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To: IDDA Board

From: John Torbert, Executive Director

Re: Legislation

Here is the status of legislation after the first session of the General Assembly:

HF 74 – This legislation, if passed, would be known as the “Iowa Wetlands Protection Act.” It repeals current statutes relating to the inventory and protection of wetlands and replaces them with a comprehensive wetland program that would be administered by the IDNR. **Bill Status** – This bill is in a subcommittee of the House Natural Resources Committee. As of yet, there have not been any hearings on the bill. **IDDA Position** – IDDA is officially opposed to the legislation as it creates unnecessary new statutes and would require additional costly bureaucracy within the IDNR. **This bill did not pass.**

SF 309 – This legislation would create a new Department of Environmental Protection. The authority of the IDNR to protect the environment and manage energy would be transferred to the new department. The Director of the new department would be appointed by the Governor. **Bill Status** – The bill is currently awaiting action by the Senate Appropriations Committee. **IDDA Position** – IDDA is monitoring the legislation but has no official position on it. **This bill did not pass.**

SF 495 – This bill relates to water quality. The Governor would be required to establish the position of “watershed counselor.” That person would coordinate staff communication, programs and funding in state agencies responsible for water resources with the purpose of achieving common goals and developing a strategic water plan for the state. Consultation with state agencies and private groups would be required in developing the strategic water plan.

The bill also establishes a science advisory council. The purpose of the council would be to recommend basic scientific standards on which state environmental rules shall be based. The standards themselves would be adopted by the environmental protection commission.

Within IDALS, there would be established a voluntary environmental performance bureau. The bill requires the bureau to assist agricultural producers with a review of regulatory and conservation needs and opportunities, conduct voluntary farm assessments and manure management planning for both permitted and nonpermitted open feedlots operations and confinement feeding operation structures, provide comprehensive evaluations of associated field conservation practices, provide compliance assistance to agricultural producers with respect to applicable state and federal regulations, communicate regulatory requirements for agricultural producers to the general public through electronic and other means, and collaborate with the department to develop eight-digit hydrologic unit code watershed goals.

The bill provides that if the U.S. EPA establishes nationally recommended water quality criteria pursuant to the federal Clean Water Act, a state water quality standard shall not be more restrictive than the federal recommendation.

The legislation requires the environmental protection commission to adopt rules for water quality credit trading. The IDNR would be required to conduct watershed assessments prior to the development of tmdl's (total maximum daily load).

Any person owning or operating a CAFO (Confinement Animal Feeding Operation) may apply for a variance from the rules of standards developed by IDNR by filing an application with the department.

The legislation also requires the IDNR and IDALS to work with the U.S. EPA to modify the portion of the federal clean water act delegation agreement to move the administration of section 319 of the federal clean water act to IDALS. (This is a complex and rather involved piece of legislation and this sort of summary explanation does not explain all the fine points of the proposal. If you have any questions about the bill, a full copy of it can be found on the state legislative website - www.legis.state.ia.us/)

Bill Status - The bill was reported out of committee without recommendation so is eligible for debate by the full senate. **IDDA Position**- This is a very significant piece of legislation. The IDDA board has looked at the bill and we are monitoring it very closely. At this time, pending further developments, we are officially listed as “undecided” on the proposal. **This bill did not pass.**

SF 551 – This is an appropriations bill that appropriates money for various programs administered by IDALS and IDNR. Division IV of this bill is where the

appropriations are made to the “Environment First Fund.” IDDA is watching two of these appropriations very closely – the CREP program and the Ag Drainage Well Closure program. At the time of this writing, both appropriations are stated at \$1.5 million. The CREP program has been consistently funded at the \$1.5 million level but the funding for the Ag drainage well closure program has been significantly increased from previous year’s levels. That program has traditionally been funded at a level of \$500,000. **Bill Status** - The bill has been approved by the Senate Appropriations Committee so is eligible for debate by the full senate. **IDDA position** - IDDA supports the CREP funding level of \$1.5 million and also supports increasing the funding for the Ag drainage well program above last year’s level of \$500,000. **The final version of the bill funded CREP at \$1.5 million and ag drainage wells at \$1,480,000. The bill has not yet been signed by the Governor.**