



IOWA CHAPTER

November 9, 2015

To Joe Griffin, Eric Wicklund, Jon Tack, Bill Ehm, Chuck Gipp
CC: Sen. Pam Jochum

Re: topsoil rule, cost report to be given to the Iowa Legislature

When the Administrative Rules Review Committee (ARRC) approved the new topsoil rule in August, the members also passed a General Referral for the Iowa legislature to review the rule during the 2016 session. Additionally ARRC members requested that the Iowa Department of Natural Resources (DNR) determine the cost-benefit analysis of restoring the topsoil after construction.

The Sierra Club recently learned that the DNR will not be providing a cost-benefit study to the legislature during the 2016 session. The excuse is that no economist was available to provide the study in time for the legislative session.

Upon further inquiry, the department decided not to perform their own internal study. However, for other rules, the department has been able to perform their own cost-benefit studies and includes those numbers as part of the rule-making package.

Given that the Administrative Rules Review Committee requested that the DNR determine the costs of restoring topsoil to a building site after construction, the Iowa Chapter of the Sierra Club is offering the following comments and suggestions for proceeding on a cost-benefit study.

1. Any cost-benefit analysis should review the costs of restoring a minimum of four inches of topsoil. Those costs should be compared to the costs incurred by the homeowner if they find that the topsoil has not been restored. Finally, the greater societal costs of having properties without the topsoil should be reviewed.
2. When considering a homeowner without topsoil and who has been unable to restore the topsoil, the costs analysis should include additional costs for water, fertilizers, expense of periodically reseeding the yard, loss of trees and other plants, replacement costs for plants.
3. As you know, homeowners across the state have faced significant challenges in repairing those lawns that have no topsoil. Professional landscapers should be able to provide several options to restore the topsoil and the costs of those restorations.
4. One option for restoring the topsoil on a property that should be evaluated is slowly adding compost to the property over a 5-year period. This option should include additional costs for water, fertilizers, expense of periodically reseeding the yard, loss of trees and other plants and the replacement cost for plants.

5. A second option for restoring topsoil is to rip off the sod, bring loads of topsoil and compost to the property, then restoring or replacing the sod, and finally the extra costs for watering to ensure that the sod gets established (costs that have already been paid for when the property was originally purchased). Those costs need to be analyzed.
6. The costs to society when topsoil is missing from a property include extra expense to comply with stormwater management rules and the need for other property owners to pick up the slack (such as larger detention basins). Once fertilizers run off properties without topsoil and enter a waterway, the polluted waters support the growth of algae, encourage bacteria to fester, and may even cause the development of microcystin toxins. These pollutants can contaminate drinking water, can cause illnesses to people exposed to them, and can degrade water quality. Each one of these issues has a cost that needs to be evaluated.

It is more than obvious why the DNR staff are dragging their feet on providing the cost-benefit analysis. Clearly the homebuilder's costs of restoring the soil to a building site are going to be lower than the costs of what a homeowner incurs in replacing the topsoil, in replacement costs for trees and garden plants, in extra water and fertilizer costs. Furthermore, the homebuilders can pass the costs of the topsoil restoration to the homebuyer so they will not be losing money by restoring the topsoil.

Even so, that is not an excuse for ignoring the ARRC's request. The Sierra Club expects that an internal study can be performed and should be performed by the 2016 legislative session.

Thank you for considering these suggestions.

Sincerely,

A handwritten signature in dark ink, reading "Pamela Mackey-Taylor". The signature is written in a cursive, flowing style.

Pam Mackey-Taylor
Iowa Chapter Conservation Chair