SENATE FILE 455
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SF 34)

(As Amended and Passed by the Senate March 15, 2023)

= New Language by the Senate

A BILL FOR

An Act relating to the regulation of topsoil and storm water at construction sites.

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

Section 1. Section 331.301, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 22. *a.* For purposes of this subsection:

(1) *"Construction site"* means a site or common plan of residential or commercial development or sale, including the development of a single-unit or multiple-unit residential building.

(2) *"Topsoil"* means the same as defined in section 208.2 and includes amendments to topsoil.

b. A county shall not adopt or enforce an ordinance, motion, resolution, or amendment relating to the preservation, compaction, placement, or depth of topsoil at a construction site that is more restrictive than those requirements provided in the national pollutant discharge elimination system general permit no. 2 as issued by the department of natural resources.

c. (1) A county may adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff at a construction site only to the extent that such regulation for rainfall events having a return frequency ranging from five through one hundred years does not require a post-construction storm water flow rate that is more restrictive than the existing flow rate of a rainfall event having a return frequency of five years, with all such runoff rates based on the actual existing condition of the site at the time the construction commences.

(2) A county may adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff from upstream properties adjacent to a construction site to the extent that storm water runoff shall be allowed to pass through downstream storm water basins at the same flow rates as off-site storm water runoff entering the construction site.

Sec. 2. Section 364.3, Code 2023, is amended by adding the following new subsection:

NEW SUBSECTION. 18. *a.* For purposes of this subsection:

(1) *"Construction site"* means a site or common plan of

residential or commercial development or sale, including the development of a single-unit or multiple-unit residential building.

(2) *"Topsoil"* means the same as defined in section 208.2 and includes amendments to topsoil.

b. A city shall not adopt or enforce an ordinance, motion, resolution, or amendment relating to the preservation, compaction, placement, or depth of topsoil at a construction site that is more restrictive than those requirements provided in the national pollutant discharge elimination system general permit no. 2 as issued by the department of natural resources.

c. (1) A city may adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff at a construction site only to the extent that such regulation for rainfall events having a return frequency ranging from five through one hundred years does not require a post-construction storm water flow rate that is more restrictive than the existing flow rate of a rainfall event having a return frequency of five years, with all such runoff rates based on the actual existing condition of the site at the time the construction commences.

(2) A city may adopt or enforce an ordinance, motion, resolution, or amendment that regulates storm water runoff from upstream properties adjacent to a construction site only to the extent that storm water runoff shall be allowed to pass through downstream storm water basins at the same flow rate as off-site storm water runoff entering the construction site.