

Withdrawn  
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ENVIRONMENTAL PROTECTION

HOUSE FILE 2275

BY VAN ENGELENHOVEN

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_

Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to stormwater discharge permits issued by the  
2 department of natural resources.

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

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HF 2275

1 Section 1. NEW SECTION. 455B.103B STORMWATER DISCHARGE  
2 PERMIT -- AGRICULTURAL EXCEPTIONS.

3 The department shall adopt rules providing exceptions from  
4 requirements for the issuance of stormwater discharge permits  
5 as provided in this section.

6 1. An exception shall apply to a person who otherwise may  
7 be required to obtain a stormwater discharge permit for doing  
8 any of the following:

9 a. Engaging in agricultural production, including but not  
10 limited to row crop farming.

11 b. Installing or improving a soil and water conservation  
12 practice on land which is used in agricultural production.

13 2. The department shall prepare a publication that  
14 explains when it requires an agricultural producer to be  
15 issued a stormwater discharge permit and exceptions from the  
16 requirements. The department shall disseminate the  
17 publication on the internet and by printed brochures which  
18 shall be furnished without charge to each soil and water  
19 conservation district office as provided in chapter 161A.

20 Sec. 2. DIRECTIVE TO DEPARTMENT -- CRITERIA FOR  
21 EXCEPTIONS. In adopting rules as required in section  
22 455B.103B as enacted in this Act, the department of natural  
23 resources shall provide exceptions from requirements for the  
24 issuance of a stormwater discharge permit based on all of the  
25 following:

26 1. The department's policy or past practice of recognizing  
27 that activities associated with agricultural production or the  
28 installation or improvement of certain soil and water  
29 conservation practices do not require a permit.

30 2. The policy of the natural resources conservation  
31 service of the United States department of agriculture, which  
32 may be declared in office memorandums or publications,  
33 including but not limited to field office technical guides.

34 Sec. 3. DIRECTIVE TO DEPARTMENT -- ADOPTION OF RULES. In  
35 adopting rules in order to implement the provisions of section

1 455B.103B as enacted by this Act, the department of natural  
2 resources shall not adopt rules pursuant to section 17A.4,  
3 subsection 2. The rules shall not take effect prior to  
4 thirty-five days after filing, as required in section 17A.5,  
5 subsection 2.

6 EXPLANATION

7 This bill amends provisions in Code chapter 455B that  
8 require that a person be issued a stormwater discharge permit  
9 when disturbing the land such as by engaging in construction.  
10 The permits are issued by the department of natural resources.  
11 The bill provides that the department must adopt rules  
12 providing exceptions for the issuance of these permits where a  
13 person disturbs land for purposes of engaging in agricultural  
14 production or installing or improving a related soil and water  
15 conservation practice. The bill also requires the department  
16 to prepare and distribute a publication that explains when  
17 agricultural producers must obtain a permit.

18 The bill directs the department to provide for these  
19 exceptions based on past practice of the department, which is  
20 not codified in the Iowa administrative code or the policy of  
21 the natural resources conservation service of the United  
22 States department of agriculture.

23 The bill prohibits the department of natural resources from  
24 adopting rules creating these exceptions by emergency  
25 rulemaking procedures.

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