50% of Vermeer check 50% 2018 Conference Income	Accounts Payable	-29,773.50	-29,525.97
12/10/2018	Transfer				November and December monthly recurring transfers	Wells Fargo - Scholarship Fund	-200.00	-29,725.97
12/10/2018	Bill Payment (Check)	1984	Constant Contact		Website contact with member	Accounts Payable	-168.00	-29,893.97
12/10/2018	Bill Payment (Check)	1985	Bland & Associates		Accounting services	Accounts Payable	-1,616.00	-31,509.97
12/10/2018	Transfer				Scholarships paid out for 2017 & 2018	Wells Fargo - Scholarship Fund	7,200.00	-24,309.97
12/10/2018	Bill Payment (Check)	1986	Dicks Lori		Mileage	Accounts Payable	-140.62	-24,450.59
12/11/2018	Deposit		VERMEER		Fall Conf 2018	Fall Conference	175.00	-24,275.59
12/11/2018	Transfer				2018 Scholarship Auction	Wells Fargo - Scholarship Fund	-2,931.00	-27,206.59
12/13/2018	Deposit		SWANA		SWANA SWANA 181213 IOWA CHAPTER 201812131	SWANA Dues	346.00	-26,860.59
12/18/2018	Bill Payment (Check)		Harland Clarke Check		Check order	Accounts Payable	-69.62	-26,930.21
12/18/2018	Bill Payment (Check)	1981	Charlie Sedlock		Fall Conf 2018	Accounts Payable	-513.14	-27,443.35
12/26/2018	Sales Receipt	84	Elliot Equipment Company		Fall Conf 2018	Fall Conference	150.00	-27,293.35
12/26/2018	Payment	2150512	City of Iowa City, City of		Operator Training	Accounts Receivable	130.00	-27,163.35
12/26/2018	Payment	70025933	Cedar Rapids Linn County Solid Waste Agency		Operator Training	Accounts Receivable	130.00	-27,033.35
12/26/2018	Payment	2111192	City of Iowa City, City of		Operator Training	Accounts Receivable	130.00	-26,903.35
12/26/2018	Payment	50504519	IRA		Fall Conf 2018	Accounts Receivable	3,350.15	-23,553.20
12/31/2018	Bill Payment (Check)	1988	(IRA) IOWA RECYCLING ASSOCIATION		Fall Conf 2018	Accounts Payable	-75.00	-23,628.20
<b>Total for Wells Fargo - Checking</b>							<b>\$ -23,628.20</b>	
<b>Wells Fargo - Scholarship Fund</b>								
12/07/2018	Journal Entry	14		Scholarship Fund		-Split-	-4,103.00	-4,103.00
12/10/2018	Transfer				November and December monthly recurring transfers	Wells Fargo - Checking	200.00	-3,903.00
12/10/2018	Transfer				Scholarships paid out for 2017 & 2018	Wells Fargo - Checking	-7,200.00	-11,103.00
12/11/2018	Transfer				2018 Scholarship Auction	Wells Fargo - Checking	2,931.00	-8,172.00
<b>Total for Wells Fargo - Scholarship Fund</b>							<b>\$ -8,172.00</b>	
<b>Fall Conference</b>								
12/11/2018	Deposit		VERMEER	ISOSWO	eDeposit in Branch/Store 12/11/18 05:27:09 PM 4425 CENTER ST OMAHA NE 201812111	Wells Fargo - Checking	175.00	175.00
12/26/2018	Sales Receipt	84	Elliot Equipment Company	ISOSWO	fall conference 2018 income	Wells Fargo - Checking	150.00	325.00
<b>Total for Fall Conference</b>							<b>\$325.00</b>	
<b>SWANA Dues</b>								
12/13/2018	Deposit		SWANA	ISOSWO	SWANA SWANA 181213 IOWA CHAPTER 201812131	Wells Fargo - Checking	346.00	346.00
<b>Total for SWANA Dues</b>							<b>\$346.00</b>	
<b>- To IRA 50% Gross Profit</b>								
12/07/2018	Bill	1983	(IRA) IOWA RECYCLING ASSOCIATION	ISOSWO	50% of outstanding Vermeer registration \$175.00=87.50	Accounts Payable	87.50	87.50
12/07/2018	Bill	1983	(IRA) IOWA RECYCLING ASSOCIATION	ISOSWO	50% profit as outlined in the audit report approved on 12/07/18	Accounts Payable	29,686.00	29,773.50
12/31/2018	Bill	1988	(IRA) IOWA RECYCLING ASSOCIATION	ISOSWO	50% of Elliot Equipment Check for registration \$150.00 for Fall Conf 2018	Accounts Payable	75.00	29,848.50
<b>Total for - To IRA 50% Gross Profit</b>							<b>\$29,848.50</b>	
<b>Board Expense</b>								
12/10/2018	Bill	1986	Dicks Lori	ISOSWO	Mileage	Accounts Payable	140.62	140.62
<b>Total for Board Expense</b>							<b>\$140.62</b>	
<b>Checking Expenses</b>								
12/18/2018	Bill		Harland Clarke Check	ISOSWO	Check order	Accounts Payable	69.62	69.62
<b>Total for Checking Expenses</b>							<b>\$69.62</b>	
<b>Total for Board Expense with sub-accounts</b>							<b>\$210.24</b>	
<b>Conference Planning</b>								
12/26/2018	Invoice	80	IRA	ISOSWO	IRA SHARE OF PLANNER'S BILL FOR FALL CONFERENCE EXPENSES	Accounts Receivable	-732.76	-732.76
12/26/2018	Invoice	76	IRA	ISOSWO	IRA SHARE OF PLANNER'S	Accounts Receivable	-2,617.39	-3,350.15

DATE	TRANSACTION TYPE	NUM	NAME	CLASS	MEMO/DESCRIPTION	SPLIT	AMOUNT	BALANCE
BILL FOR FALL CONFERENCE EXPENSES- October 2018								
<b>Total for Conference Planning</b>							<b>\$ -3,350.15</b>	
Fall Conference Expenses								
12/03/2018	Expense		Merchant Services	ISOSWO	MERCHANT SERVICE MERCH FEE 181130 8015593356 IOWA SOCIETY OF SOLID 201812031	Wells Fargo - Checking	27.99	27.99
12/05/2018	Deposit		Hilton Garden Inn	ISOSWO	MOBILE DEPOSIT : REF NUMBER :608050430363 201812051	Wells Fargo - Checking	-275.52	-247.53
12/18/2018	Bill	1981	Charlie Sedlock	ISOSWO	Charlie Sedlock expenses 2018 Fall Conference	Accounts Payable	513.14	265.61
<b>Total for Fall Conference Expenses</b>							<b>\$265.61</b>	
Membership Services								
Other								
12/10/2018	Bill		Bland & Associates	ISOSWO	Accounting Services	Accounts Payable	1,616.00	1,616.00
<b>Total for Other</b>							<b>\$1,616.00</b>	
Safety & Training								
12/26/2018	Invoice	82	City of Iowa City, City of	ISOSWO	Equipment Operator Training for Todd Courtney at Waste Commission of Scott Co	Accounts Receivable	-130.00	-130.00
12/26/2018	Invoice	83	City of Iowa City, City of	ISOSWO	Equipment Operator Training for Tyler Hebl at Waste Comm of Scott Co.	Accounts Receivable	-130.00	-260.00
12/26/2018	Invoice	81	Cedar Rapids Linn County Solid Waste Agency	ISOSWO	Equipment Operator Training for Eric Schmidt at Waste Commission of Scott County	Accounts Receivable	-130.00	-390.00
<b>Total for Safety &amp; Training</b>							<b>\$ -390.00</b>	
Website								
12/10/2018	Bill	1984	Constant Contact	ISOSWO	Email service for member emails	Accounts Payable	168.00	168.00
<b>Total for Website</b>							<b>\$168.00</b>	
<b>Total for Membership Services</b>							<b>\$1,394.00</b>	
Reconciliation Discrepancies								
12/07/2018	Journal Entry	14				-Split-	4,103.00	4,103.00
<b>Total for Reconciliation Discrepancies</b>							<b>\$4,103.00</b>	

# Iowa Society of Solid Waste Operations

## PROFIT AND LOSS

December 2018

	TOTAL
Income	
Fall Conference	325.00
SWANA Dues	346.00
<b>Total Income</b>	<b>\$671.00</b>
GROSS PROFIT	<b>\$671.00</b>
Expenses	
- To IRA 50% Gross Profit	29,848.50
Board Expense	140.62
Checking Expenses	69.62
<b>Total Board Expense</b>	<b>210.24</b>
Conference Planning	-3,350.15
Fall Conference Expenses	265.61
Membership Services	
Other	1,616.00
Safety & Training	-390.00
Website	168.00
<b>Total Membership Services</b>	<b>1,394.00</b>
<b>Total Expenses</b>	<b>\$28,368.20</b>
NET OPERATING INCOME	<b>\$ -27,697.20</b>
Other Expenses	
Reconciliation Discrepancies	4,103.00
<b>Total Other Expenses</b>	<b>\$4,103.00</b>
NET OTHER INCOME	<b>\$ -4,103.00</b>
NET INCOME	<b>\$ -31,800.20</b>

# Iowa Society of Solid Waste Operations

## PROFIT AND LOSS

July - December, 2018

	TOTAL
Income	
Fall Conference	105,306.93
Interest	2.88
SWANA Dues	852.60
<b>Total Income</b>	<b>\$106,162.41</b>
GROSS PROFIT	<b>\$106,162.41</b>
Expenses	
- To IRA 50% Gross Profit	29,848.50
Board Expense	140.62
Checking Expenses	249.62
International Board	1,316.11
ISOSWO Awards	443.50
Meeting Expense	105.93
Professional Sponsorship	969.74
SWANA Insurance	1,174.00
<b>Total Board Expense</b>	<b>4,399.52</b>
Conference Planning	11,907.79
Fall Conference Expenses	49,802.92
Legislative	
Contractor	4,500.00
<b>Total Legislative</b>	<b>4,500.00</b>
Membership Services	
Other	1,632.70
Safety & Training	-1,170.00
Web Coordinator	4,550.00
Website	438.66
<b>Total Membership Services</b>	<b>5,451.36</b>
Scholarships	3,500.00
Spring Conference Expenses	9,484.03
<b>Total Expenses</b>	<b>\$118,894.12</b>
NET OPERATING INCOME	<b>\$ -12,731.71</b>
Other Expenses	
Reconciliation Discrepancies	4,103.00
<b>Total Other Expenses</b>	<b>\$4,103.00</b>
NET OTHER INCOME	<b>\$ -4,103.00</b>
NET INCOME	<b>\$ -16,834.71</b>



SENATE/HOUSE FILE \_\_\_\_\_  
BY (PROPOSED DEPARTMENT OF  
NATURAL RESOURCES BILL)

**A BILL FOR**

1 An Act relating to administrative procedures within the  
2 department of natural resources.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I

ADMINISTRATIVE APPEALS TIMELINE

Section 1. NEW SECTION. 455B.110 **Administrative appeal orders — deadline.**

1. An order issued by the director or the department pursuant to authority granted in this chapter may be appealed, resulting in the scheduling of a contested case hearing as provided for in chapter 17A. The appeal must be received by the director within the applicable timeframe established in this section. If the appeal is not received within the applicable timeframe, the appeal is not timely and the order is final agency action.

2. For an entity that holds a permit issued by the department, an appeal must be received by the director within sixty days of the issuance of the order to the address of the entity identified in the permit and the address of the responsible party listed in the permit, if any.

3. For an entity that is required to maintain a registered agent or a registered office in the state and does not hold a permit issued by the department, an appeal must be received by the director within sixty days of the issuance of the order to the official registered agent address on file with the secretary of state.

4. For any other entity or party, an appeal must be received by the director within sixty days of issuance to the last known address.

5. For the purposes of this section, the date of issuance of an order by the director or the department is the postmarked date that the order is sent by the department to the registered agent or party by certified mail. For the purposes of this section, the date of receipt by the director is the postmarked date that the appeal was sent to the director.

Sec. 2. Section 455B.138, subsection 1, Code 2019, is amended to read as follows:

1. When the director has evidence that a violation of

1 any provision of division II of this chapter or chapter 459,  
2 subchapter II, or rule, standard or permit established or  
3 issued under division II or chapter 459, subchapter II, has  
4 occurred, the director shall notify the alleged violator and,  
5 by informal negotiation, attempt to resolve the problem.  
6 If the negotiations fail to resolve the problem within a  
7 reasonable period of time, the director shall issue an order  
8 directing the violator to prevent, abate or control the  
9 emissions or air pollution involved. The order shall prescribe  
10 the date by which the violation shall cease and may prescribe  
11 timetables for necessary action to prevent, abate or control  
12 the emissions of air pollution. The order may be appealed to  
13 the commission. The applicable timeframes for the issuance and  
14 appeal of the order are defined in section 455B.110.

15 Sec. 3. Section 455B.175, subsection 1, paragraph a, Code  
16 2019, is amended to read as follows:

17 a. The director may issue an order directing the person  
18 to desist in the practice which constitutes the violation or  
19 to take such corrective action as may be necessary to ensure  
20 that the violation will cease. The person to whom such order  
21 is issued may cause to be commenced a contested case within  
22 the meaning of the Iowa administrative procedure Act, chapter  
23 17A, by filing with the director ~~within thirty days~~ a notice  
24 of appeal to the commission. The applicable timeframes for  
25 the issuance and appeal of the order are defined in section  
26 455B.110. On appeal the commission may affirm, modify or  
27 vacate the order of the director; or

28 Sec. 4. Section 455B.279, subsection 1, Code 2019, is  
29 amended to read as follows:

30 1. The director may issue any order necessary to secure  
31 compliance with or prevent a violation of this part or the  
32 rules adopted pursuant to this part. ~~Within thirty days of~~  
33 ~~issuance, the~~ The order may be appealed to the commission by  
34 filing a notice of appeal with the director. The appeal shall  
35 be conducted as a contested case pursuant to chapter 17A and

1 the commission may affirm, modify, or revoke the order. The  
2 department may request legal services as required from the  
3 attorney general, including any legal proceeding necessary to  
4 obtain compliance with this part and rules and orders issued  
5 under this part. The applicable timeframes for the issuance  
6 and appeal of an order are defined in section 455B.110.

7 Sec. 5. Section 455B.308, Code 2019, is amended to read as  
8 follows:

9 **455B.308 Appeal from order.**

10 Any person aggrieved by an order of the director may appeal  
11 the order by filing a written notice of appeal with the  
12 director ~~within thirty days of the issuance of the order in~~  
13 accordance with section 455B.110. The director shall schedule  
14 a hearing for the purpose of hearing the arguments of the  
15 aggrieved person within thirty days of the filing of the notice  
16 of appeal. The hearing may be held before the commission  
17 or its designee. A complete record shall be made of the  
18 proceedings. The director shall issue the findings in writing  
19 to the aggrieved person within thirty days of the conclusion  
20 of the hearing. Judicial review may be sought of actions  
21 of the commission in accordance with the terms of the Iowa  
22 administrative procedure Act, chapter 17A. Notwithstanding the  
23 terms of the Act, petitions for judicial review may be filed  
24 in the district court of the county where the acts in issue  
25 occurred.

26 Sec. 6. Section 455B.476, subsection 1, Code 2019, is  
27 amended to read as follows:

28 1. If there is substantial evidence that a person has  
29 violated or is violating a provision of this part or a  
30 rule adopted under this part the director may issue an  
31 order directing the person to desist in the practice which  
32 constitutes the violation, and to take corrective action as  
33 necessary to ensure that the violation will cease, and may  
34 impose appropriate administrative penalties pursuant to section  
35 455B.109. The person to whom the order is issued may appeal

1 the order to the commission as provided in chapter 17A. On  
2 appeal, the commission may affirm, modify or vacate the order  
3 of the director. The applicable timeframes for the issuance  
4 and appeal of the order are defined in section 455B.110.

5 Sec. 7. Section 455D.23, Code 2019, is amended to read as  
6 follows:

7 **455D.23 Administrative enforcement — compliance orders.**

8 The director may issue any order necessary to secure  
9 compliance with or prevent a violation of the provisions of  
10 this chapter or any rule adopted or permit or order issued  
11 pursuant to this chapter. Any order issued to enforce section  
12 455D.4A may include a requirement to remove and properly  
13 dispose of materials being accumulated speculatively from a  
14 property and impose costs and penalties as determined by the  
15 department by rule. The person to whom such compliance order  
16 is issued may cause to be commenced a contested case within the  
17 meaning of chapter 17A by filing ~~within thirty days~~ a notice  
18 of appeal to the commission. On appeal, the commission may  
19 affirm, modify, or vacate the order of the director. The  
20 applicable timeframes for the issuance and appeal of the order  
21 are defined in section 455B.110.

22 Sec. 8. Section 458A.11, subsection 2, Code 2019, is amended  
23 to read as follows:

24 2. An order or amendment of an order, except in an  
25 emergency, shall not be made by the department without a  
26 public hearing upon at least ten days' notice. The public  
27 hearing shall be held at the time and place prescribed by the  
28 department, and any interested person is entitled to be heard.  
29 The applicable timeframes for the issuance and appeal of the  
30 order are defined in section 455B.110.

31 DIVISION II

32 ADMINISTRATIVE CHANGES FOR WASTE DISPOSAL SYSTEMS AND PUBLIC  
33 WATER SUPPLY SYSTEMS

34 Sec. 9. Section 455B.183, subsection 1, paragraph c, Code  
35 2019, is amended to read as follows:

1 c. The operation of any waste disposal system or public  
2 water supply system or any part of or extension or addition  
3 to the system. This ~~provision~~ paragraph does not apply  
4 to a pretreatment system, the effluent of which is to be  
5 discharged directly to another disposal system for final  
6 treatment and disposal; a semipublic sewage disposal system,  
7 the construction of which has been approved by the department  
8 and ~~which~~ that does not discharge into a water of the state;  
9 or a private sewage disposal system ~~which~~ that does not  
10 discharge into a water of the state. The commission may adopt  
11 additional exemptions for a class of disposal systems that do  
12 not discharge into a water of the state or waive the permit  
13 requirement for an individual system that does not discharge  
14 into a water of the state. The commission shall consider  
15 the volume, location, frequency, and nature of disposal  
16 from a system or class of systems before granting a waiver  
17 or exemption. Sludge from a semipublic or private sewage  
18 disposal system shall be disposed of in accordance with the  
19 rules adopted by the department pursuant to chapter 17A. ~~The~~  
20 ~~exemption of this paragraph shall not apply to any industrial~~  
21 ~~waste discharges.~~

22 Sec. 10. Section 455B.265, subsection 5, Code 2019, is  
23 amended to read as follows:

24 5. Prior to the issuance of a new permit or modification  
25 of a permit under this section to a community public water  
26 supply, the department shall publish a notice of recommendation  
27 to grant a permit. The notice shall include a brief summary  
28 of the proposed permit ~~and shall be published in a newspaper~~  
29 ~~of general circulation within the county of the proposed~~  
30 ~~water source as provided in section 618.3. If the newspaper~~  
31 ~~of general circulation is not the newspaper of the nearest~~  
32 ~~locality to the proposed water source that publishes a~~  
33 ~~newspaper, the notice shall also be published in the newspaper~~  
34 ~~of the nearest locality to the proposed water source that~~  
35 ~~publishes a newspaper and the department may charge the~~

1 ~~applicant for the expenses associated with publishing the~~  
2 ~~notice in the second newspaper.~~

3 Sec. 11. Section 455B.265, subsection 6, paragraphs a and c,  
4 Code 2019, are amended to read as follows:

5 a. The amount of a fee shall be based on the department's  
6 reasonable cost of reviewing applications, issuing permits,  
7 ensuring compliance with the terms of the permits, and  
8 resolving water interference complaints. The commission shall  
9 calculate the fees to produce total revenues of not more than  
10 five hundred thousand dollars for each fiscal year, ~~commencing~~  
11 ~~with the fiscal year beginning July 1, 2009, and ending June~~  
12 ~~30, 2010.~~

13 c. The commission shall annually review the amount of moneys  
14 generated by the fees, the balance in the water use permit  
15 fund, and the anticipated expenses for ~~the succeeding fiscal~~  
16 ~~year~~ years.

17 EXPLANATION

18 The inclusion of this explanation does not constitute agreement with  
19 the explanation's substance by the members of the general assembly.

20 This bill affects administrative procedures within the  
21 department of natural resources.

22 Division I of the bill creates a 60-day period during which  
23 an entity may appeal an order issued by the director or the  
24 department pursuant to the department's authority in Iowa Code  
25 chapter 455B. The start of the 60-day period is contingent  
26 on what type of entity seeks an appeal. Division I makes  
27 conforming changes throughout Iowa Code chapter 455B. The  
28 issuance and appeal of an order pursuant to Iowa Code chapters  
29 455D (waste volume reduction and recycling) and 458A (oil, gas,  
30 and other minerals) also conform to the new 60-day period.

31 Division II of the bill allows the department to exempt  
32 from permit requirements a class of waste disposal systems  
33 that do not discharge into water of the state and are not  
34 currently exempt. Division II also allows the department to  
35 waive the permit requirement of an individual system that does

1 not discharge into a water of the state. To issue such an  
2 exemption or waiver, the department must first consider the  
3 volume, location, frequency, and nature of the system or class  
4 of systems. Finally, division II eliminates the requirement  
5 that notice of a recommendation to grant a permit to a  
6 community public water supply be published in a newspaper of  
7 general circulation within the county and removes out-of-date  
8 language.