

# House File 2400 - Introduced

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON ENVIRONMENTAL  
PROTECTION

(SUCCESSOR TO HSB 615)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to water quality by establishing a water  
2 resources coordinating council, authorizing a marketing  
3 campaign, directing assistance to local communities for  
4 monitoring and measurement, providing for a wastewater and  
5 storm water infrastructure assessment, and creating a regional  
6 assessment program and a community-based improvement program.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
8 TLSB 5748HV 82  
9 tw/nh/14

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1 1 Section 1. NEW SECTION. 466B.1 SHORT TITLE.  
1 2 This chapter shall be known and may be cited as the  
1 3 "Surface Water Protection Act".  
1 4 Sec. 2. NEW SECTION. 466B.2 DEFINITIONS.  
1 5 For the purposes of this chapter, unless the context  
1 6 otherwise requires:  
1 7 1. "Council" means the water resources coordinating  
1 8 council created in section 466B.3.  
1 9 2. "Department" means the department of natural resources.  
1 10 3. "Regional watershed" means a watershed of hydrologic  
1 11 unit code scale 8.  
1 12 4. "Subwatershed" means a watershed of hydrological unit  
1 13 code scale 12 or smaller.  
1 14 5. "Watershed" means a geographic area in which surface  
1 15 water is drained by rivers, streams, or other bodies of water.  
1 16 Sec. 3. NEW SECTION. 466B.3 WATER RESOURCES COORDINATING  
1 17 COUNCIL.  
1 18 1. COUNCIL ESTABLISHED. A water resources coordinating  
1 19 council is established within the office of the governor.  
1 20 2. PURPOSE. The purpose of the council shall be to  
1 21 preserve and protect Iowa's water resources, and to coordinate  
1 22 the management of those resources in a sustainable and  
1 23 fiscally responsible manner. In the pursuit of this purpose,  
1 24 the council shall use an integrated approach to water resource  
1 25 management, recognizing that insufficiencies exist in current  
1 26 approaches and practices, as well as in funding sources and  
1 27 the utilization of funds. The integrated approach used by the  
1 28 council shall attempt to overcome old categories, labels, and  
1 29 obstacles with the primary goal of managing the state's water  
1 30 resources comprehensively rather than compartmentally.  
1 31 3. ACCOUNTABILITY. The success of the council's efforts  
1 32 shall ultimately be measured by the following outcomes:  
1 33 a. Whether the citizens of Iowa can more easily organize  
1 34 local watershed projects.  
1 35 b. Whether the citizens of Iowa can more easily access  
2 1 available funds and water quality program resources.  
2 2 c. Whether the funds, programs, and regulatory efforts  
2 3 coordinated by the council eventually result in a long-term  
2 4 improvement to the quality of surface water in Iowa.  
2 5 4. MEMBERSHIP. The council shall consist of the following  
2 6 members:  
2 7 a. The director of the department of natural resources or  
2 8 the director's designee.  
2 9 b. The director of the soil conservation division of the  
2 10 department of agriculture and land stewardship or the  
2 11 director's designee.  
2 12 c. The secretary of agriculture or the secretary's  
2 13 designee.

2 14 d. The director of the department of public health or the  
2 15 director's designee.

2 16 e. The director of the homeland security and emergency  
2 17 management division of the department of public defense or the  
2 18 director's designee.

2 19 f. The dean of the college of agriculture at Iowa state  
2 20 university or the dean's designee.

2 21 g. The dean of the college of public health at the  
2 22 university of Iowa or the dean's designee.

2 23 h. The dean of the college of natural sciences at the  
2 24 university of northern Iowa, or the dean's designee.

2 25 i. The director of the department of transportation or the  
2 26 director's designee.

2 27 j. The director of the department of economic development  
2 28 or the director's designee.

2 29 k. The director of the Iowa finance authority, or the  
2 30 director's designee.

2 31 l. The governor, who shall be the chairperson, or the  
2 32 governor's designee. As the chairperson, and in order to  
2 33 further the coordination efforts of the council, the governor  
2 34 may invite representatives from any other public agency,  
2 35 private organization, business, citizen group, or nonprofit  
3 1 entity to give public input at council meetings provided the  
3 2 entity has an interest in the coordinated management of land  
3 3 resources, soil conservation, or water quality. The governor  
3 4 shall also invite and solicit advice from the following:

3 5 (1) The director of the Iowa water science center of the  
3 6 United States geological survey or the director's designee.

3 7 (2) The state conservationist from the Iowa office of the  
3 8 United States department of agriculture's natural resources  
3 9 conservation service or the state conservationist's designee.

3 10 (3) The executive director for Iowa from the United States  
3 11 department of agriculture's farm services agency or the  
3 12 executive director's designee.

3 13 (4) The state director for Iowa from the United States  
3 14 department of agriculture's office of rural development or the  
3 15 state director's designee.

3 16 (5) The director of region seven of the United States  
3 17 environmental protection agency or the director's designee.

3 18 (6) The corps commander from the United States army corps  
3 19 of engineers' Rock Island district or the commander's  
3 20 designee.

3 21 5. MEETINGS AND QUORUM.

3 22 a. The council shall be convened by the office of the  
3 23 governor at least quarterly.

3 24 b. A majority of the members fixed by statute shall  
3 25 constitute a quorum, and any action taken by the council must  
3 26 be adopted by a majority of the voting membership.

3 27 6. DUTIES AND POWERS.

3 28 a. The council shall engage in the regular coordination of  
3 29 water resource-related functions, including protection  
3 30 strategies, planning, assessment, prioritization, review,  
3 31 concurrence, advocacy, and education.

3 32 b. In coordinating water resource related functions, the  
3 33 council may do all of the following:

3 34 (1) Consider the steps necessary to address the planning,  
3 35 management, and implementation of water resource improvement.

4 1 (2) Identify ways to facilitate communication and  
4 2 participation among all water resource stakeholders, including  
4 3 owners of land in Iowa whether they are residents or not.

4 4 (3) Identify inefficiencies in current programs and  
4 5 recommend ways to eliminate duplicative services.

4 6 (4) Improve the availability and management of water  
4 7 resource information.

4 8 (5) Provide incentives for, and recognition of,  
4 9 environmental excellence.

4 10 (6) Regularly assess and identify measurable improvements  
4 11 in water quality.

4 12 (7) Oversee the complete, statewide regional watershed  
4 13 assessment, prioritization, and planning process described in  
4 14 section 466B.5, including a short-term interim program and a  
4 15 long-term comprehensive state water quality and quantity plan  
4 16 updated every five years as provided in sections 466B.5 and  
4 17 466B.6.

4 18 (8) Develop a protocol which identifies high priority  
4 19 watersheds, including local and community-based subwatersheds,  
4 20 and which appropriately directs resources to those watersheds.

4 21 (9) Review best available technologies on a regular basis,  
4 22 so that investments of time and program resources can be  
4 23 prioritized and directed to projects that will best and most  
4 24 effectively improve water quality within regional and

4 25 community subwatersheds.  
4 26 (10) Review voluntary, performance-based standards for  
4 27 water resource management, land management, and soil  
4 28 conservation.  
4 29 (11) Develop a protocol for assigning multiagency teams to  
4 30 regional watersheds and local subwatersheds and guide those  
4 31 teams in the coordination of citizen and agency activities  
4 32 within those watersheds.

4 33 (12) Engage in dialogue with, and pursue efforts to make  
4 34 cooperative agreements with, other states when a watershed  
4 35 extends beyond borders of this state.

5 1 (13) Enter into agreements and make contracts with third  
5 2 parties for the performance of duties imposed by this chapter.

5 3 (14) Prepare a memorandum of understanding identifying the  
5 4 roles and responsibilities of council members in the  
5 5 coordination of the implementation of community-based  
5 6 subwatershed improvement plans. The memorandum shall be a  
5 7 commitment by the agencies participating in council meetings  
5 8 to reach consensus regarding communications with subwatershed  
5 9 planning units.

5 10 Sec. 4. NEW SECTION. 466B.4 LEGISLATIVE FINDINGS AND  
5 11 MARKETING CAMPAIGN.

5 12 1. FINDINGS. The general assembly finds all of the  
5 13 following:

5 14 a. Most Iowans desire to have improved water quality  
5 15 throughout the state, but many Iowans do not understand the  
5 16 problems with local water quality.

5 17 b. Most Iowans believe that the protection of fish and  
5 18 wildlife benefits all Iowans.

5 19 c. The benefits of improving water quality could far  
5 20 outweigh the costs of implementing mechanisms to improve it.

5 21 d. Most Iowans look to some level of government for the  
5 22 protection of water resources rather than to themselves and  
5 23 their own actions. However, it is not possible or desirable  
5 24 for state government to take complete control and  
5 25 responsibility for water quality.

5 26 2. MARKETING CAMPAIGN. The water resources coordinating  
5 27 council shall develop a marketing campaign to educate Iowans  
5 28 about the need to take personal responsibility for the quality  
5 29 of water in their local watersheds. The emphasis of the  
5 30 campaign shall be that not only is everyone responsible for  
5 31 clean water, but that everyone benefits from it as well. The  
5 32 goals of the campaign shall be to convince Iowans to take  
5 33 personal responsibility for clean water and to equip them with  
5 34 the tools necessary to effect change through local water  
5 35 quality improvement projects.

6 1 3. CONTINGENT ON FUNDING. The duties imposed in  
6 2 subsection 2 are contingent upon the receipt of funding  
6 3 sufficient to cover the costs associated with the marketing  
6 4 campaign.

6 5 Sec. 5. NEW SECTION. 466B.5 REGIONAL WATERSHED  
6 6 ASSESSMENT, PLANNING, AND PRIORITIZATION.

6 7 1. REGIONAL WATERSHED ASSESSMENT PROGRAM. The department  
6 8 shall create a regional watershed assessment program. The  
6 9 program shall assess all the regional watersheds in the state.

6 10 a. The statewide assessment shall be conducted at the rate  
6 11 of approximately one-fifth of the watersheds per year, and an  
6 12 initial full assessment shall be completed within five years.  
6 13 Thereafter, the department shall review and update the  
6 14 assessments on a regular basis.

6 15 b. Each regional watershed assessment shall provide a  
6 16 summary of the overall condition of the watershed. The  
6 17 information provided in the summary may include land use  
6 18 patterns, soil types, slopes, management practices, stream  
6 19 conditions, and both point and nonpoint source impairments.

6 20 c. In conducting a regional watershed assessment, the  
6 21 department may provide opportunities for local data collection  
6 22 and input into the assessment process.

6 23 2. PLANNING AND PRIORITIZATION. In conducting the  
6 24 regional watershed assessment program, the department shall  
6 25 provide hydrological and geological information sufficient for  
6 26 the water resources coordinating council to prioritize  
6 27 watersheds statewide and for the various communities in those  
6 28 watersheds to plan remedial efforts in their local communities  
6 29 and subwatersheds.

6 30 3. REPORT TO COUNCIL. Upon completion of the statewide  
6 31 assessment, and upon updating the assessments, the department  
6 32 shall report the results of the assessment to the council and  
6 33 the general assembly, and shall make the report publicly  
6 34 available.

6 35 Sec. 6. NEW SECTION. 466B.6 COMMUNITY-BASED SUBWATERSHED

7 1 IMPROVEMENT PLANS.

7 2 1. FACILITATION OF COMMUNITY=BASED SUBWATERSHED PLANS.

7 3 After the department's completion of the initial regional  
7 4 watershed assessment, and after the council's prioritization  
7 5 of the regional watersheds, the council shall designate one or  
7 6 more of the agencies represented on the council to facilitate  
7 7 the development and implementation of local, community-based  
7 8 subwatershed improvement plans.

7 9 2. ASSESSMENT, PLANNING, PRIORITIZATION, AND

7 10 IMPLEMENTATION. In facilitating the development of  
7 11 community-based subwatershed improvement plans, the agency or  
7 12 agencies designated by the council shall, based on the results  
7 13 of the regional watershed assessment program, identify  
7 14 critical subwatersheds within priority regional watersheds and  
7 15 recruit communities, citizen groups, local governmental  
7 16 entities, or other stakeholders to engage in the assessment,  
7 17 planning, prioritization, and implementation of a local  
7 18 community-based subwatershed improvement plan. The agency or  
7 19 agencies designated by the council may assist in the formation  
7 20 of a group of initial local community-based subwatershed  
7 21 improvement plans that can be implemented as pilot projects,  
7 22 in order to develop an effective process that can be  
7 23 replicated across the state.

7 24 Sec. 7. NEW SECTION. 466B.7 COMMUNITY=BASED SUBWATERSHED  
7 25 MONITORING.

7 26 1. MONITORING ASSISTANCE. After completion of the  
7 27 statewide regional watershed assessment and prioritization,  
7 28 and throughout the implementation of local community-based  
7 29 subwatershed improvement plans, the department shall assist  
7 30 communities with the monitoring and measurement of local  
7 31 subwatersheds. The monitoring and measurement shall be  
7 32 designed for the particular needs of individual communities.

7 33 2. DATA COLLECTION AND USE. Local communities in which  
7 34 the department conducts subwatershed monitoring shall use the  
7 35 information to support subwatershed planning activities, do  
8 1 local data collection, and identify priority areas needing  
8 2 additional resources. Local communities shall also collect  
8 3 data over time and use the data to evaluate the impacts of  
8 4 their management efforts.

8 5 Sec. 8. NEW SECTION. 466B.8 WASTEWATER AND STORM WATER  
8 6 INFRASTRUCTURE ASSESSMENT.

8 7 The department shall assess and prioritize communities  
8 8 within a watershed presenting the greatest level of risk to  
8 9 water quality and the health of residents. This  
8 10 prioritization shall include both sewerred and unsewerred  
8 11 communities.

8 12 Sec. 9. NEW SECTION. 466B.9 RULEMAKING AUTHORITY.

8 13 The department and the department of agriculture and land  
8 14 stewardship shall have the power and authority reasonably  
8 15 necessary to carry out the duties imposed by this chapter. As  
8 16 to the department, this includes rulemaking authority to carry  
8 17 out the regional watershed assessment program described in  
8 18 section 466B.5. As to the department of agriculture and land  
8 19 stewardship, this includes rulemaking authority to assist in  
8 20 the implementation of community-based subwatershed improvement  
8 21 plans.

#### 8 22 EXPLANATION

8 23 This bill relates to the protection of surface water and to  
8 24 improvements in water quality.

8 25 The bill creates a water resources coordinating council  
8 26 within the governor's office and specifies as members certain  
8 27 state agency directors with authority over water-related  
8 28 programs as well as experts in water quality from the regents  
8 29 institutions. The governor is directed to solicit advice from  
8 30 several directors of federal programs involved with water  
8 31 resources. The council is charged with coordinating  
8 32 governmental efforts to improve water quality in an efficient  
8 33 and fiscally responsible manner.

8 34 The bill also charges the council to conduct a marketing  
8 35 campaign to educate Iowans about water quality and about their  
9 1 responsibility for improving it. The focus of the campaign is  
9 2 to make sure that Iowans know that clean water is everyone's  
9 3 responsibility, and that everyone benefits. This provision of  
9 4 the bill is specifically contingent upon the receipt of  
9 5 funding.

9 6 The bill also directs the department of natural resources  
9 7 to engage in a program of statewide watershed assessment. The  
9 8 department must divide the state into larger, regional  
9 9 watersheds and engage in water quality assessment of those  
9 10 regions. The department must complete this assessment within  
9 11 five years and, based on the results of the assessment, the

9 12 council must prioritize the regions so that resources can be  
9 13 directed in the most appropriate and efficient manner.  
9 14 The bill also directs the council to designate one or more  
9 15 agencies to assist in improving water quality at a smaller,  
9 16 local watershed level. The agencies designated by the council  
9 17 are directed to recruit local communities to create local  
9 18 community-based subwatershed improvement plans and to take the  
9 19 initiative in water quality improvement. Local stakeholders  
9 20 may include many diverse groups, such as community groups,  
9 21 soil and water conservation districts, and drainage districts.  
9 22 The bill also directs the department to assist local  
9 23 communities with water quality monitoring. This monitoring is  
9 24 not contingent upon the statewide regional assessment and is  
9 25 intended to help local communities in the community-based  
9 26 improvement efforts by providing data to assist in proper  
9 27 planning efforts and the allocation of resources.  
9 28 The bill also provides for a wastewater and storm water  
9 29 treatment infrastructure assessment and directs the department  
9 30 to prioritize local communities according to water quality and  
9 31 the greatest risk to the health of residents.  
9 32 Finally, the bill gives the department and the department  
9 33 of agriculture and land stewardship rulemaking authority to  
9 34 carry out the duties imposed on it by the provisions of the  
9 35 bill.

10 1 LSB 5748HV 82  
10 2 tw/nh/14