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SENATE FILE 2371  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(P. 554) Passed Senate, Date 3-7-00 (P. 964) Passed House, Date 3/23/00  
Vote: Ayes 47 Nays 0 Vote: Ayes 99 Nays 0  
Approved 4-7-00

(P. 987)

Re-Passed 4-4-00  
Vote 48-0

A BILL FOR

SF 2371

1 An Act relating to the establishment of a water quality  
2 initiative program by the department of agriculture and land  
3 stewardship and the department of natural resources, defining  
4 and providing for the use of credible data for quality control  
5 and assurance procedures, and providing for other properly  
6 related matters, and providing an applicability date.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 466.1 SHORT TITLE.

2 This chapter shall be known and may be cited as "Initiative  
3 on Improving Our Watershed Attributes (I on IOWA)".

4 Sec. 2. NEW SECTION. 466.2 LEGISLATIVE GOALS.

5 The goals of this chapter are to enhance water quality,  
6 create friendly water quality ecosystems, provide positive  
7 economic agricultural and environmental practices, promote  
8 coordinated efforts between private landowners and public  
9 interest groups, and provide additional wildlife habitat.

10 Sec. 3. NEW SECTION. 466.3 CONSERVATION BUFFER STRIP  
11 PROGRAM.

12 1. As used in this section, "conservation buffer strip"  
13 means a riparian buffer, filter strip, waterway, contour  
14 buffer strip, shallow water area, field border, and any  
15 vegetative barrier on private land that meets the criteria  
16 established by the United States department of agriculture,  
17 natural resources conservation service.

18 2. a. The department of agriculture and land stewardship,  
19 in consultation with the department of natural resources,  
20 shall establish a program to complement the United States  
21 department of agriculture's natural resources conservation  
22 service program to promote conservation buffer strips in this  
23 state.

24 b. The department of agriculture and land stewardship  
25 shall request waivers from the United States department of  
26 agriculture to initiate pilot projects that reward landowners  
27 maintaining current conservation practices. The goal of the  
28 pilot projects is to discourage the destruction of existing  
29 conservation buffer strips and to monetarily reward landowners  
30 who maintain quality conservation practices. Twenty-five  
31 percent of the program resources shall be committed to  
32 establishing pilot projects if the waivers are granted.

33 c. The department of natural resources shall establish a  
34 prairie seed harvest program to assist in the restoration of  
35 prairies. The department shall carry out this program as a

1 subsidiary component to complement the seeding of habitat  
2 under the conservation buffer strip program.

3 d. The five-year goal of the conservation buffer strip  
4 program shall be to meet the objective of water quality  
5 improvement. It is projected that the acreage sign-up shall  
6 be four hundred seven thousand acres with conservation buffer  
7 strips, of which sixty-seven thousand five hundred acres shall  
8 be in shallow water areas.

9 Sec. 4. NEW SECTION. 466.4 CONSERVATION RESERVE ENHANCED  
10 PROGRAM.

11 1. A conservation reserve enhanced program is established  
12 within the department of agriculture and land stewardship to  
13 restore or construct wetlands for the purposes of intercepting  
14 tile line runoff, reducing nutrient loss, improving water  
15 quality, and enhancing agricultural production practices. The  
16 program shall be directed primarily, but not exclusively,  
17 toward the tile-drained areas of the state.

18 2. As a part of the conservation reserve enhanced program  
19 proposal to the United States department of agriculture, the  
20 department of agriculture and land stewardship shall request  
21 waivers relating to the conservation reserve program  
22 regulations if those regulations conflict with the statewide  
23 implementation of the conservation reserve enhanced program.

24 3. The department of agriculture and land stewardship  
25 shall request the assistance of and consult with the United  
26 States department of agriculture natural resources  
27 conservation service and farm service agency to implement the  
28 conservation reserve enhanced program. The department shall  
29 also consult with county boards of supervisors, county  
30 conservation boards, private drainage district  
31 representatives, public drainage district representatives, and  
32 soil and water conservation districts affected by the  
33 implementation of the conservation reserve enhanced program.

34 4. The department of agriculture and land stewardship  
35 shall maintain a record of all wetlands established pursuant

1 to the conservation reserve enhanced program including any  
2 conditions that may apply to the landowner's right to remove  
3 the wetland after the provisions of the conservation reserve  
4 enhanced program contract or easement is concluded.

5 5. When establishing a wetland under this subsection, the  
6 department of agriculture and land stewardship shall be  
7 governed by the following requirements:

8 a. Wetland construction or restoration shall not damage  
9 the value of property in any public or private drainage system  
10 without the property owner's consent.

11 b. Wetland construction or restoration shall improve water  
12 quality and provide aesthetic and habitat benefits.

13 c. Wetland construction or restoration under this section  
14 may be used to mitigate wetland removal by the landowner if it  
15 meets the requirements of federal agencies with wetland  
16 jurisdictional authorities.

17 d. Wetland removal projects eligible for mitigation shall  
18 be classified based upon priority status.

19 (1) First priority shall be given a wetland or farmed  
20 wetland with a designation of less than one acre based upon  
21 county inventories compiled by the United States department of  
22 agriculture.

23 (2) Second priority shall be given a wetland or farmed  
24 wetland with a designation of one or more acres based upon  
25 county inventories compiled by the United States department of  
26 agriculture.

27 e. A mitigation policy shall be limited to the confines of  
28 the specific watershed.

29 6. The five-year goal of the conservation reserve enhanced  
30 program is the establishment of thirty-two thousand five  
31 hundred acres of wetlands.

32 Sec. 5. NEW SECTION. 466.5 WATER QUALITY MONITORING.

33 The department of natural resources shall operate water  
34 quality monitoring stations for the purpose of gathering  
35 information and data to establish benchmarks for water quality

1 in this state.

2 Sec. 6. NEW SECTION. 466.6 WATER QUALITY PROTECTION  
3 PROGRAM.

4 1. Conditioned on an appropriation for this purpose, the  
5 department of agriculture and land stewardship shall  
6 implement, in conjunction with the United States environmental  
7 protection agency and other entities, a program that provides  
8 multiobjective resource protections for flood control, water  
9 quality, erosion control, and natural resource conservation.

10 2. Conditioned on an appropriation for this purpose, the  
11 department of agriculture and land stewardship shall implement  
12 a statewide, voluntary farm management demonstration program  
13 to demonstrate the effectiveness and adaptability of emerging  
14 practices in agronomy that protect water resources and provide  
15 other environmental benefits. The demonstration program shall  
16 be designed to concentrate on management techniques in both  
17 the livestock and crop genre and shall be offered to farm  
18 operators through an educational setting and demonstration  
19 projects. The demonstration program shall be offered in  
20 conjunction with the community colleges, Iowa state  
21 university, and private farmer demonstrations. The  
22 educational program shall be offered at no cost to farm  
23 operators who file a schedule F with the Internal Revenue  
24 Service and do not have permitted livestock facilities or are  
25 certified under a manure management plan. College credit  
26 shall be granted to those graduating from the educational  
27 program.

28 3. Conditioned upon an appropriation for this purpose and  
29 private funding, the department of agriculture and land  
30 stewardship shall provide financial assistance for the  
31 establishment of permanent soil and water conservation  
32 practices.

33 4. Conditioned upon an appropriation and matching federal  
34 funds for this purpose, the department of natural resources  
35 shall establish a septic tank program to assist homeowners

1 residing outside the boundaries of a city in improving on-site  
2 wastewater systems. The program shall be funded through a  
3 septic tank revolving loan fund created in section 455B.295.  
4 A septic tank loan to a homeowner shall not exceed ten  
5 thousand dollars and shall be repaid by a special property tax  
6 assessment levied against the homestead for a period not to  
7 exceed twenty years.

8 5. The department of natural resources shall provide local  
9 watershed managers with geographic information system data for  
10 their use in developing, monitoring, and displaying results of  
11 their watershed work. The local watershed data shall be  
12 considered public records and are accessible to the public  
13 pursuant to chapter 22.

14 Sec. 7. Section 455B.171, Code 1999, is amended by adding  
15 the following new subsections:

16 NEW SUBSECTION. 10A. "Credible data" is defined as  
17 scientifically valid chemical, physical, or biological  
18 monitoring data collected under a scientifically accepted  
19 sampling and analysis plan, including quality control and  
20 quality assurance procedures. Credible data shall be dated  
21 within five years before the department's date of listing or  
22 other determination under section 455B.194, subsection 1.

23 NEW SUBSECTION. 14A. "Historical data" is defined as data  
24 collected more than five years before the department's date of  
25 listing or other determination under section 455B.194,  
26 subsection 1.

27 NEW SUBSECTION. 19A. "Naturally occurring condition" is  
28 defined as any condition affecting water quality which is not  
29 caused by human influence on the environment including, but  
30 not limited to soils, geology, hydrology, climate, wildlife  
31 influence on the environment, and water flow with specific  
32 consideration given to seasonal and other natural variations.

33 NEW SUBSECTION. 31A. "Section 303(d) list" is defined as  
34 any list required under section 303(d) of the federal Water  
35 Pollution Control Act.

1     NEW SUBSECTION. 31B. "Section 305(b) list" is defined as  
2 any report or list required under section 305(b) of the  
3 federal Water Pollution Control Act.

4     NEW SUBSECTION. 39A. "Total maximum daily load" is  
5 defined as the same as in the federal Water Pollution Control  
6 Act.

7     Sec. 8. NEW SECTION. 455B.193 QUALIFICATIONS FOR  
8 COLLECTION OF CREDIBLE DATA.

9     For purposes of this part, all of the following shall  
10 apply:

11     1. Data is not credible data unless the data originates  
12 from studies and samples collected by the department, a  
13 professional designee of the department, or a qualified  
14 volunteer. For purposes of this subsection, "professional  
15 designee" includes the United States army corps of engineers,  
16 the United States geological survey, governmental agencies of  
17 the state other than the department, and a person hired by, or  
18 under contract for compensation with, the department to  
19 collect or study data.

20     2. All of the following shall apply to credible data  
21 originating from collection or studies by a qualified  
22 volunteer:

23     a. The qualified volunteer shall submit a water monitoring  
24 plan to the department in advance of the qualified volunteer's  
25 monitoring, and obtain the department's approval of such plan.  
26 The water monitoring plan shall be site-specific, and shall  
27 include all monitoring procedures which shall be used for that  
28 site, including a sampling and analysis plan, and quality  
29 control and quality assurance procedures. The water  
30 monitoring plan shall be approved by the department prior to  
31 the monitoring by the qualified volunteer.

32     b. All data obtained by a qualified volunteer shall be  
33 reviewed and approved by the department. The qualified  
34 volunteer must provide proof to the department that the water  
35 monitoring plan was followed. The department shall review all

1 data collected by a qualified volunteer, verify the accuracy  
2 of the data collected by a qualified volunteer, and determine  
3 that all components of the water monitoring plan were  
4 followed.

5 3. The department shall adopt rules establishing  
6 requirements for a person to become a qualified volunteer.

7 Sec. 9. NEW SECTION. 455B.194 CREDIBLE DATA REQUIRED.

8 1. The department shall use credible data to a reasonable  
9 certainty when doing any of the following:

10 a. Developing and reviewing any water quality standard.

11 b. Developing any statewide water quality inventory or  
12 other water assessment report except that credible data shall  
13 not be required for any section 305(b) list.

14 c. Determining whether any water of the state is impaired.

15 d. Determining whether any water of the state is to be  
16 placed on any section 303(d) list.

17 e. Determining whether any water of the state shall be  
18 removed from any section 303(d) list.

19 f. Determining whether any water of the state is  
20 supporting its designated use or other classification.

21 g. Determining any degradation of a water of the state  
22 under 40 C.F.R. § 131.12.

23 h. Establishing a total maximum daily load for any water  
24 of the state.

25 2. Notwithstanding subsection 1, credible data shall not  
26 be required for any section 305(b) report and credible data  
27 shall not be required for the establishment of a designated  
28 use or other classification of a water of the state.

29 3. Unless specifically excepted, water quality information  
30 which is not credible data shall not be used by the department  
31 for the uses described in subsection 1.

32 Sec. 10. NEW SECTION. 455B.195 USE OR ANALYSIS OF  
33 CREDIBLE DATA.

34 1. For any use or analysis of credible data described in  
35 section 455B.194, subsection 1, all of the following shall



1 apply:

2 a. The data quality for removal of water of the state from  
3 any list of impaired waters including any section 303(d) list  
4 shall be the same as the data quality for adding a water to  
5 that list. Notwithstanding section 455B.194, subsection 1,  
6 for a water of the state placed on any section 303(d) list  
7 before July 1, 2002, credible data on the water of the state  
8 must be obtained in order for the water of the state to remain  
9 on the list for the next listing cycle.

10 b. A water of the state shall not be placed on any section  
11 303(d) list if pollutant loads from a naturally occurring  
12 condition alone is sufficient to cause an applicable surface  
13 water quality standard to be exceeded.

14 c. A water of the state shall not be placed on any section  
15 303(d) list if the impairment is caused solely by violations  
16 of existing permit limits or other pollution control measures  
17 and the enforcement of existing pollution control measures is  
18 required.

19 d. A water of the state shall not be placed on any section  
20 303(d) list if the data shows an impairment, but technology-  
21 based effluent limits or other required pollution control  
22 measures are adequate to achieve applicable water quality  
23 standards.

24 e. A water of the state shall not be placed on any section  
25 303(d) list if the pollutant causing the impairment is  
26 unknown.

27 f. When evaluating the waters of the state, the department  
28 shall develop and maintain three separate listings including a  
29 section 303(b) list, a section 305(d) report, and a listing  
30 for which further monitoring is necessary. The section 305(b)  
31 report shall be a cumulative listing of all potential  
32 impairments for which credible data is not required. If  
33 credible data is not required for a section 305(b) list, the  
34 placement of a water of the state on any section 305(b) list  
35 alone is not sufficient evidence for the water of the state's

1 placement on any section 303(d) list. A listing for which  
2 further monitoring is necessary shall include waters of the  
3 state where some data suggests an impairment, but which  
4 requires further investigation to meet the definition of  
5 credible data.

6 g. A water of the state shall not be placed on any section  
7 303(d) list unless data quality objectives, as specified in  
8 the appropriate quality assurance plan, are met. Data quality  
9 objectives mean the qualitative and quantitative statements  
10 derived from the data quality objective process that clarify a  
11 study's technical and quality objectives, define the  
12 appropriate type of data, and specify tolerable levels of  
13 potential decision errors that will be used as the basis for  
14 establishing the quality and quantity of data needed to  
15 support decisions.

16 h. The department shall take into consideration any  
17 naturally occurring condition when establishing or allocating  
18 responsibility for a total maximum daily load.

19 i. Numerical standards shall have a preference over  
20 narrative standards. If the department has adopted a rule  
21 establishing a numerical criterion for a particular pollutant,  
22 a narrative criterion shall not be the basis for determining  
23 an impairment in connection with that pollutant unless the  
24 department identifies specific factors as to why the numerical  
25 criterion is not adequate to protect water quality.

26 j. If the department has obtained credible data for a  
27 water of the state, the department may also use historical  
28 data for that particular water of the state for the purpose of  
29 determining whether any trends exist for that water of the  
30 state.

31 2. This section shall not be construed to require or  
32 authorize the department to perform any act listed in section  
33 455B.194, subsection 1, not otherwise required or authorized  
34 by applicable law.

35 Sec. 11. Section 455B.295, Code 1999, is amended by adding

1 the following new subsection:

2 NEW SUBSECTION. 5. A septic tank revolving loan fund is  
3 created in the state treasury. The proceeds of the fund shall  
4 be used to loan moneys to homeowners residing outside the  
5 boundaries of a city to improve on-site wastewater systems.  
6 The revolving loan funds shall be administered by the  
7 authority and subject to section 16.31. Moneys deposited in  
8 the revolving loan fund shall be invested by the treasurer of  
9 state in cooperation with the authority and the income from  
10 investment shall be credited to and deposited in the revolving  
11 loan fund. Loans to homeowners shall be repaid within twenty  
12 years by a special assessment on the taxable valuation of the  
13 borrower's homestead. Upon request of the authority, the  
14 board of supervisors of the county in which the homestead is  
15 located, shall proceed to make and levy a special assessment  
16 for the repayment of loan, interest, and related costs  
17 pursuant to section 331.384 except that the repayment  
18 schedules shall not exceed twenty years.

19 Sec. 12. APPLICABILITY OF SECTION 303(d) LISTS. This Act  
20 takes effect July 1, 2000. However, any requirements under  
21 this Act which apply to a section 303(d) list shall not apply  
22 for the section 303(d) list for the year 2000, but any  
23 requirements shall take effect for all section 303(d) lists  
24 created after the year 2000 list.

25

#### EXPLANATION

26 This bill provides for the establishment of water quality  
27 initiative programs by department of agriculture and land  
28 stewardship and the department of natural resources. The  
29 programs include a conservation buffer strip program, a  
30 conservation reserve enhanced program, a water quality  
31 monitoring program, and a water quality protection program.

32 The department of agriculture and land stewardship is to  
33 establish the conservation buffer strip program in  
34 consultation with the department of natural resources to  
35 complement a similar program promoted by the United States

1 department of agriculture's natural resources conservation  
2 service program. Pilot projects are to be used to discourage  
3 the destruction of existing conservation buffer strips and  
4 monetarily reward landowners. A prairie seed harvest program  
5 is to be established to assist in the restoration of prairies  
6 and complement the seeding of habitat.

7 A conservation reserve enhanced program is also established  
8 within the department of agriculture and land stewardship to  
9 restore, construct, and mitigate wetlands primarily in the  
10 tile-drained region of the state. The department is to  
11 request waivers of the United States department of agriculture  
12 if necessary to establish and maintain the program.  
13 Guidelines are established for establishing or restoring  
14 wetlands. A wetland is used to establish water quality,  
15 aesthetics, and wildlife benefits or to mitigate other  
16 wetlands.

17 The department of natural resources is charged with  
18 operating water quality monitoring stations and gathering data  
19 to establish water quality benchmarks for the state.

20 A water quality protection program is also established with  
21 the department of agriculture and land stewardship directed to  
22 implement, with the United States environmental protection  
23 agency, a program to provide multiobjective resource  
24 protections for flood control, water quality, erosion control,  
25 and natural resource conservation. The department is to  
26 implement a statewide, voluntary farm management demonstration  
27 program and establish financial assistance for permanent soil  
28 and water conservation practices. The implementation of these  
29 program is conditioned upon appropriations for the respective  
30 programs.

31 Under the water quality protection program, the department  
32 of natural resources is to establish a septic tank program for  
33 landowners residing outside of city limits. The landowners  
34 could receive a loan, repayable in 20 years, to establish or  
35 upgrade the owner's on-site septic system. The department is

1 also to provide local watershed managers with geographic  
2 information system data for their watershed work.

3 The bill also defines "credible data" and specifies its use  
4 by the department of natural resources in developing water  
5 quality standards, statewide water quality inventories, and  
6 related information related to evaluating water quality and  
7 determining responsibility for water pollution.

8 The bill also provides that any requirement of the bill  
9 which applies to a section 303(d) list of polluted waters,  
10 shall take effect for all section 303(d) lists created after  
11 the year 2000 list. Section 303(d) refers to a section of the  
12 federal Water Pollution Control Act which lists polluted  
13 waters.

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## SENATE FILE 2371

S-5083

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 1, by inserting after line 28 the  
4 following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 455B.2A IOWA CLEAN WATER  
6 AWARD.  
7 An Iowa clean water award is created. The governor  
8 shall give the award annually to a city or other  
9 political subdivision which has met criteria  
10 established by the department of natural resources  
11 identifying exemplary efforts to improve water quality  
12 within its jurisdiction."

By MIKE CONNOLLY

S-5083 FILED MARCH 7, 2000

ADOPTED

(P. 553)

## SENATE FILE 2371

S-5084

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 5, line 29, by striking the word  
4 "Credible".  
5 2. Page 5, by striking lines 30 through 36.  
6 3. By striking page 8, line 48 through page 9,  
7 line 2.

By JOE BOLKCOM

S-5084 FILED MARCH 7, 2000

LOST

(P. 553)

## SENATE FILE 2371

S-5085

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 9, by inserting after line 6 the  
4 following:  
5 "Sec. \_\_\_\_ . LEGISLATIVE STUDY. The legislative  
6 council is requested to establish an interim study  
7 relating to the use of plant nutrients on Iowa soil.  
8 The committee is directed to submit its findings, with  
9 any recommendations, in a report to the general  
10 assembly not later than January 15, 2001."

By JOHN P. KIBBIE  
MIKE SEXTON  
MERLIN E. BARTZ

S-5085 FILED MARCH 7, 2000

ADOPTED

(P. 554)

## SENATE FILE 2371

S-5080

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 6, by inserting after line 1 the  
4 following:  
5 "Sec. \_\_\_\_ . NEW SECTION. 455B.189 DISCHARGE POINT  
6 IDENTIFICATION.  
7 The department, pursuant to this division, shall  
8 consult with municipalities and industrial national  
9 pollutant discharge elimination system permit holders  
10 and develop guidelines regarding public identification  
11 of sites where national pollutant discharge  
12 elimination system permitted discharges occur to state  
13 waters."

By JOE BOLKCOM

S-5080 FILED MARCH 7, 2000

LOST

(p. 533)

## SENATE FILE 2371

S-5081

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 6, line 15, by inserting after the word  
4 "reviewed" the following: "and approved or  
5 disapproved".

By MERLIN E. BARTZ

S-5081 FILED MARCH 7, 2000

ADOPTED

(p. 553)

## SENATE FILE 2371

S-5082

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:  
3 1. Page 5, by inserting after line 15 the  
4 following:  
5 " \_\_\_\_ . The state department of transportation and  
6 the department of natural resources shall collaborate  
7 to provide for the preservation of topsoil, erosion  
8 control, water impoundment during highway construction  
9 and reconstruction, and restoration and management of  
10 roadside right-of-way for prairie restoration,  
11 wildlife habitat, and erosion control."

By DAVID MILLER

S-5082 FILED MARCH 7, 2000

ADOPTED

(p. 552)

## SENATE FILE 2371

S-5075

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:

3 1. Page 2, line 18, by inserting after the word  
4 "management." the following: "The department shall  
5 also collaborate with other public agencies and  
6 private organizations to develop wetland habitat and  
7 related projects to improve water quality."

By DAVID MILLER

S-5075 FILED MARCH 7, 2000

WITHDRAWN

(P. 551)

## SENATE FILE 2371

S-5078

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:

3 1. By striking page 5, line 25, through page 9,  
4 line 13, and inserting the following:  
5 "Sec. \_\_\_\_ . Section 455B.172, Code 1999, is amended  
6 by adding the following new subsection:  
7 NEW SUBSECTION. 10. The department shall develop  
8 a methodology for water quality assessments as used  
9 for section 303(d) listings of the federal Water  
10 Pollution Control Act. The department shall also  
11 consult with the United States environmental  
12 protection agency, agricultural and environmental  
13 organizations, municipal and industrial associations,  
14 university representatives specializing in water  
15 quality, and citizen groups."

By JOE BOLKCOM

S-5078 FILED MARCH 7, 2000

LOST

(P. 552)

## SENATE FILE 2371

S-5079

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:

3 1. Page 2, line 48, by inserting after the word  
4 "program." the following: "The department shall also  
5 collaborate with other public agencies and private  
6 organizations to develop wetland habitat and related  
7 projects to improve water quality."

By DAVID MILLER

S-5079 FILED MARCH 7, 2000

ADOPTED

(P. 551)



## SENATE FILE 2371

S-5071

1 Amend Senate File 2371 as follows:

2 1. By striking everything after the enacting  
3 clause and inserting the following:

4 "Section 1. NEW SECTION. 466.1 SHORT TITLE.

5 This chapter shall be known and may be cited as  
6 "Initiative on Improving Our Watershed Attributes (I  
7 on IOWA)".

8 Sec. 2. NEW SECTION. 466.2 LEGISLATIVE GOAL.

9 The goal of this chapter is to develop a  
10 comprehensive water quality program that will result  
11 in water quality improvements while reducing proposed  
12 regulatory impacts. The program shall use  
13 information, education, monitoring, technical  
14 assistance, data gathering and evaluation, incentives,  
15 and more efficient issuance of permits. The program  
16 is expected to have a menu of initiatives and  
17 approaches to appeal to a broad audience of  
18 participants and shall be coordinated so that  
19 individual initiatives work toward the objective of  
20 improved water quality. The departments of  
21 agriculture and land stewardship and natural resources  
22 shall work cooperatively with federal agencies to  
23 obtain waivers and changes in rules and procedures at  
24 national and state levels to improve the federal  
25 programs' environmental and economic performance for  
26 Iowans. State agencies shall collaborate with other  
27 state agencies to attain the overall goal of water  
28 quality.

29 Sec. 3. NEW SECTION. 466.3 CONSERVATION BUFFER  
30 STRIP PROGRAM.

31 1. As used in this section, "conservation buffer  
32 strip" means a riparian buffer, filter strip,  
33 waterway, contour buffer strip, shallow water area for  
34 wildlife, field border, or any vegetative barrier on  
35 private land that meets the criteria established by  
36 the United States department of agriculture, natural  
37 resources conservation service.

38 2. a. The department of agriculture and land  
39 stewardship, in consultation with the department of  
40 natural resources, shall establish a program to  
41 accelerate the United States department of  
42 agriculture's program to install conservation buffer  
43 strips in this state.

44 b. The department of agriculture and land  
45 stewardship shall request waivers from the United  
46 States department of agriculture to initiate pilot  
47 projects that reward landowners maintaining current  
48 conservation practices. The goal of the pilot  
49 projects is to discourage the destruction of existing  
50 conservation buffer strips and to monetarily reward

S-5071

S-5071

Page 2

1 landowners who maintain quality conservation  
2 practices. If the waivers are granted, up to twenty-  
3 five percent of the program resources shall be  
4 committed to establishing pilot projects.

5 c. The department of agriculture and land  
6 stewardship shall request a waiver from the United  
7 States department of agriculture for the purpose of  
8 establishing that a person who is subject to a twenty-  
9 five percent reduction in conservation buffer strip  
10 payments due to grazing, shall be allowed ninety days  
11 to graze animals.

12 d. The department of natural resources shall  
13 establish a prairie seed harvest program to assist in  
14 the restoration of prairies and provide for private  
15 land stewardship and public resource management  
16 through assistance with the implementation of buffer  
17 and filter strip practices, and public or private  
18 habitat development and management. The department  
19 shall carry out these efforts through landowner  
20 contacts and cooperation with private and public  
21 organizations.

22 e. The five-year goal of the conservation buffer  
23 strip program shall be to meet the objective of water  
24 quality improvement by enrolling an additional four  
25 hundred seven thousand five hundred acres.

26 Sec. 4. NEW SECTION. 466.4 CONSERVATION RESERVE  
27 ENHANCED PROGRAM.

28 1. A conservation reserve enhanced program is  
29 established within the department of agriculture and  
30 land stewardship to restore or construct wetlands for  
31 the purposes of intercepting tile line runoff,  
32 reducing nutrient loss, improving water quality, and  
33 enhancing agricultural production practices. The  
34 program shall be directed primarily, but not  
35 exclusively, toward the tile-drained areas of the  
36 state.

37 2. The department of agriculture and land  
38 stewardship shall request the assistance of and  
39 consult with the United States department of  
40 agriculture natural resources conservation service and  
41 farm service agency to implement the conservation  
42 reserve enhanced program. The department shall also  
43 consult with county boards of supervisors, county  
44 conservation boards, drainage district  
45 representatives, department of natural resources, and  
46 soil and water conservation districts affected by the  
47 implementation of the conservation reserve enhanced  
48 program.

49 3. The department of agriculture and land  
50 stewardship shall maintain a record of all wetlands

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1 established pursuant to the conservation reserve  
2 enhanced program including any conditions that may  
3 apply to the landowner's right to remove the wetland  
4 after the provisions of the conservation reserve  
5 enhanced program contract or easement is concluded.

6 4. When establishing a wetland under this  
7 subsection, the department of agriculture and land  
8 stewardship shall be governed by the following  
9 requirements:

10 a. Wetland construction or restoration shall not  
11 damage the value of property in any public or private  
12 drainage system without the property owner's consent.

13 b. Wetland construction or restoration shall  
14 improve water quality and provide aesthetic and  
15 habitat benefits.

16 c. Wetland construction or restoration under this  
17 section may be used to mitigate wetland removal by the  
18 landowner if it meets the requirements of federal  
19 agencies with wetland jurisdictional authorities.  
20 Where practical, priority shall be given to mitigating  
21 wetland removal within the same United States  
22 geological survey hydrologic unit code 8 watershed,  
23 but a watershed confines shall not limit the use of  
24 duly authorized wetland mitigation banks.

25 5. The five-year goal of the conservation reserve  
26 enhanced program is the establishment of thirty-two  
27 thousand five hundred acres of wetlands.

28 Sec. 5. NEW SECTION. 466.5 WATER QUALITY  
29 MONITORING.

30 The department of natural resources shall operate  
31 water quality monitoring stations for the purpose of  
32 gathering information and data to establish benchmarks  
33 for water quality in this state.

34 Sec. 6. NEW SECTION. 466.6 WATER QUALITY  
35 PROTECTION PROGRAM.

36 1. Conditioned on an appropriation for this  
37 purpose, the department of agriculture and land  
38 stewardship shall implement, in conjunction with the  
39 federal government and other entities, a program that  
40 provides multiobjective resource protections for flood  
41 control, water quality, erosion control, and natural  
42 resource conservation.

43 2. Conditioned on an appropriation for this  
44 purpose, the department of agriculture and land  
45 stewardship shall implement a statewide, voluntary  
46 farm management demonstration program to demonstrate  
47 the effectiveness and adaptability of emerging  
48 practices in agronomy that protect water resources and  
49 provide other environmental benefits. The  
50 demonstration program shall be designed to concentrate

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1 on management techniques in both the livestock and  
2 crop genre and shall be offered to farm operators  
3 through an educational setting and demonstration  
4 projects. The demonstration program shall be offered  
5 in conjunction with the community colleges, Iowa state  
6 university, and private farmer demonstrations.  
7 Continuing education units shall be offered. The  
8 educational program shall be offered at no cost to  
9 farm operators who file a schedule F with the Internal  
10 Revenue Service and do not have permitted livestock  
11 facilities or are certified under a manure management  
12 plan.

13 3. Conditioned upon an appropriation for this  
14 purpose and private funding, the department of  
15 agriculture and land stewardship shall provide  
16 financial assistance for the establishment of  
17 permanent soil and water conservation practices.

18 4. Conditioned upon an appropriation and matching  
19 federal funds for this purpose, the department of  
20 natural resources shall establish a program to assist  
21 homeowners residing outside the boundaries of a city  
22 with improving on-site wastewater systems. The  
23 department shall adopt rules to administer the on-site  
24 wastewater system program. At a minimum, the rules  
25 shall determine criteria for enrollment into the  
26 program, identify methods and tools available for  
27 making and securing loans, establish limits for loan  
28 amounts and terms, and provide assistance to county  
29 environmental health officials to inspect on-site  
30 systems. The department of natural resources shall  
31 report to the general assembly on the progress of the  
32 on-site wastewater system program.

33 5. Conditioned upon an appropriation for this  
34 purpose, the department of natural resources shall  
35 provide local watershed managers with geographic  
36 information system data for their use in developing,  
37 monitoring, and displaying results of their watershed  
38 work. The local watershed data shall be considered  
39 public records and are accessible to the public  
40 pursuant to chapter 22.

41 6. Conditioned upon an appropriation for this  
42 purpose, the department of natural resources shall  
43 develop a program that provides support to local  
44 volunteer management efforts to the different programs  
45 concerned with water quality. The department shall  
46 assist in coordinating and tracking of the volunteer  
47 component of these programs to increase efficiency and  
48 avoid duplication of efforts in water quality  
49 monitoring and watershed improvement.

50 7. Conditioned upon an appropriation for this

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1 purpose, the department of natural resources shall  
2 provide for activities supporting the analysis of  
3 water quality monitoring data for trends, eco-region-  
4 based biological standards, and for the preparation  
5 and presentation of data to the public.

6 8. Conditioned upon an appropriation for this  
7 purpose, the department of natural resources shall  
8 contract to assist its staff with the review of  
9 national pollutant discharge elimination system  
10 permits.

11 9. Conditioned upon an appropriation for this  
12 purpose, the department of natural resources shall  
13 expand the floodplain protection education to better  
14 inform local officials that make decisions with regard  
15 to floodplain management.

16 10. Conditioned upon an appropriation for this  
17 purpose, the department of natural resources shall  
18 continue the establishment of an effective and  
19 efficient method of developing a total maximum daily  
20 load program, based on information gathered on other  
21 states' programs and investigation into alternative  
22 methods for satisfying the requirements.

23 Sec. 7. Section 455B.171, Code 1999, is amended by  
24 adding the following new subsections:

25 NEW SUBSECTION. 10A. "Credible data" means  
26 scientifically valid chemical, physical, or biological  
27 monitoring data collected under a scientifically  
28 accepted sampling and analysis plan, including quality  
29 control and quality assurance procedures. Credible  
30 data shall be dated within five years before the  
31 department's date of listing or other determination  
32 under section 455B.194, subsection 1.

33 NEW SUBSECTION. 14A. "Historical data" means data  
34 collected more than five years before the department's  
35 date of listing or other determination under section  
36 455B.194, subsection 1.

37 NEW SUBSECTION. 19A. "Naturally occurring  
38 condition" means any condition affecting water quality  
39 which is not caused by human influence on the  
40 environment including, but not limited to, soils,  
41 geology, hydrology, climate, wildlife influence on the  
42 environment, and water flow with specific  
43 consideration given to seasonal and other natural  
44 variations.

45 NEW SUBSECTION. 31A. "Section 303(d) list" means  
46 any list required under 33 U.S.C. § 1313(d).

47 NEW SUBSECTION. 31B. "Section 305(b) list" means  
48 any report or list required under 33 U.S.C. § 1315(b).

49 NEW SUBSECTION. 39A. "Total maximum daily load"  
50 means the same as in the federal Water Pollution

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1 Control Act.

2 Sec. 8. NEW SECTION. 455B.193 QUALIFICATIONS FOR  
3 COLLECTION OF CREDIBLE DATA.

4 For purposes of this part, all of the following  
5 shall apply:

6 1. Data is not credible data unless the data  
7 originates from studies and samples collected by the  
8 department, a professional designee of the department,  
9 or a qualified volunteer. For purposes of this  
10 subsection, "professional designee" includes  
11 governmental agencies other than the department, and a  
12 person hired by, or under contract for compensation  
13 with, the department to collect or study data.

14 2. All information submitted by a qualified  
15 volunteer shall be reviewed by the department. The  
16 qualified volunteer shall submit a plan with data  
17 which includes information used to obtain the data,  
18 the sampling and analysis plan, and quality control  
19 and quality assurance procedures used in the  
20 monitoring process. The qualified volunteer must  
21 provide proof to the department that the water  
22 monitoring plan was followed. The department shall  
23 review all data collected by a qualified volunteer,  
24 verify the accuracy of the data collected by a  
25 qualified volunteer, and determine that all components  
26 of the water monitoring plan were followed.

27 3. The department shall adopt rules establishing  
28 requirements for a person to become a qualified  
29 volunteer.

30 The department of natural resources shall develop a  
31 methodology for water quality assessments as used in  
32 the section 303(d) listings and assess the validity of  
33 the data.

34 Sec. 9. NEW SECTION. 455B.194 CREDIBLE DATA  
35 REQUIRED.

36 1. The department shall use credible data to a  
37 reasonable certainty when doing any of the following:

38 a. Developing and reviewing any water quality  
39 standard.

40 b. Developing any statewide water quality  
41 inventory or other water assessment report except that  
42 credible data shall not be required for any section  
43 305(b) list.

44 c. Determining whether any water of the state is  
45 impaired.

46 d. Determining whether any water of the state is  
47 to be placed on any section 303(d) list.

48 e. Determining whether any water of the state  
49 shall be removed from any section 303(d) list.

50 f. Determining whether any water of the state is

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1 supporting its designated use or other classification.

2 g. Determining any degradation of a water of the  
3 state under 40 C.F.R. § 131.12.

4 h. Establishing a total maximum daily load for any  
5 water of the state.

6 2. Notwithstanding subsection 1, credible data  
7 shall not be required for any section 305(b) report  
8 and credible data shall not be required for the  
9 establishment of a designated use or other  
10 classification of a water of the state.

11 3. The use of credible data shall be consistent  
12 with the requirements of the federal Water Pollution  
13 Control Act, 33 U.S.C. § 1251 et seq.

14 4. The department shall retain all information  
15 submitted by a qualified volunteer including the  
16 identity of the qualified volunteer submitting the  
17 information, for a period of not less than ten years  
18 from the date of receipt by the department. All  
19 information submitted shall be a public record.

20 Sec. 10. NEW SECTION. 455B.195 USE OR ANALYSIS  
21 OF CREDIBLE DATA.

22 1. For any use or analysis of credible data  
23 described in section 455B.194, subsection 1, all of  
24 the following shall apply:

25 a. The data quality for removal of water of the  
26 state from any list of impaired waters including any  
27 section 303(d) list shall be the same as the data  
28 quality for adding a water to that list.

29 Notwithstanding section 455B.194, subsection 1, for a  
30 water of the state placed on any section 303(d) list,  
31 credible data on the water of the state must be  
32 obtained in order for the water of the state to remain  
33 on the list for the next listing cycle.

34 b. A water of the state shall not be placed on any  
35 section 303(d) list if pollutant loads from a  
36 naturally occurring condition alone is sufficient to  
37 cause an applicable surface water quality standard to  
38 be exceeded.

39 c. A water of the state shall not be placed on any  
40 section 303(d) list if the impairment is caused solely  
41 by violations of national pollutant discharge  
42 elimination system program permits and the enforcement  
43 of the pollution control measures is required.

44 d. A water of the state shall not be placed on any  
45 section 303(d) list if the data shows an impairment,  
46 but technology-based effluent limits or other required  
47 pollution control measures are adequate to achieve  
48 applicable water quality standards.

49 e. If a pollutant causing an impairment is  
50 unknown, the water of the state may be placed on a

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1 section 303(d) list. However, the department shall  
2 continue to monitor the water of the state to  
3 determine the cause of impairment before a total  
4 maximum daily load is established for the water of the  
5 state and a water of the state listed with an unknown  
6 status shall retain a low priority for a total maximum  
7 daily load development until the cause of the  
8 impairment is determined.

9 f. When evaluating the waters of the state, the  
10 department shall develop and maintain three separate  
11 listings including a section 303(b) list, a section  
12 305(d) list, and a listing for which further  
13 monitoring is necessary. The section 305(b) list  
14 shall be a cumulative listing of all potential  
15 impairments for which credible data is not required.  
16 If credible data is not required for a section 305(b)  
17 list, the placement of a water of the state on any  
18 section 305(b) list alone is not sufficient evidence  
19 for the water of the state's placement on any section  
20 303(d) list. A listing for which further monitoring  
21 is necessary shall include waters of the state where  
22 some data suggests an impairment, but which requires  
23 further investigation to meet the definition of  
24 credible data.

25 g. A water of the state shall not be placed on any  
26 section 303(d) list unless data quality objectives, as  
27 specified in the appropriate quality assurance plan,  
28 are met. Data quality objectives mean the qualitative  
29 and quantitative statements derived from the data  
30 quality objective process that clarify a study's  
31 technical and quality objectives, define the  
32 appropriate type of data, and specify tolerable levels  
33 of potential decision errors that will be used as the  
34 basis for establishing the quality and quantity of  
35 data needed to support decisions.

36 h. The department shall take into consideration  
37 any naturally occurring condition when establishing or  
38 allocating responsibility for a total maximum daily  
39 load.

40 i. Numerical standards shall have a preference  
41 over narrative standards. If the department has  
42 adopted a rule establishing a numerical criterion for  
43 a particular pollutant, a narrative criterion shall  
44 not be the basis for determining an impairment in  
45 connection with that pollutant unless the department  
46 identifies specific factors as to why the numerical  
47 criterion is not adequate to protect water quality.

48 j. If the department has obtained credible data  
49 for a water of the state, the department may also use  
50 historical data for that particular water of the state

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1 for the purpose of determining whether any trends  
2 exist for that water of the state.

3 2. This section shall not be construed to require  
4 or authorize the department to perform any act listed  
5 in section 455B.194, subsection 1, not otherwise  
6 required or authorized by applicable law.

7 Sec. 11. APPLICABILITY OF SECTION 303(d) LISTS.

8 This Act takes effect July 1, 2000. However, any  
9 requirements under this Act which apply to a section  
10 303(d) list shall not apply for the section 303(d)  
11 list for the year 2000, but any requirements shall  
12 take effect for all section 303(d) lists created after  
13 the year 2000 list."

By MERLIN E. BARTZ

JOE BOLKCOM

E. THURMAN GASKILL

BILL FINK

JOHN P. KIBBIE

STEVE KING

S-5071 FILED MARCH 7, 2000

ADOPTED

(p. 554)

SENATE FILE 2371

S-5073

1 Amend the amendment, S-5071, to Senate file 2371 as  
2 follows:

3 1. Page 4, line 32, by inserting after the word  
4 "program." the following: "Notwithstanding section  
5 8.33, unencumbered or unobligated funds remaining from  
6 the funds appropriated for this subsection shall not  
7 revert and shall be available for expenditure during  
8 subsequent fiscal years."

By MERLIN E. BARTZ

S-5073 FILED MARCH 7, 2000

ADOPTED

(p. 551)

SENATE FILE 2371

S-5074

1 Amend the amendment, S-5071, to Senate File 2371 as  
2 follows:

3 1. Page 5, by inserting after line 15 the  
4 following:  
5 "\_\_\_\_. The state department of transportation and  
6 the department of natural resources shall collaborate  
7 on public transportation programs to provide for the  
8 preservation of topsoil, erosion control, water  
9 impoundment during highway construction and  
10 reconstruction, and restoration and management of  
11 roadside right-of-way for prairie restoration,  
12 wildlife habitat, and erosion control."

By DAVID MILLER

S-5074 FILED MARCH 7, 2000

WITHDRAWN

(p. 551)

4/4/00 Motion to R/C by Darty & Jink  
4/4/00 Motion to R/C - Withdrawn

SENATE FILE **2371**  
BY COMMITTEE ON NATURAL  
RESOURCES AND ENVIRONMENT

(AS AMENDED AND PASSED BY THE SENATE MARCH 7, 2000)

ALL New Language by the Senate

Passed Senate, Date 4-4-00 (p. 987) Passed House, Date 3/23/00 (p. 964)  
Vote: Ayes 48 Nays 0 Vote: Ayes 99 Nays 0  
Approved 4-7-00

(p. 1290) Re Passed 4-6-00  
Vote 93-0

A BILL FOR

S.F. 2371

1 An Act relating to the establishment of a water quality  
2 initiative program by the department of agriculture and land  
3 stewardship and the department of natural resources, defining  
4 and providing for the use of credible data for quality control  
5 and assurance procedures, and providing for other properly  
6 related matters, and providing an applicability date.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 466.1 SHORT TITLE.

2 This chapter shall be known and may be cited as "Initiative  
3 on Improving Our Watershed Attributes (I on IOWA)".

4 Sec. 2. NEW SECTION. 466.2 LEGISLATIVE GOAL.

5 The goal of this chapter is to develop a comprehensive  
6 water quality program that will result in water quality  
7 improvements while reducing proposed regulatory impacts. The  
8 program shall use information, education, monitoring,  
9 technical assistance, data gathering and evaluation,  
10 incentives, and more efficient issuance of permits. The  
11 program is expected to have a menu of initiatives and  
12 approaches to appeal to a broad audience of participants and  
13 shall be coordinated so that individual initiatives work  
14 toward the objective of improved water quality. The  
15 departments of agriculture and land stewardship and natural  
16 resources shall work cooperatively with federal agencies to  
17 obtain waivers and changes in rules and procedures at national  
18 and state levels to improve the federal programs'  
19 environmental and economic performance for Iowans. State  
20 agencies shall collaborate with other state agencies to attain  
21 the overall goal of water quality.

22 Sec. 3. NEW SECTION. 466.2A IOWA CLEAN WATER AWARD.

23 An Iowa clean water award is created. The governor shall  
24 give the award annually to a city or other political  
25 subdivision which has met criteria established by the  
26 department of natural resources identifying exemplary efforts  
27 to improve water quality within its jurisdiction.

28 Sec. 4. NEW SECTION. 466.3 CONSERVATION BUFFER STRIP  
29 PROGRAM.

30 1. As used in this section, "conservation buffer strip"  
31 means a riparian buffer, filter strip, waterway, contour  
32 buffer strip, shallow water area for wildlife, field border,  
33 or any vegetative barrier on private land that meets the  
34 criteria established by the United States department of  
35 agriculture, natural resources conservation service.

1 2. a. The department of agriculture and land stewardship,  
2 in consultation with the department of natural resources,  
3 shall establish a program to accelerate the United States  
4 department of agriculture's program to install conservation  
5 buffer strips in this state.

6 b. The department of agriculture and land stewardship  
7 shall request waivers from the United States department of  
8 agriculture to initiate pilot projects that reward landowners  
9 maintaining current conservation practices. The goal of the  
10 pilot projects is to discourage the destruction of existing  
11 conservation buffer strips and to monetarily reward landowners  
12 who maintain quality conservation practices. If the waivers  
13 are granted, up to twenty-five percent of the program  
14 resources shall be committed to establishing pilot projects.

15 c. The department of agriculture and land stewardship  
16 shall request a waiver from the United States department of  
17 agriculture for the purpose of establishing that a person who  
18 is subject to a twenty-five percent reduction in conservation  
19 buffer strip payments due to grazing, shall be allowed ninety  
20 days to graze animals.

21 d. The department of natural resources shall establish a  
22 prairie seed harvest program to assist in the restoration of  
23 prairies and provide for private land stewardship and public  
24 resource management through assistance with the implementation  
25 of buffer and filter strip practices, and public or private  
26 habitat development and management. The department shall  
27 carry out these efforts through landowner contacts and  
28 cooperation with private and public organizations.

29 e. The five-year goal of the conservation buffer strip  
30 program shall be to meet the objective of water quality  
31 improvement by enrolling an additional four hundred seven  
32 thousand five hundred acres.

33 Sec. 5. NEW SECTION. 466.4 CONSERVATION RESERVE ENHANCED  
34 PROGRAM.

35 1. A conservation reserve enhanced program is established

1 within the department of agriculture and land stewardship to  
2 restore or construct wetlands for the purposes of intercepting  
3 tile line runoff, reducing nutrient loss, improving water  
4 quality, and enhancing agricultural production practices. The  
5 program shall be directed primarily, but not exclusively,  
6 toward the tile-drained areas of the state.

7 2. The department of agriculture and land stewardship  
8 shall request the assistance of and consult with the United  
9 States department of agriculture natural resources  
10 conservation service and farm service agency to implement the  
11 conservation reserve enhanced program. The department shall  
12 also consult with county boards of supervisors, county  
13 conservation boards, drainage district representatives,  
14 department of natural resources, and soil and water  
15 conservation districts affected by the implementation of the  
16 conservation reserve enhanced program. The department shall  
17 also collaborate with other public agencies and private  
18 organizations to develop wetland habitat and related projects  
19 to improve water quality.

20 3. The department of agriculture and land stewardship  
21 shall maintain a record of all wetlands established pursuant  
22 to the conservation reserve enhanced program including any  
23 conditions that may apply to the landowner's right to remove  
24 the wetland after the provisions of the conservation reserve  
25 enhanced program contract or easement is concluded.

26 4. When establishing a wetland under this subsection, the  
27 department of agriculture and land stewardship shall be  
28 governed by the following requirements:

29 a. Wetland construction or restoration shall not damage  
30 the value of property in any public or private drainage system  
31 without the property owner's consent.

32 b. Wetland construction or restoration shall improve water  
33 quality and provide aesthetic and habitat benefits.

34 c. Wetland construction or restoration under this section  
35 may be used to mitigate wetland removal by the landowner if it

1 meets the requirements of federal agencies with wetland  
2 jurisdictional authorities. Where practical, priority shall  
3 be given to mitigating wetland removal within the same United  
4 States geological survey hydrologic unit code 8 watershed, but  
5 a watershed confines shall not limit the use of duly  
6 authorized wetland mitigation banks.

7 5. The five-year goal of the conservation reserve enhanced  
8 program is the establishment of thirty-two thousand five  
9 hundred acres of wetlands.

10 Sec. 6. NEW SECTION. 466.5 WATER QUALITY MONITORING.

11 The department of natural resources shall operate water  
12 quality monitoring stations for the purpose of gathering  
13 information and data to establish benchmarks for water quality  
14 in this state.

15 Sec. 7. NEW SECTION. 466.6 WATER QUALITY PROTECTION  
16 PROGRAM.

17 1. Conditioned on an appropriation for this purpose, the  
18 department of agriculture and land stewardship shall  
19 implement, in conjunction with the federal government and  
20 other entities, a program that provides multiobjective  
21 resource protections for flood control, water quality, erosion  
22 control, and natural resource conservation.

23 2. Conditioned on an appropriation for this purpose, the  
24 department of agriculture and land stewardship shall implement  
25 a statewide, voluntary farm management demonstration program  
26 to demonstrate the effectiveness and adaptability of emerging  
27 practices in agronomy that protect water resources and provide  
28 other environmental benefits. The demonstration program shall  
29 be designed to concentrate on management techniques in both  
30 the livestock and crop genre and shall be offered to farm  
31 operators through an educational setting and demonstration  
32 projects. The demonstration program shall be offered in  
33 conjunction with the community colleges, Iowa state  
34 university, and private farmer demonstrations. Continuing  
35 education units shall be offered. The educational program

1 shall be offered at no cost to farm operators who file a  
2 schedule F with the Internal Revenue Service and do not have  
3 permitted livestock facilities or are certified under a manure  
4 management plan.

5 3. Conditioned upon an appropriation for this purpose and  
6 private funding, the department of agriculture and land  
7 stewardship shall provide financial assistance for the  
8 establishment of permanent soil and water conservation  
9 practices.

10 4. Conditioned upon an appropriation and matching federal  
11 funds for this purpose, the department of natural resources  
12 shall establish a program to assist homeowners residing  
13 outside the boundaries of a city with improving on-site  
14 wastewater systems. The department shall adopt rules to  
15 administer the on-site wastewater system program. At a  
16 minimum, the rules shall determine criteria for enrollment  
17 into the program, identify methods and tools available for  
18 making and securing loans, establish limits for loan amounts  
19 and terms, and provide assistance to county environmental  
20 health officials to inspect on-site systems. The department  
21 of natural resources shall report to the general assembly on  
22 the progress of the on-site wastewater system program.  
23 Notwithstanding section 8.33, unencumbered or unobligated  
24 funds remaining from the funds appropriated for this  
25 subsection shall not revert and shall be available for  
26 expenditure during subsequent fiscal years.

27 5. Conditioned upon an appropriation for this purpose, the  
28 department of natural resources shall provide local watershed  
29 managers with geographic information system data for their use  
30 in developing, monitoring, and displaying results of their  
31 watershed work. The local watershed data shall be considered  
32 public records and are accessible to the public pursuant to  
33 chapter 22.

34 6. Conditioned upon an appropriation for this purpose, the  
35 department of natural resources shall develop a program that

1 provides support to local volunteer management efforts to the  
2 different programs concerned with water quality. The  
3 department shall assist in coordinating and tracking of the  
4 volunteer component of these programs to increase efficiency  
5 and avoid duplication of efforts in water quality monitoring  
6 and watershed improvement.

7 7. Conditioned upon an appropriation for this purpose, the  
8 department of natural resources shall provide for activities  
9 supporting the analysis of water quality monitoring data for  
10 trends, eco-region-based biological standards, and for the  
11 preparation and presentation of data to the public.

12 8. Conditioned upon an appropriation for this purpose, the  
13 department of natural resources shall contract to assist its  
14 staff with the review of national pollutant discharge  
15 elimination system permits.

16 9. Conditioned upon an appropriation for this purpose, the  
17 department of natural resources shall expand the floodplain  
18 protection education to better inform local officials that  
19 make decisions with regard to floodplain management.

20 10. The state department of transportation and the  
21 department of natural resources shall collaborate to provide  
22 for the preservation of topsoil, erosion control, water  
23 impoundment during highway construction and reconstruction,  
24 and restoration and management of roadside right-of-way for  
25 prairie restoration, wildlife habitat, and erosion control.

26 11. Conditioned upon an appropriation for this purpose,  
27 the department of natural resources shall continue the  
28 establishment of an effective and efficient method of  
29 developing a total maximum daily load program, based on  
30 information gathered on other states' programs and  
31 investigation into alternative methods for satisfying the  
32 requirements.

33 Sec. 8. Section 455B.171, Code 1999, is amended by adding  
34 the following new subsections:

35 NEW SUBSECTION. 10A. "Credible data" means scientifically



1 valid chemical, physical, or biological monitoring data  
2 collected under a scientifically accepted sampling and  
3 analysis plan, including quality control and quality assurance  
4 procedures. Credible data shall be dated within five years  
5 before the department's date of listing or other determination  
6 under section 455B.194, subsection 1.

7 NEW SUBSECTION. 14A. "Historical data" means data  
8 collected more than five years before the department's date of  
9 listing or other determination under section 455B.194,  
10 subsection 1.

11 NEW SUBSECTION. 19A. "Naturally occurring condition"  
12 means any condition affecting water quality which is not  
13 caused by human influence on the environment including, but  
14 not limited to, soils, geology, hydrology, climate, wildlife  
15 influence on the environment, and water flow with specific  
16 consideration given to seasonal and other natural variations.

17 NEW SUBSECTION. 31A. "Section 303(d) list" means any list  
18 required under 33 U.S.C. § 1313(d).

19 NEW SUBSECTION. 31B. "Section 305(b) list" means any  
20 report or list required under 33 U.S.C. § 1315(b).

21 NEW SUBSECTION. 39A. "Total maximum daily load" means the  
22 same as in the federal Water Pollution Control Act.

23 Sec. 9. NEW SECTION. 455B.193 QUALIFICATIONS FOR  
24 COLLECTION OF CREDIBLE DATA.

25 For purposes of this part, all of the following shall  
26 apply:

27 1. Data is not credible data unless the data originates  
28 from studies and samples collected by the department, a  
29 professional designee of the department, or a qualified  
30 volunteer. For purposes of this subsection, "professional  
31 designee" includes governmental agencies other than the  
32 department, and a person hired by, or under contract for  
33 compensation with, the department to collect or study data.

34 2. All information submitted by a qualified volunteer  
35 shall be reviewed and approved or disapproved by the

1 department. The qualified volunteer shall submit a plan with  
2 data which includes information used to obtain the data, the  
3 sampling and analysis plan, and quality control and quality  
4 assurance procedures used in the monitoring process. The  
5 qualified volunteer must provide proof to the department that  
6 the water monitoring plan was followed. The department shall  
7 review all data collected by a qualified volunteer, verify the  
8 accuracy of the data collected by a qualified volunteer, and  
9 determine that all components of the water monitoring plan  
10 were followed.

11 3. The department shall adopt rules establishing  
12 requirements for a person to become a qualified volunteer.

13 The department of natural resources shall develop a  
14 methodology for water quality assessments as used in the  
15 section 303(d) listings and assess the validity of the data.

16 Sec. 10. NEW SECTION. 455B.194 CREDIBLE DATA REQUIRED.

17 1. The department shall use credible data to a reasonable  
18 certainty when doing any of the following:

19 a. Developing and reviewing any water quality standard.

20 b. Developing any statewide water quality inventory or  
21 other water assessment report except that credible data shall  
22 not be required for any section 305(b) list.

23 c. Determining whether any water of the state is impaired.

24 d. Determining whether any water of the state is to be  
25 placed on any section 303(d) list.

26 e. Determining whether any water of the state shall be  
27 removed from any section 303(d) list.

28 f. Determining whether any water of the state is  
29 supporting its designated use or other classification.

30 g. Determining any degradation of a water of the state  
31 under 40 C.F.R. § 131.12.

32 h. Establishing a total maximum daily load for any water  
33 of the state.

34 2. Notwithstanding subsection 1, credible data shall not  
35 be required for any section 305(b) report and credible data

1 shall not be required for the establishment of a designated  
2 use or other classification of a water of the state.

3 3. The use of credible data shall be consistent with the  
4 requirements of the federal Water Pollution Control Act, 33  
5 U.S.C. § 1251 et seq.

6 4. The department shall retain all information submitted  
7 by a qualified volunteer including the identity of the  
8 qualified volunteer submitting the information, for a period  
9 of not less than ten years from the date of receipt by the  
10 department. All information submitted shall be a public  
11 record.

12 Sec. 11. NEW SECTION. 455B.195 USE OR ANALYSIS OF  
13 CREDIBLE DATA.

14 1. For any use or analysis of credible data described in  
15 section 455B.194, subsection 1, all of the following shall  
16 apply:

17 a. The data quality for removal of water of the state from  
18 any list of impaired waters including any section 303(d) list  
19 shall be the same as the data quality for adding a water to  
20 that list. Notwithstanding section 455B.194, subsection 1,  
21 for a water of the state placed on any section 303(d) list,  
22 credible data on the water of the state must be obtained in  
23 order for the water of the state to remain on the list for the  
24 next listing cycle.

25 b. A water of the state shall not be placed on any section  
26 303(d) list if pollutant loads from a naturally occurring  
27 condition alone is sufficient to cause an applicable surface  
28 water quality standard to be exceeded.

29 c. A water of the state shall not be placed on any section  
30 303(d) list if the impairment is caused solely by violations  
31 of national pollutant discharge elimination system program  
32 permits and the enforcement of the pollution control measures  
33 is required.

34 d. A water of the state shall not be placed on any section  
35 303(d) list if the data shows an impairment, but technology-

1 based effluent limits or other required pollution control  
2 measures are adequate to achieve applicable water quality  
3 standards.

4 e. If a pollutant causing an impairment is unknown, the  
5 water of the state may be placed on a section 303(d) list.  
6 However, the department shall continue to monitor the water of  
7 the state to determine the cause of impairment before a total  
8 maximum daily load is established for the water of the state  
9 and a water of the state listed with an unknown status shall  
10 retain a low priority for a total maximum daily load  
11 development until the cause of the impairment is determined.

12 f. When evaluating the waters of the state, the department  
13 shall develop and maintain three separate listings including a  
14 section 303(b) list, a section 305(d) list, and a listing for  
15 which further monitoring is necessary. The section 305(b)  
16 list shall be a cumulative listing of all potential  
17 impairments for which credible data is not required. If  
18 credible data is not required for a section 305(b) list, the  
19 placement of a water of the state on any section 305(b) list  
20 alone is not sufficient evidence for the water of the state's  
21 placement on any section 303(d) list. A listing for which  
22 further monitoring is necessary shall include waters of the  
23 state where some data suggests an impairment, but which  
24 requires further investigation to meet the definition of  
25 credible data.

26 g. A water of the state shall not be placed on any section  
27 303(d) list unless data quality objectives, as specified in  
28 the appropriate quality assurance plan, are met. Data quality  
29 objectives mean the qualitative and quantitative statements  
30 derived from the data quality objective process that clarify a  
31 study's technical and quality objectives, define the  
32 appropriate type of data, and specify tolerable levels of  
33 potential decision errors that will be used as the basis for  
34 establishing the quality and quantity of data needed to  
35 support decisions.

1 h. The department shall take into consideration any  
2 naturally occurring condition when establishing or allocating  
3 responsibility for a total maximum daily load.

4 i. Numerical standards shall have a preference over  
5 narrative standards. If the department has adopted a rule  
6 establishing a numerical criterion for a particular pollutant,  
7 a narrative criterion shall not be the basis for determining  
8 an impairment in connection with that pollutant unless the  
9 department identifies specific factors as to why the numerical  
10 criterion is not adequate to protect water quality.

11 j. If the department has obtained credible data for a  
12 water of the state, the department may also use historical  
13 data for that particular water of the state for the purpose of  
14 determining whether any trends exist for that water of the  
15 state.

16 2. This section shall not be construed to require or  
17 authorize the department to perform any act listed in section  
18 455B.194, subsection 1, not otherwise required or authorized  
19 by applicable law.

20 Sec. 12. LEGISLATIVE STUDY. The legislative council is  
21 requested to establish an interim study relating to the use of  
22 plant nutrients on Iowa soil. The committee is directed to  
23 submit its findings, with any recommendations, in a report to  
24 the general assembly not later than January 15, 2001.

25 Sec. 13. APPLICABILITY OF SECTION 303(d) LISTS. This Act  
26 takes effect July 1, 2000. However, any requirements under  
27 this Act which apply to a section 303(d) list shall not apply  
28 for the section 303(d) list for the year 2000, but any  
29 requirements shall take effect for all section 303(d) lists  
30 created after the year 2000 list.

31  
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33  
34  
35

## SENATE FILE 2371

H-8416

- 1 Amend Senate File 2371, as amended, passed and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 23, by inserting after the word  
4 "governor" the following: "and the general assembly".  
5 2. Page 1, line 26, by inserting after the word  
6 "resources" the following: "and the department of  
7 agriculture and land stewardship".  
8 3. Page 2, line 8, by striking the word "pilot".  
9 4. Page 2, line 10, by striking the word "pilot".  
10 5. Page 2, by striking lines 12 through 14 and  
11 inserting the following: "who maintain quality  
12 conservation practices."  
13 6. Page 2, by striking lines 29 through 32.  
14 7. Page 2, line 33, by striking the word  
15 "ENHANCED" and inserting the following:  
16 "ENHANCEMENT".  
17 8. Page 2, line 35, by striking the word  
18 "enhanced" and inserting the following:  
19 "enhancement".  
20 9. Page 3, line 11, by striking the word  
21 "enhanced" and inserting the following:  
22 "enhancement".  
23 10. Page 3, line 16, by striking the word  
24 "enhanced" and inserting the following:  
25 "enhancement".  
26 11. Page 3, line 22, by striking the word  
27 "enhanced" and inserting the following:  
28 "enhancement".  
29 12. Page 3, line 25, by striking the word  
30 "enhanced" and inserting the following:  
31 "enhancement".  
32 13. Page 4, by striking lines 7 through 9.  
33 14. Page 4, by striking line 17 and inserting the  
34 following:  
35 "1. The".  
36 15. Page 4, by striking line 23 and inserting the  
37 following:  
38 "2. The".  
39 16. Page 4, line 28, by inserting after the word  
40 "benefits." the following: "A demonstration program  
41 under this subsection may complement, but shall not  
42 duplicate, projects conducted by Iowa state university  
43 extension service."  
44 17. Page 5, by striking lines 5 and 6 and  
45 inserting the following:  
46 "3. The department of agriculture and land".  
47 18. Page 5, by striking lines 10 and 11 and  
48 inserting the following:  
49 "4. The department of natural resources".  
50 19. Page 5, by striking line 27 and inserting the

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Page 2

1 following:  
2 "5. The".  
3 20. Page 5, by striking line 34 and inserting the  
4 following:  
5 "6. The".  
6 21. Page 6, by striking line 7 and inserting the  
7 following:  
8 "7. The".  
9 22. Page 6, line 10, by striking the words "  
10 eco-region based biological standards,".  
11 23. Page 6, by striking line 12 and inserting the  
12 following:  
13 "8. The".  
14 24. Page 6, by striking line 16 and inserting the  
15 following:  
16 "9. The".  
17 25. Page 6, by striking lines 26 and 27 and  
18 inserting the following:  
19 "11. The department of natural resources shall  
20 continue the".  
21 26. Page 6, by inserting after line 32 the  
22 following:  
23 "\_\_\_\_\_. This section shall not apply to sites or  
24 locations where a stormwater permit has been issued  
25 pursuant to section 455B.103A."  
26 27. Page 8, by inserting after line 10 the  
27 following:  
28 "\_\_\_\_\_. The department shall retain all information  
29 submitted by a qualified volunteer submitting the  
30 information for a period of not less than ten years  
31 from the date of receipt by the department. All  
32 information submitted shall be a public record."  
33 28. Page 8, by striking lines 21 and 22 and  
34 inserting the following: "other water assessment  
35 report."  
36 29. Page 8, by striking line 23.  
37 30. Page 8, line 25, by inserting after the word  
38 "on" the following: "or removed from".  
39 31. Page 8, by striking lines 26 and 27.  
40 32. Page 9, by striking lines 3 through 5 and  
41 inserting the following:  
42 "3. This section shall not be construed to require  
43 credible data as defined in section 455B.171,  
44 subsection 10A, in order for the department to bring  
45 an enforcement action for an illegal discharge."  
46 33. Page 9, by striking lines 6 through 11.  
47 34. Page 9, by inserting after line 16 the  
48 following:  
49 "\_\_\_\_\_. The use of credible data shall be consistent  
50 with the requirements of the federal Water Pollution

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Page 3

- 1 Control Act, 33 U.S.C. § 1251 et seq."  
2 35. Page 9, by striking lines 20 through 24 and  
3 inserting the following: "that list."  
4 36. Page 9, by striking lines 25 through 28.  
5 37. Page 9, line 35, by inserting after the word  
6 "but" the following: "existing".  
7 38. Page 10, by striking line 14 and inserting  
8 the following: "section 303(d) list, a section 305(b)  
9 report, and a listing for".  
10 39. Page 10, line 16, by striking the word "list"  
11 and inserting the following: "report".  
12 40. Page 10, line 16, by striking the words  
13 "cumulative listing" and inserting the following:  
14 "summary".  
15 41. Page 10, line 18, by striking the word "list"  
16 and inserting the following: "report".  
17 42. Page 10, line 19, by striking the word "list"  
18 and inserting the following: "report".  
19 43. Page 10, by striking lines 26 through 35.  
20 44. Page 11, line 2, by inserting after the word  
21 "when" the following: "placing or removing any water  
22 of the state on any section 303(d) list, and".  
23 45. Page 11, by striking lines 5 through 10 and  
24 inserting the following: "narrative standards. A  
25 narrative standard shall not constitute the basis for  
26 determining an impairment unless the department  
27 identifies specific factors as to why a numeric  
28 standard is not sufficient to assure adequate water  
29 quality."  
30 46. By renumbering, relettering, or redesignating  
31 and correcting internal references as necessary.

By COMMITTEE ON ENVIRONMENTAL PROTECTION  
HAHN of Muscatine, Chairperson

H-8416 FILED MARCH 20, 2000

*adopted*  
*3/23/00*

*(p.964)*



## SENATE FILE 2371

H-8478

1 Amend Senate File 2371, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting after line 27 the  
4 following:

5 "Sec. \_\_\_\_ . NEW SECTION. 466.2B ADOPT-A-STREAM  
6 PROGRAM.

7 1. The department of natural resources shall  
8 establish and administer an adopt-a-stream program for  
9 purposes of organizing concerned citizens dedicated to  
10 the stewardship of the rivers and streams in the state  
11 and certifying sponsors under the program.

12 2. A person may submit an application to the  
13 department of natural resources for purposes of  
14 sponsoring a specific portion of a river or stream in  
15 order to conduct conservation programs, projects, or  
16 activities involving the river or stream. The  
17 application shall include, at a minimum, the location  
18 of the sponsored portion of a river or stream, a  
19 contact person for the sponsor, and the types of  
20 programs, projects, or activities that the sponsor  
21 proposes to pursue. A sponsor shall receive and file  
22 with the application written consent to conduct  
23 programs, projects, or activities from property owners  
24 located adjacent to the sponsored river or stream.  
25 The consent shall include all information required by  
26 the department of natural resources.

27 3. Upon approval of the application by the  
28 department of natural resources, the sponsor shall  
29 sign a sponsorship agreement with the department. The  
30 agreement shall designate the terms necessary for  
31 receiving a completion certificate recognizing the  
32 completion of the programs, projects, or activities  
33 conducted by the sponsor. The department of natural  
34 resources shall provide the sponsor with a completion  
35 certificate when the department determines that the  
36 terms of the sponsorship agreement have been met.

37 4. Programs, projects, or activities conducted by  
38 a sponsor in the program shall include, but not be  
39 limited to, river and stream cleanup, riverbank and  
40 streambank stabilization, river and stream habitat  
41 improvement, tree and grass planting, water quality  
42 monitoring, river and stream access improvement, trail  
43 development, and educational programs.

44 5. All rivers and streams in the state are  
45 eligible to be sponsored under the program.

46 6. The department of natural resources may  
47 terminate a sponsorship if the department determines  
48 that a sponsor is not attempting to fulfill the terms  
49 and conditions of the sponsorship agreement."

By WEIGEL of Chickasaw  
FALLON of Polk

H-8478 FILED MARCH 22, 2000

*W/D*  
*3/23/00*  
*(P.964)*

## SENATE FILE 2371

H-8507

1 Amend Senate File 2371, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 6, by inserting after line 32 the  
4 following:

5 "\_\_\_\_. Any work project or improvement with an  
6 estimated cost of twenty-five thousand dollars or more  
7 shall be undertaken as a public contract as provided  
8 in section 18.6, subsection 9. Notwithstanding any  
9 contrary section of the Code, the contract letting  
10 authority shall designate a contracting officer and  
11 shall establish procedures to manage the contract,  
12 approve bills for payment, and review proposed charge  
13 orders or amendments to the contract."

14 2. By renumbering as necessary.

By SUKUP of Franklin

HUSER of Polk

BRADLEY of Clinton

RICHARDSON of Warren

H-8507 FILED MARCH 22, 2000

*. adopted  
3/23/00  
(p. 964)*

## SENATE FILE 2371

H-8522

1 Amend Senate File 2371, as amended, passed, and  
2 reprinted by the Senate, as follows:

3 1. Page 7, by inserting after line 16 the  
4 following:

5 "NEW SUBSECTION. 20A. "Other volunteer" means a  
6 person who is not the department, a professional  
7 designee of the department, or a qualified volunteer."

8 2. Page 7, by inserting after line 16 the  
9 following:

10 "NEW SUBSECTION. 28A. "Qualified volunteer" means  
11 a person, other than the department or a professional  
12 designee of the department, who has appropriate  
13 technical expertise and collects water quality-related  
14 data or information pursuant to a water monitoring  
15 plan approved in advance by the department and uses  
16 certified laboratories in accordance with section  
17 455B.113."

18 3. Page 7, by inserting after line 22 the  
19 following:

20 "NEW SUBSECTION. 41A. "Unrefined data" means  
21 water quality-related data or information collected by  
22 any other volunteer."

23 4. Page 7, by striking lines 28 through 30 and  
24 inserting the following: "from studies and samples  
25 collected as follows:

26 a. By the department, a professional designee of  
27 the department, or a qualified volunteer.

28 b. Pursuant to a national pollutant discharge  
29 elimination system (NPDES) permit.

30 For the purposes of this subsection,  
31 "professional".

32 5. Page 8, line 1, by inserting before the word  
33 "plan" the following: "water monitoring".

34 6. By striking page 8, line 34 through page 9,  
35 line 2 and inserting the following:

36 "2. The department may use unrefined data as the  
37 basis for taking an action pursuant to this section  
38 only when all of the following conditions are met:

39 a. The department has reviewed the unrefined data  
40 and confirmed its accuracy and appropriateness.

41 b. The department has given ninety days' public  
42 notice of its intention to act based on the unrefined  
43 data."

44 7. Page 9, line 6, by inserting after the word  
45 "information" the following: "related to water  
46 quality".

By HUSER of Polk  
RICHARDSON of Warren

H-8522 FILED MARCH 22, 2000

*W/L*  
*3/23/00*  
*(p. 964)*

HOUSE AMENDMENT TO  
SENATE FILE 2371

S-5239

- 1 Amend Senate File 2371, as amended, passed and  
2 reprinted by the Senate, as follows:
- 3 1. Page 1, line 23, by inserting after the word  
4 "governor" the following: "and the general assembly".  
5 2. Page 1, line 26, by inserting after the word  
6 "resources" the following: "and the department of  
7 agriculture and land stewardship".  
8 3. Page 2, line 8, by striking the word "pilot".  
9 4. Page 2, line 10, by striking the word "pilot".  
10 5. Page 2, by striking lines 12 through 14 and  
11 inserting the following: "who maintain quality  
12 conservation practices."  
13 6. Page 2, by striking lines 29 through 32.  
14 7. Page 2, line 33, by striking the word  
15 "ENHANCED" and inserting the following:  
16 "ENHANCEMENT".  
17 8. Page 2, line 35, by striking the word  
18 "enhanced" and inserting the following:  
19 "enhancement".  
20 9. Page 3, line 11, by striking the word  
21 "enhanced" and inserting the following:  
22 "enhancement".  
23 10. Page 3, line 16, by striking the word  
24 "enhanced" and inserting the following:  
25 "enhancement".  
26 11. Page 3, line 22, by striking the word  
27 "enhanced" and inserting the following:  
28 "enhancement".  
29 12. Page 3, line 25, by striking the word  
30 "enhanced" and inserting the following:  
31 "enhancement".  
32 13. Page 4, by striking lines 7 through 9.  
33 14. Page 4, by striking line 17 and inserting the  
34 following:  
35 "1. The".  
36 15. Page 4, by striking line 23 and inserting the  
37 following:  
38 "2. The".  
39 16. Page 4, line 28, by inserting after the word  
40 "benefits." the following: "A demonstration program  
41 under this subsection may complement, but shall not  
42 duplicate, projects conducted by Iowa state university  
43 extension service."  
44 17. Page 5, by striking lines 5 and 6 and  
45 inserting the following:  
46 "3. The department of agriculture and land".  
47 18. Page 5, by striking lines 10 and 11 and  
48 inserting the following:  
49 "4. The department of natural resources".  
50 19. Page 5, by striking line 27 and inserting the

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Page 2

1 following:  
2 "5. The".  
3 20. Page 5, by striking line 34 and inserting the  
4 following:  
5 "6. The".  
6 21. Page 6, by striking line 7 and inserting the  
7 following:  
8 "7. The".  
9 22. Page 6, line 10, by striking the words "  
10 eco-region based biological standards,".  
11 23. Page 6, by striking line 12 and inserting the  
12 following:  
13 "8. The".  
14 24. Page 6, by striking line 16 and inserting the  
15 following:  
16 "9. The".  
17 25. Page 6, by striking lines 26 and 27 and  
18 inserting the following:  
19 "11. The department of natural resources shall  
20 continue the".  
21 26. Page 6, by inserting after line 32 the  
22 following:  
23 "\_\_\_\_. This section shall not apply to sites or  
24 locations where a stormwater permit has been issued  
25 pursuant to section 455B.103A."  
26 27. Page 6, by inserting after line 32 the  
27 following:  
28 "\_\_\_\_. Any work project or improvement with an  
29 estimated cost of twenty-five thousand dollars or more  
30 shall be undertaken as a public contract as provided  
31 in section 18.6, subsection 9. Notwithstanding any  
32 contrary section of the Code, the contract letting  
33 authority shall designate a contracting officer and  
34 shall establish procedures to manage the contract,  
35 approve bills for payment, and review proposed charge  
36 orders or amendments to the contract."  
37 28. Page 8, by inserting after line 10 the  
38 following:  
39 "\_\_\_\_. The department shall retain all information  
40 submitted by a qualified volunteer submitting the  
41 information for a period of not less than ten years  
42 from the date of receipt by the department. All  
43 information submitted shall be a public record."  
44 29. Page 8, by striking lines 21 and 22 and  
45 inserting the following: "other water assessment  
46 report."  
47 30. Page 8, by striking line 23.  
48 31. Page 8, line 25, by inserting after the word  
49 "on" the following: "or removed from".  
50 32. Page 8, by striking lines 26 and 27.

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Page 3

- 1 33. Page 9, by striking lines 3 through 5 and  
2 inserting the following:  
3 "3. This section shall not be construed to require  
4 credible data as defined in section 455B.171,  
5 subsection 10A, in order for the department to bring  
6 an enforcement action for an illegal discharge."  
7 34. Page 9, by striking lines 6 through 11.  
8 35. Page 9, by inserting after line 16 the  
9 following:  
10 "\_\_\_\_\_. The use of credible data shall be consistent  
11 with the requirements of the federal Water Pollution  
12 Control Act, 33 U.S.C. § 1251 et seq."  
13 36. Page 9, by striking lines 20 through 24 and  
14 inserting the following: "that list."  
15 37. Page 9, by striking lines 25 through 28.  
16 38. Page 9, line 35, by inserting after the word  
17 "but" the following: "existing".  
18 39. Page 10, by striking line 14 and inserting  
19 the following: "section 303(d) list, a section 305(b)  
20 report, and a listing for".  
21 40. Page 10, line 16, by striking the word "list"  
22 and inserting the following: "report".  
23 41. Page 10, line 16, by striking the words  
24 "cumulative listing" and inserting the following:  
25 "summary".  
26 42. Page 10, line 18, by striking the word "list"  
27 and inserting the following: "report".  
28 43. Page 10, line 19, by striking the word "list"  
29 and inserting the following: "report".  
30 44. Page 10, by striking lines 26 through 35.  
31 45. Page 11, line 2, by inserting after the word  
32 "when" the following: "placing or removing any water  
33 of the state on any section 303(d) list, and".  
34 46. Page 11, by striking lines 5 through 10 and  
35 inserting the following: "narrative standards. A  
36 narrative standard shall not constitute the basis for  
37 determining an impairment unless the department  
38 identifies specific factors as to why a numeric  
39 standard is not sufficient to assure adequate water  
40 quality."  
41 47. By renumbering, relettering, or redesignating  
42 and correcting internal references as necessary.

RECEIVED FROM THE HOUSE

S-5239 FILED MARCH 23, 2000

*Senate Concurred*  
4/4/00  
p. 987

## SENATE FILE 2371

S-5331

1 Amend the House amendment, S-5239, to Senate File  
2 2371, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 2 the  
5 following:

6 "\_\_\_\_\_. Page 1, line 21, by inserting before the  
7 word "water" the following: "improved".

8 \_\_\_\_\_. Page 1, line 21, by inserting after the word  
9 "quality." the following: "The state department of  
10 transportation and the department of natural resources  
11 shall collaborate to provide for the preservation of  
12 topsoil, erosion control, water impoundment during  
13 highway construction and reconstruction, and  
14 restoration and management of roadside right-of-way  
15 for prairie restoration, wildlife habitat, and erosion  
16 control.""

17 2. Page 1, by striking lines 10 through 12 and  
18 inserting the following:

19 "\_\_\_\_\_. Page 2, line 14, by striking the word  
20 "pilot"."

21 3. Page 1, by striking line 13.

22 4. Page 1, by inserting after line 31 the  
23 following:

24 "\_\_\_\_\_. Page 3, line 25, by striking the word "is"  
25 and inserting the following: "are".

26 \_\_\_\_\_. Page 4, line 2, by striking the word  
27 "practical" and inserting the following:  
28 "practicable"."

29 5. Page 1, by striking line 32.

30 6. Page 1, by inserting after line 43 the  
31 following:

32 "\_\_\_\_\_. Page 4, line 30, by striking the word  
33 "genre" and inserting the following: "genres"."

34 7. Page 2, by inserting after line 16 the  
35 following:

36 "\_\_\_\_\_. Page 6, line 17, by striking the word  
37 "the".

38 \_\_\_\_\_. Page 6, by striking lines 20 through 25."

39 8. Page 2, by striking lines 21 through 25.

40 9. Page 2, by striking lines 28 through 36 and  
41 inserting the following:

42 "Sec. \_\_\_\_\_. Section 161C.2, subsection 1, Code  
43 1999, is amended to read as follows:

44 1. a. Each soil and water conservation district,  
45 alone and whenever practical in conjunction with other  
46 districts, shall carry out district-wide and multiple-  
47 district projects to support water protection  
48 practices in the district or districts, including  
49 projects to protect this state's groundwater and  
50 surface water from point and nonpoint sources of

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1 contamination, including but not limited to  
2 contamination by agricultural drainage wells,  
3 sinkholes, sedimentation, or chemical pollutants.

4 b. Any work project with an estimated cost of  
5 twenty-five thousand dollars or more shall be  
6 undertaken as a public contract as provided in  
7 chapters 73A and 573. The local contracting  
8 organization shall designate a contracting officer and  
9 shall establish procedures to manage the contract,  
10 approve bills for payment, and review proposed change  
11 orders or amendments to the contract."

12 10. Page 2, by inserting before line 37 the  
13 following:

14 "\_\_\_\_. Page 7, by striking lines 4 through 6 and  
15 inserting the following: "procedures. Data dated  
16 more than five years before the department's date of  
17 listing or other determination under section 455B.194,  
18 subsection 1, shall be presumed not to be credible  
19 data unless the department identifies compelling  
20 reasons as to why the data is credible."

21 \_\_\_\_\_. Page 8, line 1, by inserting before the word  
22 "plan" the following: "site specific".

23 11. Page 2, by inserting after line 43 the  
24 following:

25 "\_\_\_\_. Page 8, lines 17 and 18, by striking the  
26 words "to a reasonable certainty".

27 12. Page 3, by inserting after line 15 the  
28 following:

29 "\_\_\_\_. Page 9, line 32, by inserting after the  
30 word "permits" the following: "or stormwater permits  
31 issued pursuant to section 455B.103A".

32 13. Page 3, by inserting after line 17 the  
33 following:

34 "\_\_\_\_. Page 10, line 11, by inserting after the  
35 word "determined" the following: "unless the  
36 department, after taking into consideration the use of  
37 the water of the state and the severity of the  
38 pollutant, identifies compelling reasons as to why the  
39 water of the state should not have a low priority".

40 14. Page 3, by inserting after line 20 the  
41 following:

42 "\_\_\_\_. Page 10, line 15, by inserting after the  
43 word "further" the following: "investigative".

44 15. Page 3, by inserting after line 29 the  
45 following:

46 "\_\_\_\_. Page 10, by striking lines 21 through 25  
47 and inserting the following: "placement on any  
48 section 303(d) list. When developing a section 303(d)  
49 list, the department is not required to use all data,  
50 but the department shall assemble and evaluate all

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1 existing and readily available water quality-related  
2 data and information. The department shall provide  
3 documentation to the regional administrator of the  
4 federal environmental protection agency to support the  
5 state's determination to list or not to list its  
6 waters.""  
7 16. By renumbering, relettering, or redesignating  
8 and correcting internal references as necessary.

By MERLIN E. BARTZ

S-5331 FILED APRIL 3, 2000

*Adopted*  
*4/4/00*  
*(p. 987)*

## SENATE AMENDMENT TO HOUSE AMENDMENT TO S. F. 2371

H-8727

1 Amend the House amendment, S-5239, to Senate File  
2 2371, as amended, passed, and reprinted by the Senate,  
3 as follows:

4 1. Page 1, by inserting after line 2 the  
5 following:

6 "\_\_\_\_\_. Page 1, line 21, by inserting before the  
7 word "water" the following: "improved".

8 \_\_\_\_\_. Page 1, line 21, by inserting after the word  
9 "quality." the following: "The state department of  
10 transportation and the department of natural resources  
11 shall collaborate to provide for the preservation of  
12 topsoil, erosion control, water impoundment during  
13 highway construction and reconstruction, and  
14 restoration and management of roadside right-of-way  
15 for prairie restoration, wildlife habitat, and erosion  
16 control.""

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20 "pilot"."

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41 inserting the following:

42 "Sec. \_\_\_\_\_. Section 161C.2, subsection 1, Code  
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45 alone and whenever practical in conjunction with other  
46 districts, shall carry out district-wide and multiple-  
47 district projects to support water protection  
48 practices in the district or districts, including  
49 projects to protect this state's groundwater and  
50 surface water from point and nonpoint sources of

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1 contamination, including but not limited to  
2 contamination by agricultural drainage wells,  
3 sinkholes, sedimentation, or chemical pollutants.  
4 b. Any work project with an estimated cost of  
5 twenty-five thousand dollars or more shall be  
6 undertaken as a public contract as provided in  
7 chapters 73A and 573. The local contracting  
8 organization shall designate a contracting officer and  
9 shall establish procedures to manage the contract,  
10 approve bills for payment, and review proposed change  
11 orders or amendments to the contract."

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15 inserting the following: "procedures. Data dated  
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17 listing or other determination under section 455B.194,  
18 subsection 1, shall be presumed not to be credible  
19 data unless the department identifies compelling  
20 reasons as to why the data is credible."

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25 "\_\_\_\_. Page 8, lines 17 and 18, by striking the  
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30 word "permits" the following: "or stormwater permits  
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47 and inserting the following: "placement on any  
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1 existing and readily available water quality-related  
2 data and information. The department shall provide  
3 documentation to the regional administrator of the  
4 federal environmental protection agency to support the  
5 state's determination to list or not to list its  
6 waters.""

7 16. By renumbering, relettering, or redesignating  
8 and correcting internal references as necessary.

RECEIVED FROM THE SENATE

H-8727 FILED APRIL 4, 2000

*House Concurred**4-6-00  
(p. 1289)*

**SENATE FILE 2371  
FISCAL NOTE**

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A fiscal note for **Senate File 2371** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

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**SUMMARY**

Senate File 2371 is the establishment of the Initiative on Improving Our Watershed Attributes. The Initiative implements a number of programs in the Department of Agriculture and Land Stewardship and the Department of Natural Resources with the objective of improving and protecting Iowa's water resources.

**ASSUMPTIONS**

The following programs will be included in the Initiative:

1. A Conservation Buffer Strip Program will be implemented by the Department of Agriculture and Land Stewardship with cooperation from the Department of Natural Resources. This Program encourages landowners to enroll in the United States Department of Agriculture (USDA) Natural Resources Conservation Reserve Program and establishes a prairie seed and harvest program. The estimated cost is \$1.7 million from the Rebuild Iowa Infrastructure Fund (RIIF), \$1.9 million from the Fish and Game Protection Fund, and \$60.3 million in federal funds from the USDA.
2. A Conservation Reserve Enhanced Program (CREP) that provides incentives for wetlands development. The Department of Agriculture and Land Stewardship will request waivers from the USDA to maintain conservation efforts currently in place. The estimated cost is \$600,000 from the RIIF and \$2.4 million in federal funds from the USDA.
3. The expansion of the Water Quality Monitoring network. This will provide reliable information on the quality of Iowa's waters. The estimated cost is \$1.4 million from the RIIF, \$500,000 from federal funds from the Environmental Protection Agency (EPA) and \$600,000 from other funds.
4. The expansion of the Iowa Watershed Protection Program in conjunction with the federal Environmental Protection Agency. There was an appropriation of \$1.3 million in FY 2000 for this Program from the RIIF. Additional funds will provide resource protection for flood control, water quality, erosion control and, and natural resource conservation. The estimated cost is \$1.4 million from the RIIF and \$3.3 million in federal funds from the EPA and private matching funds.
5. The implementation of the Nutrient Management Program that demonstrates crop and livestock management techniques. The program will be in coordination with community colleges and Iowa State University. The estimated cost is \$700,000 from the RIIF and it is estimated to save

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producers approximately \$8.0 million from the reduction of nitrogen used in fertilizer.

6. Writing demonstration grants is estimated to cost \$50,000 from the RIIF which will generate \$500,000 in USDA federal grant moneys from the Sustainable Agriculture Research and Education Program.
7. Establishment of financial assistance for permanent soil and water conservation practices is estimated to cost \$2.0 million from the RIIF and \$2.0 million from landowner matching funds.
8. Establishment of a Septic Tank Program that will provide low-cost loans to homeowners for wastewater system improvements located outside of a city limit is estimated to cost \$600,000 from the RIIF and \$2.4 million in federal funds from the EPA.
9. The increased collection of watershed data for Geographic Information Systems (GIS) is estimated to cost \$130,000 from the RIIF.
10. Enhancement of water quality planning, standards, and assessment is estimated to cost \$300,000 from the RIIF.
11. Enhancement of floodplain protection by providing educational programs and information to local officials is estimated to cost \$250,000 from the RIIF.
12. Implementation of Total Maximum Daily Load (TMDL) measurements as required by the EPA is estimated to cost \$140,000 from the RIIF.
13. Expansion of the volunteer water quality monitoring program is estimated to cost \$70,000 from the RIIF and save approximately \$700,000 from volunteer workers.
14. Writing grants in the Department of Agriculture and Land Stewardship is estimated to cost \$50,000 from the RIIF which will generate \$500,000 in federal funds from the North America Wetlands Conservation Act.
15. The Wetlands Conservation Projects is estimated to cost \$150,000 from the RIIF, \$300,000 from the North America Wetlands Conservation Act, and \$150,000 from other funds.

#### FISCAL IMPACT

The estimated fiscal impact of SF 2371 is an increase in expenditures of \$9.5 million from the RIIF and an increase of \$1.9 million from the Fish and Game Protection Fund for FY 2001. Matching funds from federal programs and other sources are estimated at \$81.7 million.

#### SOURCE

Department of Agriculture and Land Stewardship  
Department of Natural Resources

(LSB 6613SV, DFK)

FILED MARCH 6, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR

SENATE FILE 2371

AN ACT

RELATING TO THE ESTABLISHMENT OF A WATER QUALITY INITIATIVE PROGRAM BY THE DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP AND THE DEPARTMENT OF NATURAL RESOURCES, DEFINING AND PROVIDING FOR THE USE OF CREDIBLE DATA FOR QUALITY CONTROL AND ASSURANCE PROCEDURES, AND PROVIDING FOR OTHER PROPERLY RELATED MATTERS, AND PROVIDING AN APPLICABILITY DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 466.1 SHORT TITLE.

This chapter shall be known and may be cited as "Initiative on Improving Our Watershed Attributes (I on IOWA)".

Sec. 2. NEW SECTION. 466.2 LEGISLATIVE GOAL.

The goal of this chapter is to develop a comprehensive water quality program that will result in water quality improvements while reducing proposed regulatory impacts. The program shall use information, education, monitoring, technical assistance, data gathering and evaluation, incentives, and more efficient issuance of permits. The program is expected to have a menu of initiatives and approaches to appeal to a broad audience of participants and shall be coordinated so that individual initiatives work toward the objective of improved water quality. The departments of agriculture and land stewardship and natural resources shall work cooperatively with federal agencies to obtain waivers and changes in rules and procedures at national and state levels to improve the federal programs' environmental and economic performance for Iowans. State

agencies shall collaborate with other state agencies to attain the overall goal of improved water quality. The state department of transportation and the department of natural resources shall collaborate to provide for the preservation of topsoil, erosion control, water impoundment during highway construction and reconstruction, and restoration and management of roadside right-of-way for prairie restoration, wildlife habitat, and erosion control.

Sec. 3. NEW SECTION. 466.2A IOWA CLEAN WATER AWARD.

An Iowa clean water award is created. The governor and the general assembly shall give the award annually to a city or other political subdivision which has met criteria established by the department of natural resources and the department of agriculture and land stewardship identifying exemplary efforts to improve water quality within its jurisdiction.

Sec. 4. NEW SECTION. 466.3 CONSERVATION BUFFER STRIP PROGRAM.

1. As used in this section, "conservation buffer strip" means a riparian buffer, filter strip, waterway, contour buffer strip, shallow water area for wildlife, field border, or any vegetative barrier on private land that meets the criteria established by the United States department of agriculture, natural resources conservation service.

2. a. The department of agriculture and land stewardship, in consultation with the department of natural resources, shall establish a program to accelerate the United States department of agriculture's program to install conservation buffer strips in this state.

b. The department of agriculture and land stewardship shall request waivers from the United States department of agriculture to initiate projects that reward landowners maintaining current conservation practices. The goal of the projects is to discourage the destruction of existing conservation buffer strips and to monetarily reward landowners who maintain quality conservation practices. If the waivers are granted, up to twenty-five percent of the program resources shall be committed to establishing projects.

SF 2371



c. The department of agriculture and land stewardship shall request a waiver from the United States department of agriculture for the purpose of establishing that a person who is subject to a twenty-five percent reduction in conservation buffer strip payments due to grazing, shall be allowed ninety days to graze animals.

d. The department of natural resources shall establish a prairie seed harvest program to assist in the restoration of prairies and provide for private land stewardship and public resource management through assistance with the implementation of buffer and filter strip practices, and public or private habitat development and management. The department shall carry out these efforts through landowner contacts and cooperation with private and public organizations.

e. The five-year goal of the conservation buffer strip program shall be to meet the objective of water quality improvement by enrolling an additional four hundred seven thousand five hundred acres.

Sec. 5. NEW SECTION. 466.4 CONSERVATION RESERVE ENHANCEMENT PROGRAM.

1. A conservation reserve enhancement program is established within the department of agriculture and land stewardship to restore or construct wetlands for the purposes of intercepting tile line runoff, reducing nutrient loss, improving water quality, and enhancing agricultural production practices. The program shall be directed primarily, but not exclusively, toward the tile-drained areas of the state.

2. The department of agriculture and land stewardship shall request the assistance of and consult with the United States department of agriculture natural resources conservation service and farm service agency to implement the conservation reserve enhancement program. The department shall also consult with county boards of supervisors, county conservation boards, drainage district representatives, department of natural resources, and soil and water conservation districts affected by the implementation of the

conservation reserve enhancement program. The department shall also collaborate with other public agencies and private organizations to develop wetland habitat and related projects to improve water quality.

3. The department of agriculture and land stewardship shall maintain a record of all wetlands established pursuant to the conservation reserve enhancement program including any conditions that may apply to the landowner's right to remove the wetland after the provisions of the conservation reserve enhancement program contract or easement are concluded.

4. When establishing a wetland under this subsection, the department of agriculture and land stewardship shall be governed by the following requirements:

a. Wetland construction or restoration shall not damage the value of property in any public or private drainage system without the property owner's consent.

b. Wetland construction or restoration shall improve water quality and provide aesthetic and habitat benefits.

c. Wetland construction or restoration under this section may be used to mitigate wetland removal by the landowner if it meets the requirements of federal agencies with wetland jurisdictional authorities. Where practicable, priority shall be given to mitigating wetland removal within the same United States geological survey hydrologic unit code 8 watershed, but a watershed confines shall not limit the use of duly authorized wetland mitigation banks.

5. The five-year goal of the conservation reserve enhanced program is the establishment of thirty-two thousand five hundred acres of wetlands.

Sec. 6. NEW SECTION. 466.5 WATER QUALITY MONITORING.

The department of natural resources shall operate water quality monitoring stations for the purpose of gathering information and data to establish benchmarks for water quality in this state.

Sec. 7. NEW SECTION. 466.6 WATER QUALITY PROTECTION PROGRAM.

1. The department of agriculture and land stewardship shall implement, in conjunction with the federal government and other entities, a program that provides multiobjective resource protections for flood control, water quality, erosion control, and natural resource conservation.

2. The department of agriculture and land stewardship shall implement a statewide, voluntary farm management demonstration program to demonstrate the effectiveness and adaptability of emerging practices in agronomy that protect water resources and provide other environmental benefits. A demonstration program under this subsection may complement, but shall not duplicate, projects conducted by Iowa state university extension service. The demonstration program shall be designed to concentrate on management techniques in both the livestock and crop genres and shall be offered to farm operators through an educational setting and demonstration projects. The demonstration program shall be offered in conjunction with the community colleges, Iowa state university, and private farmer demonstrations. Continuing education units shall be offered. The educational program shall be offered at no cost to farm operators who file a schedule F with the Internal Revenue Service and do not have permitted livestock facilities or are certified under a manure management plan.

3. The department of agriculture and land stewardship shall provide financial assistance for the establishment of permanent soil and water conservation practices.

4. The department of natural resources shall establish a program to assist homeowners residing outside the boundaries of a city with improving on-site wastewater systems. The department shall adopt rules to administer the on-site wastewater system program. At a minimum, the rules shall determine criteria for enrollment into the program, identify methods and tools available for making and securing loans, establish limits for loan amounts and terms, and provide assistance to county environmental health officials to inspect

on-site systems. The department of natural resources shall report to the general assembly on the progress of the on-site wastewater system program. Notwithstanding section 8.33, unencumbered or unobligated funds remaining from the funds appropriated for this subsection shall not revert and shall be available for expenditure during subsequent fiscal years.

5. The department of natural resources shall provide local watershed managers with geographic information system data for their use in developing, monitoring, and displaying results of their watershed work. The local watershed data shall be considered public records and are accessible to the public pursuant to chapter 22.

6. The department of natural resources shall develop a program that provides support to local volunteer management efforts to the different programs concerned with water quality. The department shall assist in coordinating and tracking of the volunteer component of these programs to increase efficiency and avoid duplication of efforts in water quality monitoring and watershed improvement.

7. The department of natural resources shall provide for activities supporting the analysis of water quality monitoring data for trends and for the preparation and presentation of data to the public.

8. The department of natural resources shall contract to assist its staff with the review of national pollutant discharge elimination system permits.

9. The department of natural resources shall expand floodplain protection education to better inform local officials that make decisions with regard to floodplain management.

10. The department of natural resources shall continue the establishment of an effective and efficient method of developing a total maximum daily load program, based on information gathered on other states' programs and investigation into alternative methods for satisfying the requirements.

Sec. 8. Section 161C.2, subsection 1, Code 1999, is amended to read as follows:

1. a. Each soil and water conservation district, alone and whenever practical in conjunction with other districts, shall carry out district-wide and multiple-district projects to support water protection practices in the district or districts, including projects to protect this state's groundwater and surface water from point and nonpoint sources of contamination, including but not limited to contamination by agricultural drainage wells, sinkholes, sedimentation, or chemical pollutants.

b. Any work project with an estimated cost of twenty-five thousand dollars or more shall be undertaken as a public contract as provided in chapters 73A and 573. The local contracting organization shall designate a contracting officer and shall establish procedures to manage the contract, approve bills for payment, and review proposed change orders or amendments to the contract.

Sec. 9. Section 455B.171, Code 1999, is amended by adding the following new subsections:

NEW SUBSECTION. 10A. "Credible data" means scientifically valid chemical, physical, or biological monitoring data collected under a scientifically accepted sampling and analysis plan, including quality control and quality assurance procedures. Data dated more than five years before the department's date of listing or other determination under section 455B.194, subsection 1, shall be presumed not to be credible data unless the department identifies compelling reasons as to why the data is credible.

NEW SUBSECTION. 14A. "Historical data" means data collected more than five years before the department's date of listing or other determination under section 455B.194, subsection 1.

NEW SUBSECTION. 19A. "Naturally occurring condition" means any condition affecting water quality which is not caused by human influence on the environment including, but

not limited to, soils, geology, hydrology, climate, wildlife influence on the environment, and water flow with specific consideration given to seasonal and other natural variations.

NEW SUBSECTION. 31A. "Section 303(d) list" means any list required under 33 U.S.C. § 1313(d).

NEW SUBSECTION. 31B. "Section 305(b) list" means any report or list required under 33 U.S.C. § 1315(b).

NEW SUBSECTION. 39A. "Total maximum daily load" means the same as in the federal Water Pollution Control Act.

Sec. 10. NEW SECTION. 455B.193 QUALIFICATIONS FOR COLLECTION OF CREDIBLE DATA.

For purposes of this part, all of the following shall apply:

1. Data is not credible data unless the data originates from studies and samples collected by the department, a professional designee of the department, or a qualified volunteer. For purposes of this subsection, "professional designee" includes governmental agencies other than the department, and a person hired by, or under contract for compensation with, the department to collect or study data.

2. All information submitted by a qualified volunteer shall be reviewed and approved or disapproved by the department. The qualified volunteer shall submit a site specific plan with data which includes information used to obtain the data, the sampling and analysis plan, and quality control and quality assurance procedures used in the monitoring process. The qualified volunteer must provide proof to the department that the water monitoring plan was followed. The department shall review all data collected by a qualified volunteer, verify the accuracy of the data collected by a qualified volunteer, and determine that all components of the water monitoring plan were followed.

3. The department shall retain all information submitted by a qualified volunteer submitting the information for a period of not less than ten years from the date of receipt by the department. All information submitted shall be a public record.

4. The department shall adopt rules establishing requirements for a person to become a qualified volunteer.

The department of natural resources shall develop a methodology for water quality assessments as used in the section 303(d) listings and assess the validity of the data.

Sec. 11. NEW SECTION. 455B.194 CREDIBLE DATA REQUIRED.

1. The department shall use credible data when doing any of the following:

- a. Developing and reviewing any water quality standard.
- b. Developing any statewide water quality inventory or other water assessment report.
- c. Determining whether any water of the state is to be placed on or removed from any section 303(d) list.
- d. Determining whether any water of the state is supporting its designated use or other classification.
- e. Determining any degradation of a water of the state under 40 C.F.R. § 131.12.
- f. Establishing a total maximum daily load for any water of the state.

2. Notwithstanding subsection 1, credible data shall not be required for any section 305(b) report and credible data shall not be required for the establishment of a designated use or other classification of a water of the state.

3. This section shall not be construed to require credible data as defined in section 455B.171, subsection 10A, in order for the department to bring an enforcement action for an illegal discharge.

Sec. 12. NEW SECTION. 455B.195 USE OR ANALYSIS OF CREDIBLE DATA.

1. For any use or analysis of credible data described in section 455B.194, subsection 1, all of the following shall apply:

- a. The use of credible data shall be consistent with the requirements of the federal Water Pollution Control Act, 33 U.S.C. § 1251 et seq.

b. The data quality for removal of water of the state from any list of impaired waters including any section 303(d) list shall be the same as the data quality for adding a water to that list.

c. A water of the state shall not be placed on any section 303(d) list if the impairment is caused solely by violations of national pollutant discharge elimination system program permits or stormwater permits issued pursuant to section 455B.103A and the enforcement of the pollution control measures is required.

d. A water of the state shall not be placed on any section 303(d) list if the data shows an impairment, but existing technology-based effluent limits or other required pollution control measures are adequate to achieve applicable water quality standards.

e. If a pollutant causing an impairment is unknown, the water of the state may be placed on a section 303(d) list. However, the department shall continue to monitor the water of the state to determine the cause of impairment before a total maximum daily load is established for the water of the state and a water of the state listed with an unknown status shall retain a low priority for a total maximum daily load development until the cause of the impairment is determined unless the department, after taking into consideration the use of the water of the state and the severity of the pollutant, identifies compelling reasons as to why the water of the state should not have a low priority.

f. When evaluating the waters of the state, the department shall develop and maintain three separate listings including a section 303(d) list, a section 305(b) report, and a listing for which further investigative monitoring is necessary. The section 305(b) report shall be a summary of all potential impairments for which credible data is not required. If credible data is not required for a section 305(b) report, the placement of a water of the state on any section 305(b) report alone is not sufficient evidence for the water of the state's

placement on any section 303(d) list. When developing a section 303(d) list, the department is not required to use all data, but the department shall assemble and evaluate all existing and readily available water quality-related data and information. The department shall provide documentation to the regional administrator of the federal environmental protection agency to support the state's determination to list or not to list its waters.

g. The department shall take into consideration any naturally occurring condition when placing or removing any water of the state on any section 303(d) list, and establishing or allocating responsibility for a total maximum daily load.

h. Numerical standards shall have a preference over narrative standards. A narrative standard shall not constitute the basis for determining an impairment unless the department identifies specific factors as to why a numeric standard is not sufficient to assure adequate water quality.

i. If the department has obtained credible data for a water of the state, the department may also use historical data for that particular water of the state for the purpose of determining whether any trends exist for that water of the state.

2. This section shall not be construed to require or authorize the department to perform any act listed in section 455B.194, subsection 1, not otherwise required or authorized by applicable law.

Sec. 13. LEGISLATIVE STUDY. The legislative council is requested to establish an interim study relating to the use of plant nutrients on Iowa soil. The committee is directed to submit its findings, with any recommendations, in a report to the general assembly not later than January 15, 2001.

Sec. 14. APPLICABILITY OF SECTION 303(d) LISTS. This Act takes effect July 1, 2000. However, any requirements under this Act which apply to a section 303(d) list shall not apply for the section 303(d) list for the year 2000, but any

requirements shall take effect for all section 303(d) lists created after the year 2000 list.

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MARY E. KRAMER  
President of the Senate

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BRENT SIEGRIST  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2371, Seventy-eighth General Assembly.

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MICHAEL E. MARSHALL  
Secretary of the Senate

Approved 4/7, 2000

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THOMAS J. VILSACK  
Governor