

House File 870 - Introduced

HOUSE FILE _____
BY MAY

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act providing for environmental quality initiatives, providing
2 for fees, and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1353YH 82
5 da/es/88

PAG LIN

1 1 Section 1. Section 331.605, subsection 1, Code 2007, is
1 2 amended by adding the following new paragraph:
1 3 NEW PARAGRAPH. d. A quality water assessment fee as
1 4 provided in section 462A.91.
1 5 Sec. 2. Section 455B.171, Code 2007, is amended by adding
1 6 the following new subsection:
1 7 NEW SUBSECTION. 9A. "Major water source" means the same
1 8 as defined in section 459.102.
1 9 Sec. 3. NEW SECTION. 455B.198 WATER QUALITY ASSESSMENT.
1 10 1. The department, in cooperation with each participating
1 11 county, shall conduct an annual water quality assessment of
1 12 the major water sources in this state. The department shall
1 13 select a participating county based on criteria established by
1 14 the department after consulting with interested organizations.
1 15 2. The department, in cooperation with a participating
1 16 county, shall compile data required to determine trends in
1 17 water quality in the participating county.
1 18 3. The department, in cooperation with a participating
1 19 county and the board of directors of school districts in the
1 20 county, shall provide for the active participation of students
1 21 in activities relating to water quality which may be developed
1 22 as part of the curriculum.
1 23 4. The department shall execute contracts with qualified
1 24 persons in each county for purposes of conducting the water
1 25 quality assessment in that county.
1 26 5. The department shall publish the results of the
1 27 assessment, including collected data, for use by the
1 28 department, and counties and cities to improve the quality of
1 29 water resources.
1 30 Sec. 4. NEW SECTION. 455B.199 WATER QUALITY ASSESSMENT
1 31 FUND == APPROPRIATION.
1 32 1. A water quality assessment fund is created in the state
1 33 treasury under the control of the department. The fund is
1 34 separate from the general fund of the state.
1 35 2. The water quality assessment fund is composed of moneys
2 1 credited from the water quality assessment fee as provided in
2 2 section 462A.91, moneys appropriated by the general assembly,
2 3 and moneys available to and obtained or accepted by the
2 4 department from the United States government or private
2 5 sources for placement in the fund.
2 6 3. Moneys in the water quality assessment fund are
2 7 appropriated to the department exclusively to support the
2 8 water quality assessment as provided in section 455B.198.
2 9 4. a. Notwithstanding section 12C.7, interest or earnings
2 10 on moneys in the water quality assessment fund shall be
2 11 credited to the fund.
2 12 b. Notwithstanding section 8.33, unencumbered and
2 13 unobligated moneys remaining in the water quality assessment
2 14 fund at the close of each fiscal year shall not revert but
2 15 shall remain available in the fund for expenditure for the
2 16 same purposes until the end of the next fiscal year.
2 17 Sec. 5. NEW SECTION. 455B.200 LOCAL GOVERNMENT == WATER
2 18 QUALITY COMMISSIONS.
2 19 1. This section applies to a county that includes
2 20 territory containing a major water source, that is located

2 21 within two miles from a major water source and contains a city
2 22 which has a population of more than one thousand persons and
2 23 which is located in that county and within two miles from a
2 24 major water source.

2 25 2. The county, in cooperation with each affected city,
2 26 shall establish a water quality commission composed of
2 27 residents of the county and affected cities who have an
2 28 interest in water quality issues. The commission shall
2 29 include at least five but not more than nine members. The
2 30 commission shall conduct a continuing study of all issues
2 31 affecting the water quality of the affected communities,
2 32 including but not limited to the following:

2 33 a. A review of existing housing developments using private
2 34 domestic septage systems, including the conditions present and
2 35 methods to remediate those conditions. The commission shall
3 1 also consider the adoption of standards for housing
3 2 developments using private domestic septage systems.

3 3 b. The installation of filtering systems as part of new
3 4 storm water drainage systems.

3 5 c. The use of principles which minimizes adverse impacts
3 6 upon water quality when developing land for public or private
3 7 purposes.

3 8 The commission shall consider methods to implement sound
3 9 best practices and the use of technological advances such as
3 10 light detection and imaging.

3 11 d. A prohibition upon the use of pesticides and
3 12 fertilizers which negatively impact upon water quality.

3 13 3. The commission shall report the results of its studies
3 14 to the county board of supervisors of the county and each
3 15 affected city. The report shall include an analysis,
3 16 findings, and recommendations. For a recommendation that a
3 17 county or affected city may implement by ordinance or
3 18 administrative practice, the county or city shall consider the
3 19 most practical manner to provide for its immediate
3 20 implementation. For all other recommendations, the county and
3 21 the city shall submit a joint plan to the department which
3 22 shall include proposals for immediate implementation by the
3 23 department. The plan may include the establishment of special
3 24 projects, the adoption of administrative rules, or a change in
3 25 administrative practice.

3 26 Sec. 6. Section 459.102, Code 2007, is amended by adding
3 27 the following new subsection:

3 28 NEW SUBSECTION. 20A. "Designated lake" means a lake of at
3 29 least one thousand acres of surface area.

3 30 Sec. 7. Section 459.205, unnumbered paragraph 1, Code
3 31 2007, is amended to read as follows:

3 32 A separation distance requirement provided in ~~this~~
3 33 ~~subchapter sections 459.202, 459.203, and 459.204~~ shall not
3 34 apply to the following:

3 35 Sec. 8. NEW SECTION. 459.206A CONSTRUCTION OF
4 1 CONFINEMENT FEEDING OPERATION STRUCTURES == SPECIAL MINIMUM
4 2 SEPARATION DISTANCES FROM DESIGNATED LAKES.

4 3 This section applies to confinement feeding operation
4 4 structures constructed on or after the effective date of this
4 5 Act, and to the expansion of confinement feeding operation
4 6 structures constructed on and after the effective date of this
4 7 Act, and to the expansion, after the effective date of this
4 8 Act, of confinement feeding operation structures constructed
4 9 prior to the effective date of this Act.

4 10 1. The confinement feeding operation structure shall not
4 11 be constructed or expanded closer than a minimum separation
4 12 distance from a designated lake. The minimum separation
4 13 distance shall be determined according to a community-based
4 14 odor assessment model as developed by the department within
4 15 Iowa state university responsible for agricultural and
4 16 biosystems engineering. The model shall provide for the
4 17 measurement of detectable odors for a fixed duration at
4 18 intervals of at least two thousand six hundred forty feet.
4 19 The department may provide a greater separation distance
4 20 requirement for a confinement feeding operation structure
4 21 based on the animal unit capacity of the confinement feeding
4 22 operation.

4 23 2. In order to determine a minimum separation distance,
4 24 the community-based odor assessment model may approve the best
4 25 site for constructing the confinement feeding operation
4 26 structure and best management practices for operating the
4 27 confinement feeding operation.

4 28 Sec. 9. NEW SECTION. 459.206B APPLICATION OF MANURE FROM
4 29 CONFINEMENT FEEDING OPERATION STRUCTURES == SPECIAL MINIMUM
4 30 SEPARATION DISTANCES FROM DESIGNATED LAKES.

4 31 A person shall not apply manure from a confinement feeding

4 32 operation on land located within a minimum separation distance
4 33 from a designated lake established pursuant to the
4 34 community-based odor assessment model as provided in section
4 35 459.206A.

5 1 Sec. 10. Section 459.310, subsection 3, Code 2007, is
5 2 amended by adding the following new paragraph:

5 3 NEW PARAGRAPH. c. A designated lake.

5 4 Sec. 11. DEPARTMENT OF NATURAL RESOURCES == STRATEGIES FOR
5 5 IMPROVING WATER QUALITY.

5 6 1. The department shall perform a comprehensive review of
5 7 its policy for land acquisitions. The policy shall provide
5 8 that whenever the department makes a decision to acquire land,
5 9 the department shall first consider land which has a low value
5 10 for agricultural production, including row crop farming, but
5 11 which if removed from agricultural production could reduce
5 12 point source pollution of water sources.

5 13 2. The department shall establish strategies for entering
5 14 into partnership arrangements with agricultural producers in
5 15 order to minimize the impact of agricultural production on
5 16 water sources, including by providing for livestock grazing on
5 17 public lands whenever feasible. The department may engage in
5 18 pilot projects in all areas of the state.

5 19 3. The department, in cooperation with county conservation
5 20 boards, shall establish targets for wildlife populations in
5 21 each county, including deer and geese populations, in order to
5 22 minimize their contribution to compromising the quality of
5 23 water of the state, including public and private drinking
5 24 water supplies. The department shall review its policy of
5 25 wildlife management and implement a plan for the reduction of
5 26 wildlife populations to meet those targets.

5 27 WATER QUALITY ASSESSMENT FEE
5 28 Sec. 12. NEW SECTION. 462A.91 WATER QUALITY ASSESSMENT
5 29 STICKER == FEE.

5 30 An owner of a vessel required to have a certificate of
5 31 title pursuant to section 462A.77 shall not operate or allow
5 32 the vessel to be operated unless the person obtains a sticker
5 33 issued by the department. The sticker must be placed on the
5 34 vessel as required by the department. The person shall apply
5 35 to the department in a manner and according to procedures
6 1 required by the department. The person shall pay a five
6 2 dollar fee for the sticker. The fees shall be credited to the
6 3 water quality assessment fund as provided in section 455B.199
6 4 for use as provided in that section.

6 5 Sec. 13. MASTER MATRIX STUDY COMMITTEE. The director of
6 6 the department of natural resources and the secretary of
6 7 agriculture shall jointly establish a master matrix study
6 8 committee to conduct a study to reexamine the use of the
6 9 master matrix as provided in section 459.305.

6 10 1. The director and secretary shall appoint members of the
6 11 committee based on the interest and experience of candidates
6 12 in issues affecting the process of approving or disapproving
6 13 applications for the issuance of permits and environmental
6 14 quality.

6 15 2. The committee shall consider increasing the
6 16 participation by counties and the effectiveness of the master
6 17 matrix, including improvements to categories and criteria and
6 18 the scoring of criteria including the use of negative points,
6 19 the use of best practices, and the use of technological
6 20 advances including air modeling and light detection and
6 21 ranging.

6 22 3. The committee shall submit a report to the general
6 23 assembly by January 11, 2008, which includes findings and
6 24 recommendations including proposed legislation.

6 25 Sec. 14. COMMUNITY-BASED ODOR ASSESSMENT MODEL ==
6 26 APPROPRIATION. There is appropriated from the general fund of
6 27 the state to Iowa state university for the fiscal year
6 28 beginning July 1, 2007, and ending June 30, 2008, the
6 29 following amount, or so much thereof as is necessary, to be
6 30 used for the purposes designated:

6 31 For purposes of allocation to the department of
6 32 agricultural and biosystems engineering to develop and
6 33 implement a community-based odor assessment model for purposes
6 34 of providing minimum separation distances between confinement
6 35 feeding operation structures and designated lakes as provided
7 1 in section 459.206A, as enacted in this Act, including
7 2 salaries, support, maintenance, and miscellaneous purposes:
7 3 \$ 200,000

7 4 EXPLANATION

7 5 This bill provides for a number of initiatives related to
7 6 environmental protection. The bill requires the department
7 7 and counties and cities to perform an assessment of the

7 8 quality of surface and subsurface water in the county. The
7 9 bill applies to counties which include territory with a major
7 10 water source or within two miles of a major water source or
7 11 cities having a population of more than 1,000 which is two
7 12 miles from a major water source.

7 13 The bill provides that the owner of a vessel required to
7 14 have a certificate of title pursuant to Code section 462A.77
7 15 must obtain a sticker each year by the department. The bill
7 16 provides for the assessment of a \$5 fee to be credited to a
7 17 special fund under the department's control and used
7 18 exclusively to support the water quality assessment.

7 19 The bill provides that a county or city must establish a
7 20 water quality commission composed of residents of the county
7 21 and cities with an interest in water quality issues to
7 22 consider issues affecting the water quality of their
7 23 communities. The bill provides for the implementation of
7 24 recommendations made by the commission by local governments or
7 25 the department.

7 26 The bill establishes a new type of benefited object or
7 27 location referred to as a "designated lake" which has at least
7 28 1,000 acres of surface area. The bill provides that a
7 29 confinement feeding operation structure cannot be constructed
7 30 or expanded closer than a minimum separation distance from a
7 31 designated lake. The minimum separation distance is to be
7 32 determined according to a community-based odor assessment
7 33 model as developed by Iowa state university's agricultural and
7 34 biosystems engineering department as provided for by rules
7 35 adopted by the department of natural resources to the extent
8 1 feasible. The model is to provide for the measurement of
8 2 detectable odors for a fixed duration at intervals of at least
8 3 2,640 feet.

8 4 The bill requires the department of natural resources to
8 5 perform a comprehensive review of its policy for land
8 6 acquisitions to reduce point source pollution of water
8 7 sources, and enter into partnership arrangements with
8 8 agricultural producers in order to minimize the impact of
8 9 agricultural production on water sources, and establish a plan
8 10 of wildlife management to reduce their contributions to water
8 11 pollution.

8 12 The bill requires the director of the department of natural
8 13 resources and the secretary of agriculture to conduct a study
8 14 to reexamine the use of the master matrix as provided in Code
8 15 section 459.305.

8 16 The bill makes an appropriation from the state general fund
8 17 to Iowa state university for purposes of allocating the moneys
8 18 to the department of agricultural and biosystems engineering
8 19 to develop and implement a community-based odor assessment
8 20 model.

8 21 LSB 1353YH 82

8 22 da:rj/es/88