## Administrative Rules
### GOVERNOR’S OFFICE PRECLEARANCE FORM

<table>
<thead>
<tr>
<th>Agency:</th>
<th>Department of Natural Resources</th>
</tr>
</thead>
<tbody>
<tr>
<td>IAC Citations:</td>
<td>567 IAC 107, 567 IAC 110, 567 IAC 112, 567 IAC 210, and 567 IAC 218</td>
</tr>
<tr>
<td>Agency Contact:</td>
<td>Theresa Stiner, <a href="mailto:Theresa.Stiner@dnr.iowa.gov">Theresa.Stiner@dnr.iowa.gov</a>, phone: 515/281-8646</td>
</tr>
<tr>
<td>Statutory Authority:</td>
<td>Iowa Code chapters 455C, 455B.304, 455E.11(2) “a”(1) and 455D.11F (repealed)</td>
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**Preclearance Requested Review Deadline:**

### Purpose of Proposed Rule:

**567 IAC chapter 107 Beverage Container Deposits:**
- 567 IAC 107.1: Rescind the un-numbered third paragraph, which refers to a repealed statute.
- 567 IAC 107.2: Rescind the unnecessarily redundant definitions of “Alcoholic beverage,” “Alcoholic liquor” or “intoxicating liquor,” “Beer,” and “Wine”; and amend the definition of “Beverage” in 567 IAC 107.2 to update its cross-references to the definitions of alcoholic liquor, beer, and wine in Iowa Code section 123.3.
- 567 IAC 107.16: Rescind the rule.

**567 IAC chapter 110 Hydrogeologic Investigation and Monitoring Requirements:** Rescind and reserve the chapter

**567 IAC chapter 112 Sanitary Landfills: Biosolids Monofills:** Rescind and reserve the chapter

**567 IAC chapter 210 Beautification Grant Program:** Rescind and reserve the chapter

**567 IAC chapter 218 Waste Tire Stockpile Abatement Program:** Rescind and reserve the chapter

### Need for Proposed Rule:
The following chapters and rules were identified for rescission through the five year rule review as per Iowa Code section 17A.7(2). All of these items were identified as being obsolete and their rescission will have no impact to current programs or to public health, safety or the environment. Removing this unused verbiage will simplify and streamline the overall Administrative Code.

**567 IAC chapter 107 Beverage Container Deposits:**
- The un-numbered third paragraph of 567 IAC 107.1 refers to Iowa Code section 455C.8, which was repealed in 2013 and therefore needs to be rescinded to be consistent with Iowa Code.
- The definitions of “Alcoholic beverage,” “Alcoholic liquor” or “intoxicating liquor,” “Beer,” and “Wine” in 567 IAC 107.2 need to be rescinded because they are included in the definition of “beverage” and are defined in Iowa Code section 123.3. The definition of “Beverage” in 567 IAC 107.2 needs to have its cross-references to the definitions of alcoholic liquor, beer, and wine in Iowa Code section 123.3 updated in accordance with the changes that have been made in that statute.
- Rescinding 567 IAC 107.16 will eliminate governance of a grant program under Iowa Code section 455C.17, which helped fund improvements for independent beverage container redemption centers. The program was funded one time, for FY’09. No funding has been appropriated since. If the grant program is ever funded again, it is likely that starting over with new rules fashioned for the circumstances at that time would be beneficial.

**567 IAC chapter 110 Hydrogeologic Investigation and Monitoring Requirements:** Provisions of this chapter have been incrementally incorporated into other individual landfill chapters and it no longer

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applies to any sanitary disposal projects currently permitted by the DNR. It is obsolete and does not serve the purpose for which it was originally drafted.

567 IAC chapter 112 Sanitary Landfills: Biosolids Monofills: This chapter is no longer implemented because there are no landfills that accept only biosolids in Iowa. Should a facility wish to construct a landfill to accept biosolids, the existing chapter 567 IAC 113 for municipal solid waste landfills would be applicable.

567 IAC chapter 210 Beautification Grant Program: The funding for this program expired on June 30, 2014 so there is no longer any need for this chapter.

567 IAC chapter 218 Waste Tire Stockpile Abatement Program: This program was funded through a surcharge on vehicle titles; however the funding expired at the end of fiscal year 2007. The Iowa Code section 455C.8, cited as the authority for this chapter, was repealed in 2004. Although there are still stockpiles of waste tires, without funding and enabling legislation, this program cannot continue and there is no authority for this chapter.

Summary of Informal Rulemaking Activities related to the Proposed Rule (e.g. stakeholder input):
On November 4, 2013, notice was sent to all of the beverage containers redemption centers that had been awarded grants in 2008 under the provisions of Iowa Code section 455C.17; ninety-three in all. The notice was e-mailed to those redemption centers for which the Department of Natural Resources (DNR) had e-mail addresses, and was sent by conventional mail to those redemption centers without e-mail. Because representatives of the Iowa Recycling Association, the Iowa League of Women Voters, and the Iowa Chapter of the Sierra Club had served on the committee in 2008 that reviewed grant applications and helped decide on grant awards, notice was e-mailed to those organizations on November 18, 2013. No comments on the proposed changes were received.

(Will add summary for the other chapters after input is solicited)
wine in Iowa Code section 123.3.
- **567 IAC 107.16**: Rescind the rule.

**567 IAC chapter 110 Hydrogeologic Investigation and Monitoring Requirements**: Rescind and reserve the chapter

**567 IAC chapter 112 Sanitary Landfills: Biosolids Monofills**: Rescind and reserve the chapter

**567 IAC chapter 210 Beautification Grant Program**: Rescind and reserve the chapter

**567 IAC chapter 218 Waste Tire Stockpile Abatement Program**: Rescind and reserve the chapter

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**567 IAC chapter 107 Beverage Container Deposits:**
- The un-numbered third paragraph of 567 IAC 107.1 refers to Iowa Code section 455C.8, which was repealed in 2013 and therefore needs to be rescinded to be consistent with Iowa Code.
- The definitions of “Alcoholic beverage”, “Alcoholic liquor” or “intoxicating liquor”, “Beer”, and “Wine” in 567 IAC 107.2 need to be rescinded because they are included in the definition of “beverage” and are defined in Iowa Code section 123.3. The definition of “Beverage” in 567 IAC 107.2 needs to have its cross-references to the definitions of alcoholic liquor, beer, and wine in Iowa Code section 123.3 updated in accordance with the changes that have been made in that statute.
- Rescinding 567 IAC 107.16 will eliminate governance of a grant program under Iowa Code section 455C.17, which helped fund improvements for independent beverage container redemption centers. The program was funded one time, for FY’09. No funding has been appropriated since. If the grant program is ever funded again, it is likely that starting over with new rules fashioned for the circumstances at that time would be beneficial.

**567 IAC chapter 110 Hydrogeologic Investigation and Monitoring Requirements**: Provisions of this chapter have been incrementally incorporated into other individual landfill chapters and it no longer applies to any sanitary disposal projects currently permitted by the DNR. It is obsolete and does not serve the purpose for which it was originally drafted.

**567 IAC chapter 112 Sanitary Landfills: Biosolids Monofills**: This chapter is no longer implemented because there are no landfills that accept only biosolids in Iowa. Should a facility wish to construct a landfill to accept biosolids, the existing chapter 567 IAC 113 for municipal solid waste landfills would be applicable.
567 IAC chapter 210 Beautification Grant Program: The funding for this program expired on June 30, 2014 so there is no longer any need for this chapter.

567 IAC chapter 218 Waste Tire Stockpile Abatement Program: This program was funded through a surcharge on vehicle titles; however the funding expired at the end of fiscal year 2007. The Iowa Code section 455D.11F, cited as the authority for this chapter, was repealed in 2004. Although there are still stockpiles of waste tires, without funding and enabling legislation, this program cannot continue and there is no authority for this chapter.

2. JOB IMPACT ANALYSIS

☑️ Fill in this box if impact meets these criteria:

- No Job Impact on private sector jobs and employment opportunities in the State.
  (If you make this determination, you must include the following statement in the preamble to the rule: “After analysis and review of this rulemaking, no impact on jobs has been found.”)

Explanation: The amendment and rescissions in are non-controversial “house-keeping” changes to merely bring the Administrative Rules into conformance with the Iowa Code and to eliminate unused, obsolete chapters. These changes will have no impact on job opportunities in Iowa.

☐ Fill in this box if impact meets either of these criteria:

- Positive Job Impact on private sector jobs and employment opportunities in the State.
- Negative Job Impact on private sector jobs and employment opportunities in the State.

Description and quantification of the nature of the impact the proposed rule will have on private sector jobs and employment opportunities:

Categories of jobs and employment opportunities that are affected by the proposed rule:

Number of jobs or potential job opportunities:

Regions of the state affected:

Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write “Not Possible to Determine.”)
3. **COST-BENEFIT ANALYSIS**
The Agency has taken steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule. See the following Cost-Benefit Analysis:

   The Department of Natural Resources has determined that the proposed changes to the administrative rules will have no impact on employment opportunities in the State. There are also no costs to the State or to regulated entities.

4. **FISCAL IMPACT**
Please see the Fiscal Impact Statement for an identification and description of costs the DNR anticipates state agencies, local governments, the public, and the regulated entities, including regulated businesses and self-employed individuals, will incur from implementing and complying with the proposed rule.

5. **PREAMBLE**
The information collected and included in this Jobs Impact Statement must be included in the preamble of the proposed rule, written in paragraph form. For rules that have no impact on jobs (see the first box in number 2 above), the following statement must be included in the preamble: “After analysis and review of this rulemaking, no impact on jobs has been found.”
Summary of the Rule: 567 IAC chapter 107 Beverage Container Deposits:
- 567 IAC 107.1: Rescind the un-numbered third paragraph, which refers to a repealed statute.
- 567 IAC 107.2: Rescind the unnecessarily redundant definitions of “Alcoholic beverage”, “Alcoholic liquor” or “intoxicating liquor”, “Beer”, and “Wine”; and amend the definition of “Beverage” in 567 IAC 107.2 to update its cross-references to the definitions of alcoholic liquor, beer, and wine in Iowa Code section 123.3.
- 567 IAC 107.16: Rescind the rule.

567 IAC chapter 110 Hydrogeologic Investigation and Monitoring Requirements: Rescind and reserve the chapter

567 IAC chapter 112 Sanitary Landfills: Biosolids Monofills: Rescind and reserve the chapter

567 IAC chapter 210 Beautification Grant Program: Rescind and reserve the chapter

567 IAC chapter 218 Waste Tire Stockpile Abatement Program: Rescind and reserve the chapter

Fill in this box if the impact meets any of these criteria:

✓ No Fiscal Impact to the State.
___ Fiscal Impact of less than $100,000 annually or $500,000 over 5 years.
___ Fiscal Impact cannot be determined.

Brief Explanation: The chapters and rules proposed for rescission were identified through the five year rule review as per Iowa Code section 17A.7(2). All of these items were identified as being obsolete and their rescission will have no fiscal impact to the state impact to current programs or to public health, safety or the environment. Removing this unused verbiage will simplify and streamline the overall Administrative Code.

Fill in this box if the impact meets this criteria:

___ Fiscal Impact of $100,000 annually or $500,000 over 5 years.

Brief Explanation:
Assumptions:
All the proposed changes are to either remove obsolete language or correct references. They will have no substantive effect on current programs.

Describe how estimates were derived:
Not Applicable

Estimated Impact to the State by Fiscal Year

<table>
<thead>
<tr>
<th></th>
<th>Year 1 (FY16)</th>
<th>Year 2 (FY17)</th>
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<tbody>
<tr>
<td><strong>Revenue by Each Source:</strong></td>
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</tr>
<tr>
<td>GENERAL FUND</td>
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<td>$0</td>
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<tr>
<td>FEDERAL FUNDS</td>
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<tr>
<td><strong>Expenditures:</strong></td>
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<tr>
<td>GENERAL FUND</td>
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<td><strong>TOTAL EXPENDITURES</strong></td>
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NET IMPACT

___ This rule is required by State law or Federal mandate.
Please identify the state or federal law:

___ Funding has been provided for the rule change.
Please identify the amount provided and the funding source:

___ Funding has not been provided for the rule.
Please explain how the agency will pay for the rule change:

Fiscal impact to persons affected by the rule:

There will be no fiscal impact to those affected by the rules.

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6):

There will be no fiscal impact to counties of other local governments.

These rule revisions result from the comprehensive five year rule review that the DNR is currently undertaking as per Iowa Code section 17A.7(2). The goal of the review is to identify and eliminate rules that are outdated, redundant or inconsistent with statute or other rules. The proposed amendments will eliminate unnecessary and unused verbiage and correct cross-references. This will simplify the administrative code and make it easier to use and understand.

567 IAC 107 Beverage Container Deposits:

- 567 IAC 107.1 un-numbered third paragraph refers to Iowa Code section 455C.8, which was repealed in 2013.

- The definitions of “Alcoholic beverage”, “Alcoholic liquor” or “intoxicating liquor”, “Beer”, and “Wine” in 567 IAC 107.2 are unnecessarily redundant of the definitions as cross-referenced to Iowa Code section 123.3 in the definition of “Beverage” in 567 IAC 107.2.

- The definition of “Beverage” in 567 IAC 107.2 needs to be amended in order to update its cross-references to the definitions of alcoholic liquor, beer, and wine in Iowa Code section 123.3.

- 567 IAC 107.16 provides means for managing a grant program for beverage container redemption centers under Iowa Code section 455C.17. The grant program was funded once in 2008. No funding has been appropriated since, and additional funding is not anticipated. If the
grant program is ever funded again, it’s likely that starting over with new administrative rules fashioned for the circumstances at that time would be beneficial.

**567 IAC110 Hydrogeologic Investigation and Monitoring Requirements:** Provisions of this chapter have been incrementally incorporated into other individual landfill chapters and no longer apply to any sanitary disposal projects currently permitted by the DNR. It is obsolete and does not serve the purpose for which it was originally drafted.

**567 IAC 112 Sanitary Landfills: Biosolids Monofills:** This chapter is no longer implemented because there are no landfills that accept only biosolids in Iowa. Should a facility wish to construct a landfill to accept biosolids, the existing chapter 567 IAC 113 for municipal solid waste landfills would be applicable.

**567 IAC 210 Beautification Grant Program:** The funding for this program expired on June 30, 2014 so there is no longer any need for this chapter.

**567 IAC 218 Waste Tire Stockpile Abatement Program:** This program was funded through a surcharge on vehicle titles; however the funding expired at the end of fiscal year 2007. The Iowa Codes section 455D.11F, cited as the authority for this chapter was repealed in 2004. Although there are still stockpiles of waste tires, without funding and enabling legislation, this program cannot continue and there is no authority for this chapter.

Any interested person may make written suggestions or comments on the proposed amendment and rescissions on or before 4:30 p.m. on __________. Such written materials should be directed to Theresa Stiner, Iowa Department of Natural Resources, 502 East 9th Street, Wallace State Office Building, Des Moines, Iowa 50319-0034, fax (515)281-8895; or by e-mail to Theresa.Stiner@dnr.iowa.gov. Persons who have questions may contact Theresa Stiner by e-mail or at (515)281–8646.
A public hearing will be held on _______, at _____ in the ______ Conference Room of
the Wallace State Office Building, 502 East Ninth Street, Des Moines, Iowa. Persons attending the
public hearing may present their views either orally or in writing. At the hearing, persons will be
asked to give their names and addresses for the record and to confine their remarks to the proposed
rule making.

Any persons who intend to attend the public hearing and have special requirements, such as
those related to mobility or hearing impairments, should contact the DNR to advise of specific
needs.

This rulemaking will have no fiscal impact on the State.

After analysis and review of this rulemaking, no impact on jobs has been found.

These amendments are intended to implement Iowa Code chapters 455C, 455B.304,
455E.11(2)”a”(1), and 455D.11F (repealed).

The following amendment and rescissions are proposed.


ITEM 2. Rescind the definitions of “alcoholic beverage”, “alcoholic liquor” or “intoxicating
liquor”, “beer”, and “wine” in rule 567—107.2.

ITEM 3. Amend rule 567—107.2(455C), definition of “beverage,” as follows:

“Beverage” means wine as defined in Iowa Code section 123.3, subsection 7 47, alcoholic
liquor as defined in Iowa Code section 123.3, subsection 8 5, beer as defined in Iowa Code section
123.3, subsection 9 7, mineral water, soda water or similar carbonated soft drinks in liquid form
intended for human consumption.

ITEM 4. Rescind rule 567—107.16(455C).

ITEM 5. Rescind and reserve 567—Chapter 110
ITEM 6. Rescind and reserve 567—Chapter 112

ITEM 7. Rescind and reserve 567—Chapter 210

ITEM 8. Rescind and reserve 567—Chapter 218