



ADMINISTRATIVE RULE WAIVER REQUEST

Petitioner Name: Department of Natural Resources

Contact Information: Kayla Lyon, (515) 725-8282

Hiring Authority: Kayla Lyon, Director, Department of Natural Resources

Administrative Rule to be Waived: IAC 11-53.9(3)

Statement of Rule:

53.9(3) Standby. If an employee in an overtime eligible class is directed to be on standby after the end of the employee's shift, the employee shall be paid 10 percent of the employee's hourly pay rate for each hour in a standby status. If required to be on standby, an employee shall receive at least one hour

List the names of the persons or the description of the class known by petitioner to be affected:

IUP Science Unit staff (Environmental Specialists; Environmental Specialists Seniors) that work in the DNR's Field Services & Compliance Bureau and who are responsible for providing environmental emergency response services.

Briefly describe the change requested, including the portion of the rule to be waived:

The DNR requests standby pay be approved under 53.9(3) for the job classes and work units identified above based on the restricted conditions that occur when these employees are performing 24/7 Emergency Response functions as described below.

Justification for waiving rule (attach additional sheets, as needed):

See Attached.

APPROVED FOR THE PERIOD ~~01/11/2019~~ ~~THROUGH~~ ~~30/June/2021~~ ~~12/27/19~~ through ~~12/23/21~~

Christy Nelson 12/3-19

Department Director Signature

Kayla Lyon

Date 12/3/19

DAS-HRE Bureau Chief Signature

Christy Nelson

Date 12-20-19

Decision:

☒ **Granted**
☐ **Denied**

Signature of DAS Director's-
Designee/COO of DAS-HRE

James M. Kuntz

Date 17 December 2019



ADMINISTRATIVE RULE WAIVER REQUEST

Due to the restricted conditions performed by on-call DNR staff carrying out certain state and federal laws that protect Iowa's air, land, and water, the DNR requests that employees fulfilling Emergency Response duties as described below be eligible for standby pay according to 53.9(3) starting the pay period including July 1, 2019.

Anyone manufacturing, storing, handling, transporting, or disposing of a hazardous substance is required to notify the DNR within 6 hours of hazardous condition occurring. The Administrative rules governing the reporting of hazardous conditions are found in several IAC chapters, including, but not limited to: 567 IAC Chapters 24 (excess air emissions); 42 (public water supply -- Tier 1 public notice); 63 (wastewater bypasses) 65 (manure releases), and 131 (hazardous conditions). Also, section 304 of the federal Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) establishes emergency release notification requirements if there is a release to the environment of a hazardous substance.

The DNR maintains a 24/7 Environmental Emergency Reporting Hotline for the reporting of hazardous conditions. Over the past three years, more than 40% of the 2,500+ hazardous conditions reported to the DNR were received outside of normal business hours during on-call periods.

The current staffing and procedures for the DNR Environmental Emergency Reporting were developed from a series of process improvement events. The following restricted conditions occur during an on-call period: employees are expected to remain within close proximity to their assigned region, respond to calls immediately (e.g. provide recommendations for hazard clean-up, notify the public information officer if an immediate press release is needed, research chemical inventory databases, ensure proper HazMat and local officials are notified, etc.), remain sober, and travel to the incident site to provide onsite assistance if it is a hazardous release with potential for significant risk to public health or natural resources. These restricted conditions for emergency response during after-hours are unique to the DNR's Field Services & Compliance Bureau and not performed elsewhere within the DNR. Specialized training and certifications (e.g. 40-hour OSHA HAZWOPER) are required for appropriate and safe handling of hazardous conditions.

The duties outlined above are designed to proactively address environmental hazards before they escalate into larger events with greater public health risk and damage to natural resources. Recent examples include natural disasters (e.g. flooding) that pose immediate threats to drinking water and wastewater facilities; train derailments of hazardous chemicals near major waterways; industrial facility explosions near residential communities; pipeline spills; dam breaches near residential and recreation areas; trucking accidents involving hazardous chemicals; and manure spills resulting in fish kills. There has also been an increased awareness of the potential for terrorist attacks on key infrastructure targets that the DNR is responsible for regulating (e.g. public water supplies, electric utilities, wastewater treatment, etc.).

The DNR has determined that the standby pay requirements established in 53.9(3) are reasonable, appropriate, and cost-effective for these specific work units due to the restricted work expectations.

Field Services

Jason Marcel, Bureau Chief, 515-344-8496

Maggie Clover, E02 515-725-0293	Communications Karen Grimes, IS2 515-725-8279	Emergency Response Adam Broughton, ESS 515-725-0386
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Joe Sanfilippo, EPS EC Air Quality, Ext 302 Field Office 1 909 W Main St Ste 4 Manchester, IA 52057 563-927-2640	Trent Lambert, EPS EC Animal Feeding Field Office 2 2300 15 th St SW Mason City IA 50401 641-424-4073	Scott Wilson, EPS EC Pending Field Office 3 1900 N Grand Ave Ste E-17 Spencer IA 51301 712-262-4177	Jessica Montana, EPS EC Tanks, Water Supply, Source Water Protection Coordinator Field Office 4 1401 Sunnyside Ln Atlantic IA 50022 712-243-1934	Ted Petersen, EPS EC Wastewater & Storm Water Field Office 5 502 E 9 th St Des Moines IA 50319 515-725-0274	Deb Quade, EPS EC Solid Waste/Floodplains Dam Safety Field Office 6 1023 W Madison Washington IA 52353 319-653-2135	
Ashley Sherrets, AA2 MMP Program, Office Admin, Ext 303 Lisa Meader, Sec 1 Reception, Office Admin, Wastewater MORs, Ext 301 Janet Ott, ES Animal Feeding Operations, Flood Plains, Ext 306 Tom McCarthy, ESS Solid Waste, Flood Plains Ext 305 Clark Ott, ESS Air Quality, Storm Water Ext 310 Amber Souer, ESS Wastewater, Water Supply Ext 309 Brenda Streicher, ES Storm Water, Wastewater, Water Supply, Ext 312 Chris Geiner Animal Feeding, Solid Waste, Wastewater, Ext 316 Matthew Calvert, ES Wastewater, Water Supply, Ext 307 Brian Jorgenson, ESS Animal Feeding UST/LUST, Ext 313 Chad Kehrle, ES Solid Waste, Water Supply, Ext 315 Jessica Pagsdale, ES Animal Feeding, Water Supply, Ext 314 Brett Meyers, ES Animal Feeding, Water Supply, Wastewater, Ext 311 Jeff Schwierjohann, ES Wastewater, Water Supply, Ext 304 Michelle Smith, ES Wastewater, Water Supply, Ext 308	Phyllis Maskarina, AA2 MMP Program, Office Admin Lori Rattay, Sec 1 Reception, Office Admin, Wastewater MORs Cindy Garza, EE Animal Feeding, FOCD Project Manager Carl Berg, ESS Water Supply, Wastewater Jeremy Klatt, ESS Animal Feeding, Flood Plains, Wastewater Kayla Beck, ES Air Quality, Water Supply Dan Bratrud, ES Animal Feeding, Storm Water Sheila Kenney, ES Animal Feeding, Wastewater David Knoll, ESS Air Quality, Storm Water Daniel Watterson Animal Feeding, UST/LUST, Water Supply Rachel Glaza, ES Water Supply, Storm Water Grady Krugenbring, ES Animal Feeding, Solid Waste David Miller, ESS Solid Waste, Wastewater, UST/LUST Jacob Donaghy, ES Water Supply, Wastewater Rebecca Ohrtman, PPS Sourcewater Protection Ext 323	Linda Witte, AA2 MMP Program, Office Admin Bonnie Beaton, Sec 1 Reception, Office Admin, Wastewater MORs Cindy Martens, ESS Animal Feeding, Air Quality Tom Roos, ESS Wastewater, Storm Water Julie Sievers, ESS Water Supply, Storm Water Bryon Whiting, ESS UST/LUST, Wastewater, Floodplains, Solid Waste Paul Pettit, ESS Animal Feeding, Permitting Lois Benson, ES Water Supply, Animal Feeding Jennifer Christian, ES Animal Feeding, Solid Waste Don Cunningham, ES Animal Feeding, Storm Water Carrington Tolzin, ES UST/LUST, Water Supply Brandon Miner, ES Animal Feeding, Water Supply Michelle Sabatini-Rosacker, ES Animal Feeding Amber Wolf, ES Air Quality, Water Supply Doyle McKeever, ES Animal Feeding Bridget Durst, PPS Sourcewater Protection	Rhonda Pahl, AA2 MMP Program, Office Admin Stacy Bries Mueller Sec 1 Reception, Office Admin, Wastewater MORs Alison Manz, ESS AFO, Floodplains Dan Olson, ESS Wastewater Holly Vandemark, ESS Air Quality, Solid Waste, Storm Water Claire Asberry, ES Water Supply, Storm Water Vacant, ES Animal Feeding, Floodplains, Storm Water, Wastewater Thad Nantito, ES Air Quality, Storm Water, UST/LUST, Water Supply Jake Theis, ES Animal Feeding, Wastewater Kristi Burg, ES Animal Feeding, Wastewater Keith Wilken, ESS UST/LUST, Water Supply Ryan Young, ES Solid Waste, Water Supply, Wastewater Wendy Wittrock, ES Animal Feeding, Wastewater	Jessica Ackerman, AA2 515-725-0219 MMP Program, Office Admin Tracey Lantz, Sec 1 515-725-0268 Reception, Office Admin, Wastewater MORs Elonda Bacon, AA2 515-725-0302 Tier II Chemical Inventory Tom Adkinson, ESS 515-725-0371 Wastewater, Solid Waste Janet Gastineau, ESS 515-725-0334 UST/LUST, Water Supply, Wastewater Bill Gross, ESS 515-725-0271 Air Quality, Flood Plains, Solid Waste, UST/LUST Dennis Thielon, ESS 515-725-0419 Wastewater, Storm Water, Animal Feeding Anthony Bigger, ES 515-725-0333 Wastewater, Storm Water Anne Hildebrand, ES 515-725-0273 Wastewater Bryan Bunton, ES 515-725-0105 Air Quality, Animal Feeding Bill Gibbons, ES 515-725-0335 Animal Feeding, UST/LUST, Water Supply Mallie Schepers, ES 515-725-0370 Solid Waste, Storm Water Jeff Theobald, ES 515-725-0373 Air Quality, Animal Feeding, Water Supply	Teresa Mangold, AA2 MMP Program, Office Admin Danika Weber, Sec 1 Reception, Office Admin, Wastewater MORs Aaron Pickens, ESS Water Supply, Storm Water, UST/LUST Terry Jones, ESS Storm Water, UST/LUST, Wastewater Kurt Levetzow, ESS Air Quality, Solid Waste Jeff Prier, ESS Animal Feeding & Manure Applicator Cert, Storm Water Mark Heiderscheid, ES Air Quality, Animal Feeding, Water Supply Carrie Davis, ES Wastewater Brian Lee, ES Solid Waste, Storm Water, Wastewater Bert Noll, ES Animal Feeding, Solid Waste Storm Water Ben Stracuzzi, ES Water Supply, Wastewater, UST/LUST Jon Ryk, ES Air Quality, Solid Waste, Water Supply Josh Sobaski, ES Animal Feeding, UST/LUST, Wastewater Ryan Stouder, ES Air Quality, Animal Feeding, Water Supply Jeff Thomann, ES Wastewater, Animal Feeding	Jacob Forgie, ES Wastewater, Water Supply