

March 25, 2010

Environmental Protection Commission
Iowa Department of Natural Resources
Wallace Building
502 E. 9th Street
Des Moines, IA 50319-0034

Dear Commission member:

Some recent issues have come to our attention regarding proposed rules being considered by the department and the EPC.

The first concern is the definition of residence. Since the mid 1990's the department has had a rule which requires a residence to have water, electricity and sewage disposal in order to qualify as a residence. We feel this protects the environment and has worked well over the past several years. However, now the commission has asked for a rule change which would allow an outhouse to qualify as sewage disposal. This seems counter productive to the mission of the department and is an environmental step backwards.

A second issue is the removal of a tile intake cover(s) as approved by legislation passed in 2009 (14 day requirement in Iowa law). The proposed rule indicates that if a cover is removed after 14 days, but before the season's final freeze thaw cycle then the producer must report it to the department as a release of manure. As a practical matter, there is no way for producers to comply or the department to enforce this approach. For example, when will the last freeze thaw event be this year?

Furthermore, the length of time was fully vetted during last year's discussion and 14 days was the agreed upon length of time. Please review this provision and keep in mind that if manure reaches a body of water in this state it remains a violation of state law. We would request this language be removed from the proposed rule and we continue to follow the 2009 law.

The final issue deals with the 100 day storage rule for some producers. Currently the DNR has expressed intent to be flexible and deal with the issue on a case-by-case basis. Many of the farms targeted have been under intense financial stress and having this additional restriction is economically unreasonable for many producers at this time. We are requesting this item be removed from the proposed rules and each farm can be dealt with individually.

Thankfully, the definition of common management has already been agreed to by IDNR staff. It would be our intent to find a way to resolve these remaining issues before they come before the rules committee to clarify and simplify the process.

Thank you for your consideration on these matters and thank you for your public service.
Please feel free to contact us if you have any questions.

Sincerely,

John P. Kibbie

Tom Vancovich

Raymond J. Giddens

Marcella R. Jersat

W. K. J.

Linda J. Meyer

by J. Holt

Paul G. ...

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David ...

Jim S. Kapucian

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Dr. Joe ...

Michael ...

Kevin ...

Larry ...

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Thomas R. ...

Cc: Richard Leopold, Director

Signatures:

Senator John Kibbie
Representative Ray Zirkelbach
Representative Nate Reichert
Representative Gary Worthan
Representative David Heaton
Senator Tim Kapucian
Senator James Seymour
Senator William Heckroth
Senator Tom Courtney
Senator Rich Olive
Senator Mary Jo Wilhelm
Representative McKinley Bailey
Representative Larry Marek
Senator Gene Fraise

Senator Tom Hancock
Representative Marcella Frevert
Representative Linda Upmeyer
Senator Merlin Bartz
Representative Andrew Wenthe
Senator David Johnson
Senator Wally Horn
Senator Tom Rielly
Senator Jerry Behn
Representative Steve Olson
Senator Joe Seng
Representative Dave Deyoe
Senator Randy Feenstra
Representative Tom Sands