

Senate File 2197 - Introduced

SENATE FILE _____
BY COMMITTEE ON NATURAL RESOURCES
AND ENVIRONMENT

(SUCCESSOR TO SF 2121)

Passed Senate, Date _____ Passed House, 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, and creating a regional assessment
5 program, a community-based improvement program, and a
6 wastewater and storm water infrastructure program.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
8 TLSB 5748SV 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 water center at Iowa state
2 30 university or the 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 (a) The director of the Iowa water science center of the
3 6 United States geological survey or the director's designee.

3 7 (b) 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 (c) 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 (d) 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 (e) The director of region seven of the United States
3 17 environmental protection agency or the director's designee.

3 18 (f) 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. EXPENSES AND REIMBURSEMENT. The members of the council
3 28 are entitled to receive reimbursement for actual expenses
3 29 incurred while engaged in the performance of official duties.

3 30 7. DUTIES.

3 31 a. The council shall engage in the regular coordination of
3 32 water resource-related functions, including protection
3 33 strategies, planning, assessment, prioritization, review,
3 34 concurrence, advocacy, education, and oversight.

3 35 b. In coordinating water resource related functions, the
4 1 council shall do all of the following:

4 2 (1) Consider the steps necessary to address the planning,
4 3 management, and implementation of water resource improvement.

4 4 (2) Identify ways to facilitate communication and
4 5 participation among all water resource stakeholders, including
4 6 owners of land in Iowa whether they are residents or not.

4 7 (3) Identify inefficiencies in current programs and
4 8 recommend ways to eliminate duplicative services.

4 9 (4) Improve the availability and management of water
4 10 resource information.

4 11 (5) Provide incentives for, and recognition of,
4 12 environmental excellence.

4 13 (6) Regularly assess and identify measurable improvements
4 14 in water quality.

4 15 (7) Oversee a complete, statewide watershed assessment,
4 16 prioritization, and planning process, including a short-term
4 17 interim program and a long-term comprehensive state water
4 18 quality and quantity plan updated every five years as provided
4 19 in sections 466B.5 and 466B.6.

4 20 (8) Develop a protocol which identifies high priority
4 21 watersheds, including local and community watersheds, and
4 22 which appropriately directs resources to those watersheds.

4 23 (9) Evaluate best available technologies on a regular
4 24 basis, so that investments of time and program resources can

4 25 be prioritized and directed to projects that will best and
4 26 most effectively improve water quality within regional and
4 27 community watersheds.

4 28 (10) Review voluntary, performance-based standards for
4 29 water resource management, land management, and soil
4 30 conservation.

4 31 (11) Develop a protocol for assigning multiagency teams to
4 32 watersheds and local subwatersheds and guide those teams in
4 33 the coordination of citizen and agency activities within those
4 34 watersheds.

4 35 (12) Engage in dialogue with, and pursue efforts to make
5 1 cooperative agreements with, other states when a watershed
5 2 extends beyond borders of this state.

5 3 Sec. 4. NEW SECTION. 466B.4 LEGISLATIVE FINDINGS AND
5 4 MARKETING CAMPAIGN.

5 5 1. FINDINGS. The general assembly finds all of the
5 6 following:

5 7 a. Most Iowans desire to have improved water quality
5 8 throughout the state, but many Iowans do not understand the
5 9 problems with local water quality.

5 10 b. Most Iowans believe that the protection of fish and
5 11 wildlife benefits all Iowans.

5 12 c. The benefits of improving water quality could far
5 13 outweigh the costs of implementing mechanisms to improve it.

5 14 d. There is a disparity between rural and urban residents
5 15 with regard to beliefs about who is responsible for protecting
5 16 local watersheds.

5 17 e. Most Iowans look to some level of government for the
5 18 protection of water resources rather than to themselves and
5 19 their own actions. However, it is not possible or desirable
5 20 for state government to take complete control and
5 21 responsibility for water quality.

5 22 2. MARKETING CAMPAIGN. The water resources coordinating
5 23 council shall develop a marketing campaign to educate Iowans
5 24 about the need to take personal responsibility for the quality
5 25 of water in their local watersheds. The emphasis of the
5 26 campaign shall be that not only is everyone responsible for
5 27 clean water, but that everyone benefits from it as well. The
5 28 goals of the campaign shall be to convince Iowans to take
5 29 personal responsibility for clean water and to equip them with
5 30 the tools necessary to effect change through local water
5 31 quality improvement projects.

5 32 Sec. 5. NEW SECTION. 466B.5 REGIONAL WATERSHED
5 33 ASSESSMENT, PLANNING, AND PRIORITIZATION.

5 34 1. REGIONAL WATERSHED ASSESSMENT PROGRAM. The department
5 35 shall create a regional watershed assessment program. The
6 1 program shall assess all the regional watersheds in the state.

6 2 a. The statewide assessment shall be conducted at the rate
6 3 of approximately one-fifth of the watersheds per year, and an
6 4 initial full assessment shall be completed within five years.
6 5 Thereafter, the department shall review and update the
6 6 assessments on a regular basis.

6 7 b. Each regional watershed assessment shall provide a
6 8 summary of the overall condition of the watershed. The
6 9 information provided in the summary may include land use
6 10 patterns, soil types, slopes, management practices, stream
6 11 conditions, and both point and nonpoint source impairments.

6 12 c. In conducting a regional watershed assessment, the
6 13 department shall provide opportunities for local data
6 14 collection and input into the assessment process.

6 15 2. PLANNING AND PRIORITIZATION. In conducting the
6 16 regional watershed assessment program, the department shall
6 17 provide hydrological and geological information sufficient for
6 18 the water resources coordinating council to prioritize
6 19 watersheds statewide and for the various communities in those
6 20 watersheds to plan remedial efforts in their local communities
6 21 and subwatersheds.

6 22 3. REPORT TO COUNCIL. Upon completion of the statewide
6 23 assessment, and upon updating the assessments, the department
6 24 shall report the results of the assessment to the council.

6 25 Sec. 6. NEW SECTION. 466B.6 COMMUNITY-BASED WATERSHED
6 26 IMPROVEMENT PLANS.

6 27 1. FACILITATION OF COMMUNITY-BASED WATERSHED PLANS. After
6 28 the department's completion of the initial regional watershed
6 29 assessment, and after the council's prioritization of the
6 30 regional watersheds, the department, in conjunction with the
6 31 department of agriculture and land stewardship, shall
6 32 facilitate the development and implementation of local,
6 33 community-based subwatershed improvement plans.

6 34 2. ASSESSMENT, PLANNING, PRIORITIZATION, AND
6 35 IMPLEMENTATION. In facilitating the development of

7 1 community-based subwatershed improvement plans, the
7 2 department, in conjunction with the department of agriculture
7 3 and land stewardship, shall do all of the following:
7 4 a. Based on the results of the regional watershed
7 5 assessment program, identify critical subwatersheds within
7 6 priority regional watersheds and recruit communities, citizen
7 7 groups, local governmental entities, or other stakeholders to
7 8 engage in the assessment, planning, prioritization, and
7 9 implementation of a local community-based subwatershed
7 10 improvement plan. The department may create a group of
7 11 initial local community-based subwatershed improvement plans
7 12 that can be implemented as pilot projects, in order to develop
7 13 an effective process that can be replicated across the state.
7 14 b. Accept and evaluate applications for proposed local
7 15 community-based subwatershed improvement plans and prioritize
7 16 them. In evaluating an applicant's proposed plan, the
7 17 following shall be considered:
7 18 (1) The stated objectives of the plan.
7 19 (2) The thoroughness of the assessment of a local
7 20 subwatershed's physical, social, and financial resources.
7 21 (3) Whether an adequate analysis of alternatives has been
7 22 presented.
7 23 (4) Whether the plan includes an evaluation process that
7 24 will measure results and outcomes.
7 25 (5) Whether the subwatershed is located within a priority
7 26 regional watershed.
7 27 (6) Any other relevant factors.

7 28 c. Award moneys and direct other necessary resources to
7 29 successful applicants according to an appropriate
7 30 prioritization in order to assist in the implementation of
7 31 local community-based subwatershed improvement plans.

7 32 Sec. 7. NEW SECTION. 466B.7 COMMUNITY-BASED WATERSHED

7 33 MONITORING.

7 34 1. MONITORING ASSISTANCE. After completion of the
7 35 statewide regional watershed assessment and prioritization,
8 1 and at the same time as the implementation of local
8 2 community-based watershed improvement plans, the department
8 3 shall assist communities with the monitoring and measurement
8 4 of local subwatersheds. The monitoring and measurement shall
8 5 be designed for the particular needs of individual
8 6 communities.

8 7 2. DATA COLLECTION AND USE. Local communities in which
8 8 the department conducts subwatershed monitoring shall use the
8 9 information to support subwatershed planning activities, do
8 10 local data collection, and identify priority areas needing
8 11 additional resources. Local communities shall also collect
8 12 data over time and use the data to evaluate the impacts of
8 13 their management efforts.

8 14 Sec. 8. NEW SECTION. 466B.8 WASTEWATER AND STORM WATER
8 15 INFRASTRUCTURE PROGRAM.

8 16 1. A wastewater and storm water infrastructure program is
8 17 created within the department to assess and prioritize
8 18 communities within a watershed presenting the greatest level
8 19 of risk to the health of residents. This prioritization shall
8 20 include both sewerage and unsewered communities.

8 21 2. In administering the program, the department shall
8 22 award funds to communities based on its prioritization of the
8 23 health risks facing those communities.

8 24 Sec. 9. NEW SECTION. 466B.9 RULEMAKING AUTHORITY.

8 25 The department shall have the power and authority
8 26 reasonably necessary to carry out the duties imposed upon it
8 27 in this chapter. This includes rulemaking authority to carry
8 28 out the regional assessments, assist in the implementation of
8 29 community-based watershed improvement plans, coordinate the
8 30 development of community-based watershed monitoring, and
8 31 administer the wastewater and storm water infrastructure
8 32 program.

8 33 EXPLANATION

8 34 This bill relates to the protection of surface water and to
8 35 improvements in water quality.

9 1 The bill creates a water resources coordinating council
9 2 within the governor's office and specifies as members certain
9 3 state agency directors with authority over water-related
9 4 programs as well as experts in water quality from the regents
9 5 institutions. The governor is directed to solicit advice from
9 6 several directors of federal programs involved with water
9 7 resources. The council is charged with coordinating
9 8 governmental efforts to improve water quality in an efficient
9 9 and fiscally responsible manner.

9 10 The bill also charges the council to conduct a marketing
9 11 campaign to educate Iowans about water quality and about their

9 12 responsibility for improving it. The focus of the campaign is
9 13 to make sure that Iowans know that clean water is everyone's
9 14 responsibility, and that everyone benefits.

9 15 The bill also directs the department of natural resources
9 16 to engage in a program of statewide watershed assessment. The
9 17 department must divide the state into larger, regional
9 18 watersheds and engage in water quality assessment of those
9 19 regions. The department must complete this assessment within
9 20 five years, and based on the results of the assessment, the
9 21 council must prioritize the regions so that resources can be
9 22 directed in the most appropriate and efficient manner.

9 23 The bill also creates a program for improving water quality
9 24 at a smaller, local watershed level. The department is
9 25 directed to work with the department of agriculture and land
9 26 stewardship in awarding funds to local communities, evaluating
9 27 proposed local community-based watershed improvement plans,
9 28 and recruiting local stakeholders to take the initiative in
9 29 water quality improvement. Local stakeholders may include
9 30 many diverse groups, such as community groups, soil and water
9 31 conservation districts, and drainage districts. The approval
9 32 of local water quality improvement plans and the allocation of
9 33 funds to local communities must be in conformance with the
9 34 regional watershed prioritization and are contingent upon the
9 35 completion of the department's statewide regional assessment.

10 1 The bill also directs the department to assist local
10 2 communities with water quality monitoring. This monitoring is
10 3 not contingent upon the statewide regional assessment and is
10 4 intended to help local communities in the community-based
10 5 improvement efforts by providing data to assist in proper
10 6 planning efforts and the allocation of resources.

10 7 The bill also creates a wastewater and storm water
10 8 treatment infrastructure program and directs the department to
10 9 award grant funds to local communities by prioritizing them
10 10 according to the greatest risk to the health of residents.

10 11 Finally, the bill gives the department rulemaking authority
10 12 to carry out the duties imposed on it by the provisions of the
10 13 bill.

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