

# IOWA ENVIRONMENTAL COUNCIL LEGISLATIVE NEWS BULLETIN

**\*\*MEMBER ORGANIZATIONS: PLEASE DISTRIBUTE TO YOUR MEMBERSHIP\*\***

**April 14th, 2010**

The legislature adjourned within the shorter time frame that it had set for itself. As expected, this session was dominated by budget issues. State general fund expenditures were reduced by 10% across the board. The Governor's budget in January recommended cutting \$23 million from conservation budgets for Fiscal Year 2011. However, after all the dust has settled, thanks to the work and support of our members and partners, even including the across the board cuts, there was **no net loss of conservation appropriations**. Additional infrastructure investments, including the I-JOBS state bonds, helped to shore up this year's budget. That influx of dollars is not sustainable into the future, and will mean difficult decisions will still have to be made and state spending priorities determined.

As we look to the future, I encourage you all to support and become engaged with Iowa's Water and Land Legacy (IWILL) campaign. On November 2, 2010, Iowa's voters will have the opportunity to endorse the need for permanent and reliable state investment in a more sustainable future. Visit [www.iowaswaterandlandlegacy.org](http://www.iowaswaterandlandlegacy.org) to learn more about this initiative.

From an **Air Quality** perspective, as the State continues to face EPA Non-Attainment issues for particulate matter and the Council continues to build this Program Area, we were very pleased with the passage of legislation that directs the DNR to convene meetings to develop recommendations for the establishment of state implementation plans to control the direct emissions of particulate matter and emissions of precursor compounds that contribute to the formation of particulate matter.

The Council is also pleased with many of the results of its efforts relative to the **Energy and Global Warming** Program Area. Our successes include: Funding for the Iowa Power Fund was largely preserved at \$21.6M; Funding for the Alternative Energy Revolving Loan Program at \$5M; Funding for passenger rail at \$6.5M; Preservation of 476B and 476C tax credits for renewable energy in the tax credit overhaul package; Creation of a Save Our Small Business Fund at \$5M – energy efficiency is an eligible use; Explicit authority to regulate greenhouse gases was given to the DNR and EPC; Regulatory incentives to convert existing coal plants to other fuel sources (natural gas, biomass) or to add carbon sequestration (pending signature by the Governor). We were disappointed that the Property Assess Clean Energy (PACE) bond financing legislation did not pass. It would have created improved financing mechanisms for energy efficiency and renewable energy. And that the legislature passed a bill that allows MidAmerican to conduct a feasibility study on nuclear power and collect no more than \$15M over 3 years from ratepayers to pay for the study. The governor has not yet signed this bill.

If you are interested in participating in our advocacy alert system, please sign up for I-CALL at <http://capwiz.com/iaenvironment/home/>. Through this system, you can contact both your state and federal elected officials.

## Legislation the Iowa Environmental Council *Supported*

HF	763	<p>A bill related to administrative costs to support the <b>Watershed Improvement Review Board</b>. This legislation was not passed, but language authorizing \$50,000 to WIRB for administrative support was included in the Infrastructure Appropriations Bill, SF 2389</p>	SF 2389 is awaiting Governor's signature
HF	2418	<p><b>Air Quality Standards Periodic Evaluations</b></p> <p>The bill requires the DNR to convene meetings as necessary to develop recommendations for the establishment of state implementation plans sufficient to control the direct emissions of certain particulate matter and emissions of precursor compounds that contribute to the formation of certain particulate matter and to prevent ambient concentrations from exceeding the federal ambient air quality standards for certain particulate matter.</p> <p>The bill also requires the director of the DNR to convene meetings not later than June 1 during the second calendar year following the adoption of new or revised federal ambient air quality standards by the United States environmental protection agency to review emission limitations or standards relating to the maximum quantities of air contaminants that may be emitted from any air contaminant source.</p>	Signed into law

HF	2459	<p>This bill establishes a <b>Watershed Planning Advisory Council</b>, to which the IEC may appoint a representative. The bill requires, by December 1 of each year, the Advisory Council to report to the Governor, the General Assembly, the Department of Agriculture, the DNR, and the Water Resources Coordinating Council its recommendations regarding:</p> <ol style="list-style-type: none"><li>1) improving water quality and optimizing the costs of voluntarily achieving and maintaining water quality standards;</li><li>2) creating economic incentives for voluntary nonpoint source load reductions, point source discharge reductions beyond those required by the federal Water Pollution Control Act, implementation of pollution prevention programs, wetland restoration and creation, and the development of emerging pollution control technologies;</li><li>3) facilitating the implementation of total maximum daily loads, urban storm water control programs, and nonpoint source management practices required or authorized under the federal Water Pollution Control Act;</li><li>4) providing incentives, methods, and practices for the development of new and more accurate and reliable pollution control quantification protocols and procedures;</li></ol>	Awaiting Governor's signature
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- 5) providing greater flexibility for broader public involvement through community-based, nonregulatory, and performance-driven watershed management planning; assigning responsibility for monitoring flood risk, flood mitigation, and coordination with federal agencies;
- 6) involving cities, counties, and other local and regional public and private entities in watershed improvement.

The bill allows for the formation of **Watershed Management Authorities**. Specifically this bill allows two or more cities, counties, and soil and water conservation districts to create a watershed management authority. The participating cities, counties, and soil and water conservation districts must be located in the same United States geological survey hydrologic unit code 8 watershed. A political subdivision is not required to participate in an authority.

The bill requires a watershed management authority to assess the flood risks in the watershed, assess the water quality in the watershed, assess options for reducing flood risk and improving water quality in the watershed, monitor federal flood risk planning and activities, educate the residents of the watershed area regarding water quality and flood risks, allocate moneys made available to the authority for purposes of water quality and flood mitigation, make and enter into contracts and agreements, and set rates for dues for participating cities and counties.

HSB	739	Establishes a <b>property assessed clean energy (PACE) financing</b> program. Allows cities and counties to issue bonds or otherwise raise revenue to provide financing to property owners to conduct energy improvements on their property (renewable energy or energy efficiency). Property owners would pay back the financing with a special assessment on the their property tax. Re-introduced in House Ways and Means (was HSB 602 in House Commerce).	Died in committee, but an idea worth revisiting in the future.
SF	117	An act relating to the operation of bicycles on a street or highway and providing requirements for motor vehicles that encounter bicycles and other vehicles. This bill did not pass. However, language on this was included in the Standings Bill, HF 2531	HF 2531 is awaiting Governor's signature

SF	404	<p><b>Local Food and Farm Plan.</b> This bill did not pass. However language to this end was included in the Ag and Natural Resources Appropriations Bill, <b>HF 2525</b>. The Leopold Center for Sustainable Agriculture will prepare a local food and farm plan containing policy and funding recommendations for supporting and expanding local food systems and for assessing and overcoming obstacles necessary to increase locally grown food production.</p>	HF 2525 is awaiting Governor's signature
SF	2265	<p>A very basic planning proposal that outlines <b>“Smart Planning Principles.”</b> This legislation did not pass. However, language was included in the <b>Infrastructure Appropriations Bill, SF 2389</b>, to this end. State agencies, local governments, and other public entities must at least consider and may apply smart planning principles during the deliberation of all appropriate planning, zoning, development, and resource management decisions. Also establishes a <b>Smart Planning Task Force</b>. Additionally, other language in this same legislation addressing the I-JOBS II program, which is created to assist in the development and completion of public construction projects relating to disaster prevention including but not limited to the construction of, or the replacement or reconstruction of, local public buildings in a manner that mitigates damages from future disasters, including flooding. A city or county that applies <b>the smart planning principles and guidelines may submit an application to the I-JOBS Board for financial assistance for a local infrastructure competitive grant for an eligible project under the program.</b></p>	SF 2389 is awaiting Governor's signature
SF	2310	<p><b>Creation of the Outdoors Trust Fund</b></p> <p>The bill creates a new code chapter referred to as the Natural Resources and Outdoor Recreation Act. The bill also provides that its purpose is to implement the constitutional purposes of protecting and enhancing water quality and natural areas in this state including parks, trails, and fish and wildlife habitat, and conserving agricultural soils in this state. The fund is administered by the treasurer of state and provides for distributions to support various initiatives to be carried out by the Department of Natural Resources, the Department of Agriculture and the Department of Transportation.</p>	Awaiting Governor's signature

SF	2316	<b>Flood Plain Management Policy</b> -contains some of the Water Resources Coordinating Council recommendations affecting redevelopment in the floodplain. Seeks to establish a task force to create model ordinance language and ensure that critical facilities, such as hospitals, fire and police stations, etc. are not located in the .02 floodplain, or if they are, they are constructed to withstand a flood or be shut down safely.	Passed Senate, but died in house in last funnel. Worked to get bill language added as amendment to other bills. Were not successful.
SF	2380	Overhaul of tax credit programs. Creates a permanent legislative tax expenditure review committee and makes changes to, and reductions in, a number of tax credit programs. The wind energy and renewable energy tax credits programs under 476B and 476C are not directly affected, as is the Conservation Contributions tax credits. These programs will be reviewed by the review committee in year 2014.	Awaiting Governor's signature

### Legislation the Iowa Environmental Council *Monitored*

HF	823	A bill for an act requiring public schools and state agencies to utilize environmentally preferable cleaning and maintenance products in school facilities and state buildings.	Awaiting Governor's signature
HF	2399	An act modifying provisions applicable to electric generating and transmission facilities. New language includes two provisions: 1) A specific rate-regulated utility (MidAmerican Energy) is required to conduct an analysis of and prepare for possible construction of new nuclear generating facilities and is allowed to recover a capped amount of revenue from ratepayers between now and year 2013 (approximately \$15M total for the study). 2) Rate regulated utilities could receive regulatory incentives to convert existing electrical generation (e.g., coal plants) to use natural gas, biomass, or carbon capture and storage.	Awaiting Governor's signature

HF	2437	<p><b>Septic Inspection Program Technical Clean-Up</b> The bill adds certain types of transfers of ownership to that list of transfers that are not subject to the inspection requirement. The bill also eliminates the requirement that title abstracts to property with private sewage disposal systems include documentation of an inspection.</p> <p>Currently, when a declaration of value is submitted to the county recorder, a statement is submitted to the recorder relating to the property and any known private burial sites, known wells, known disposal sites, known underground storage tanks, and known hazardous waste. The bill titles this statement a "groundwater hazard statement". The bill provides that the statement shall also include whether a known private sewage disposal system exists, and if one exists, that the system has been inspected if an inspection is required.</p>	Awaiting Governor's signature
HF	2525	<p><b>FY 2011 Agriculture and Natural Resources Budget bill.</b></p> <p>\$1.5 million - For the CREP program to restore and construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices.</p> <p>\$1.5 million - For continuation of a program that provides multi-objective resource protections for flood control, water quality, erosion control, and natural resource conservation.</p> <p>\$750,000 - Farm management demonstration program.</p> <p>\$1.25 million - Ag drainage well closure fund</p> <p>\$1.025 million - Soil and Water Conservation administration (new)</p> <p>\$1.3 million - Conservation Reserve Program to encourage and assist farmers in enrolling in and the implementation of the federal conservation program and to work with them to enhance their revegetation efforts to improve water quality and habitat.</p> <p>\$1.751 million - For use in providing for soil and water conservation administration, the conservation of soil and water resources, or the support of soil and water conservation district commissioners.</p> <p>\$2,995 million - For continuing the establishment and operation of water quality monitoring stations.</p> <p>\$425,000 - For the abatement, control, and prevention of ambient air pollution in this state.</p> <p>\$495,000 - water quantity regulation</p> <p>\$15 million - REAP</p>	Awaiting Governor's signature

This bill also includes language on the **Mississippi River Basin Healthy Watersheds Initiative**: The Department of Agriculture will implement a voluntary program to assist in improving the health of the Mississippi river basin, including water quality and wildlife habitat. The department will implement the program consistent with requirements of the United States department of agriculture in its administration of the Mississippi river basin healthy watersheds initiative.

SF	2088	An act concerning state government reorganization and efficiency.	Signed by the Governor.
SF	2243	Requires the DNR to coordinate efforts to collect information from greenhouse gas producers with EPA. Moves reporting deadline to the Governor to 12/31. Authorizes the DNR to apply for loans for drinking water projects.	Signed by the Governor.
SF	2248	NPDES permit requirements-changes appeal procedure for denial of applications or permits issued under NPDES from EPC to an Administrative Law Judge. Also provides that CAFO's under NPDES must comply with applicable rules adopted by the EPC, but the rules cannot be more stringent than Federal requirements	Signed by the Governor.
SF	2313	Modifies provisions in the Iowa Code that allow utilities to form electric power agencies (specifically municipal and cooperative utilities).	Signed by the Governor.
SF	2373	A bill relating to the administration of the utility replacement tax for new cogeneration facilities.	awaiting Governor's signature

SF

2389

**Infrastructure Appropriations Bill.** Includes: \$7.5M to IDOT for grants to improve wind energy rail projects; \$5M to the alternate energy revolving loan fund; \$5M to the Save Our Small Business Fund (energy efficiency improvements an eligible use); \$6.5M to passenger rail service revolving fund, with legislative intent language to appropriate \$20M over 4 years for passenger rail improvements.

Additionally, the Infrastructure Appropriations bill includes:

\$50,000 - WIRB Board administration (new)

\$2 million - Floodplain Management and Dam Safety (up to \$400,000 is authorized for stream gages to be used for tracking and predicting flood events and for compiling necessary data relating to flood frequency analysis)

\$1 million - To the Soil Conservation Division of the Department of Ag for the establishment of permanent soil and water conservation practices.

\$7 million - For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the DNR's annual lake restoration plan and report.

\$5,950,000 - To provide financial assistance for the establishment of permanent soil and water conservation practices.

\$2.5 million - For grants under the conservation reserve enhancement program to improve water quality and intercept nitrates (new)

awaiting Governor's signature

\$5 million - State park infrastructure

\$3 million - For implementation of lake projects that have established watershed improvement initiatives and community support in accordance with the department's annual lake restoration plan and report.

\$5 million - For deposit into the alternate energy revolving loan fund created to encourage the development of alternate energy production facilities.

\$2 million - For watershed improvement review board grants associated with the construction and restoration of wetland easements and flood prevention projects.

\$10 million - Directs the DNR to enter an agreement in an amount of not less than \$10,000,000 with the Iowa Flood Center for the development of new floodplain maps by June 30, 2014.

\$30 million - I-Jobs II program grants.

**Transparency Language for Iowa Plan** projects was also included in this appropriations bill:

"Of the moneys appropriated in this subsection, the department may award moneys for the establishment of drainage district pilot projects. Each drainage district pilot project shall be presented to the state soil conservation committee and the watershed improvement review board to ensure the project design, project goals, baseline data collection, project data collection standards, and data evaluation standards are appropriate for, and advance, the soil and water conservation goals of the state. Annual progress reports on each pilot project shall be presented to the state soil conservation committee and the watershed improvement review board to ensure the projects continue to advance the soil and water conservation goals of the state. All construction plans, monitoring plans, project data, and project data analysis shall be available for public review and study. Experts from the United States geological survey, the national laboratory for agriculture and the environment at Iowa state university, and other appropriate state and federal agencies may be consulted on any aspect of the program."

SF 2531 **Standings bill.** Includes: \$21.6M to Iowa Power Fund (two separate lines in the bill); legislative intent language that Power Fund and IDED appropriations be used to encourage projects that use renewable biomass to produce agricultural inputs that replace fossil fuel-created inputs, such as anhydrous ammonia; amends Chapter 469 to require the Office of Energy Independence to track information related to all Power Fund grants and loans and report that information quarterly to the Governor, legislature, and on a publicly available website.

awaiting Governor's signature

**Better Watershed Education:**

Directs the Water Resources Coordinating Council to educate Iowans about the need to take personal responsibility for the quality and quantity of water in their local watersheds. The emphasis of the education shall be that not only is everyone responsible for clean water, but that everyone benefits from it as well, and that everyone is responsible for and benefits from reducing the risk for flooding and mitigating possible future flood damage. The goals of the campaign shall be to convince Iowans to take personal responsibility for clean water and reducing the risk of flooding and to equip them with the tools necessary to effect change through local water quality improvement projects and better flood plain management and flood risk programs.

**Flood Risk and Prevention Education:**

The Iowa State University Extension Service and the Water Resources Coordinating Council will work with flood plain and hydrology experts to educate the public about flood plains, flood risks, and basic flood plain management principles. This educational effort shall include developing educational materials and programs in consultation with flood plain experts.

**Legislation the Iowa Environmental Council *Opposed* which did not pass**

HF 2206 The bill extends for 10 years the compliance date for agricultural drainage well management requirements to prevent surface water drainage, septic tank connections and associated pollution from being discharged to the drainage well and the groundwater aquifer. The new deadline for compliance with Ag drainage well permit conditions would be December 31, 2020. Did not pass

HF	2324	A bill related to application of liquid manure on snow covered and frozen ground that exempts confinement feeding operations built before July 1, 2009 from being required to construct or expand a manure storage structure in order to comply with winter application restrictions. The bill also details common ownership and management for the purpose of determining separation distances.	Did not pass
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For additional information regarding Energy issues, please call Nathaniel Baer at 515-244-1194 X 206  
For additional information regarding Water issues, please call Susan Heathcote at 515-244-1194 X 205  
For additional information regarding Conservation Funding, Please Call Marian Gelb at 515-244-1194 X201  
For additional information regarding Air issues, please call Lee Searles at 515-244-1194 X 204

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Links to email addresses of Senate and House for your ease in contacting your legislators:  
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House: <http://www.legis.state.ia.us/asp/Legislators/HouseEmail.aspx>