The bill provides that state implementation of federal law or policy by a state administrative agency shall not exceed the specifications and requirements of federal law or policy, except as specifically allowed by state law.

HF353 changes on EPC program to 6 to 3 currently) and requires a majority of the EPC membership (5 votes) to take action. It also limits the commission’s authority to implement the provisions of Code chapter 450A, 455C, or 459 to the authority that is explicitly set out in those chapters. The bill, passed by the House 96-9, negates a rule recently passed by the Senate.

HF485 allows legislative standing committees to review any administrative rule. As part of the rule-making process, the bill would require that no rule could remain in effect for more than five years, at which time the rule would be automatically rescinded. The bill is currently on the debate calendar.

All is Not Black
Several other bills that are not assaultive on the environment are also being considered. SCR9 and HC9 urge the United States Congress to modernize the Toxic Substances Control Act of 1976. HF370 establishes a solar energy rebate program; SF237 allocates tax credits for redevelopment and predisaster hazard mitigation; S.F.194 establishes a high-performance certification program to promote effective energy and environmental standards for public buildings and SF507 increases sales and use taxes to 6.3 percent with 3.8 percent to be dedicated to the natural resources and outdoor recreation trust fund, effective July 1, 2011. Legislators’ Labor
The Chamber would be remiss not to recognize the many legislators in both the House and the Senate that are working very hard to support protective environmental legislation. This hasn’t been an easy session for environmentally minded legislators. There are too many legislators to list here, but we know who you are and we thank you for working so hard for the environment.

(end notes)
1. Only the following bills are eligible for consideration after April 11:
   - Appropriations Bills
   - Ways and Means Bills
   - Government Oversight Bills
   - Legislative Act
   - Bills co-sponsored by Majority and Minority Leaders of one House
   - Omnibus bills on Code of Iowa, Senate and House Majority Leaders
   - Committees of the Whole
   - Concurrent or Simple Resolutions
   - Bills passed both by Houses in different forms
   - Bills not yet considered
   - Administrative Rules Review Committee Bills
   - Committees Bill related to delayed Administrative Rule
   - Joint Resolutions nullifying Administrative Rules
   - Unfinished Business
2. Senators signing the letter include Daryl Beull, Dennis Black, Joe Bolickm, Dick Dearden, Bob Dvorkyn, Gene Fraise, Jack Hatch, Rob Hugg and Pam Jochum.
Hyperion Refinery has proposed a 600 MW on-site integrated gasification combined cycle (IGCC) power plant for Union County, South Dakota. The proposed site is very close to the border between South Dakota and Iowa and will negatively impact Iowa’s air quality and the fragile ecosystem in the Loess Hills. We are very concerned that the data needed to fully gauge the impact of prevailing winds blowing the pollution into Iowa have not been collected and analyzed. In addition, we are concerned about the quality, soil loss, and transportation infrastructure that will not be sufficiently studied unless a formal Environmental Assessment (EA) and Environmental Impact Statement (EIS) are prepared.

The South Dakota Department of Environment and Natural Resources recently issued a draft revised air quality permit for the Hyperion Refinery. The Hyperion Refinery has been given an 18-month extension to begin construction of the proposed refinery. The refinery would be processing tar sands from Canada. The 30-day comment on the draft permit ended on April 1.

The Iowa Chapter of Sierra Club is also concerned about the effects the refinery will have on the Missouri River. Currently, Hyperion is planning to draw 12 million gallons of water daily from shallow wells near the Missouri River and will be discharging three million gallons of treated effluent daily into the Missouri River. All of the water will go up the plume and not returned to the river. The Missouri River Valley is a major corridor used by migrating species including eagles, who are likely to be affected by Hyperion’s plans.

Please visit our website at http://iowa.sierrabc.org/Hyperion%20Refinery/refinery.htm for information about Hyperion, and the website of Pete Carrels: OpposeHyperion.com. Pete Carrels is a Sierra Club staff member based in South Dakota. He created an ad campaign because Hyperion refused to participate in any public forum. An event was planned by the Woodbury County Change Advisory Council and the DNR’s requirement to submit annual inventory of greenhouse emissions and forecasting trends. HF341 would repeal the Iowa Climate Change Advisory Council Act and HF402 would prohibit using fees assessed for regulation under the Clean Air Act for anything other than the costs for developing and administering the program. It would prohibit the use of these fees for other programs, such as general air quality programs or for monitoring. In addition, HF227 would reduce the cap on the DNR greenhouse gas tailoring rule. These fees could be used for air quality programs and monitoring.

Do any of these bills benefit the health of our communities or are they protecting the well-being of big business? The burning of fossil fuels creates not only greenhouse gas but soot or particulate matter, ozone, acid gases and air toxics such as mercury, lead, arsenic and dioxin.

Update on Hyperion Refinery

The following information is excerpted from the ad campaign and additional comments from Jim Redmond of Sioux City.

Hyperion puts our community at risk.

Hyperion would release more air pollution per-refined-barrel than any other American refinery, harming public health across Siouxland. That’s because tar sands crude oil is laden with dangerous chemicals including heavy metals, sulfur, carcinogens and neurotoxins at high concentrations. Even when conforming to regulations, Hyperion would double South Dakota’s air pollution output. The burning of more than 1 million tons of tar sand sand will cause respiratory illnesses, birth defects, heart, lung and disease, asthma and other serious, deadly health problems in our community.

What would you do?

Imagine that the nation’s 6th largest oil refinery Trumping over several thousand acres was proposed for just down the street from where you live. Imagine this massive refinery would annually emit 17 million tons of dangerous air pollu- tion—more than any other refinery in the country. Imagine the noise, traffic, lights and industrial blight. Imagine the impact on your quality of life and your neighborhood. For hundreds of farm and rural families in Union County, South Dakota and for thousands of others in Siouxland, the threat from Hyperion to health, lifestyle and livelihood is real. What would you do?

What Hyperion won’t say

Hyperion won’t say how many families and farmers will leave Iowa to live elsewhere because of their health and quality of life. Hyperion won’t say how their dangerous air pollutants will affect you and your family. Hyperion won’t say they will release massive quantities of dangerous, deadly air pollution.

We say what Hyperion won’t.

By Pam Mackey Taylor and Jim Redmond

We can strengthen our economy without harming public health and quality of life.

Another side to the Hyperion Project

The public needs to realize that some local governments recognize the challenge of this refinery, but the actual county government is not willing to contact with the refinery developers for almost three years. Iowa’s Governor Branstad supports the oil refinery in Iowa. They would rather the environment be harmed than take the necessary steps for investment.

Recently South Dakota’s Clay County Commission sent a pointed question to that state’s Department of Environmental and Natural Resources. Clay County is only three miles from the proposed site. They warned that their county will be significantly burdened by roads, schools, police, and other requirements related to the Hyperion Refinery. They also warned that they would not support the refinery if it did not support the economic benefits for the surrounding governments while minimizing their own. Hyperion’s apparent lack of interest regarding local governments reveals what opponents have said all along: Without an Environmental Impact Statement the public and local governments are at an advantage when trying to understand and anticipate the impacts of this massive industrial project.

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The annual election for the Club’s Board of Directors is underway. Those eligible to vote in the national Sierra Club election will have received in the mail (or by Internet if you chose the electronic delivery option) your national Sierra Club ballot. This will include information on the candidates and where you can find additional information on the Club’s website.

The Sierra Club is a democratically structured organization at all levels. The Club requires the regular flow of views on policy and priorities from its grassroots membership in order to function well. Yearly participation in elections at all Club levels is a major membership obligation. Your Board of Directors is required to stand for election by the membership. This Board sets Club policy and budgets at the national level and works closely with the Executive Director and staff to operate the Club. Voting for candidates who express your views on how the Club should grow and change is both a privilege and responsibility of membership.

Members frequently state that they don’t know the candidates and find it difficult to vote without learning more. You can learn more by asking questions of your group and chapter leadership and other experienced members you know. Visit the Club’s election website: http://www.sierraclub.org/club2011/election/default.aspx. This site provides links to additional information about candidates, and their views on a variety of issues facing the Club and the environment. You should use your own judgment by taking several minutes to read the ballot statement of each candidate. Then make your choice and cast your vote. Even if you receive your election materials in the mail, please go to the user-friendly Internet voting site to save time and postage. If necessary, you will find the ballot is quite straightforward and easy to mark and mail.

The candidates are listed below in the order they will appear on the ballot:

- Frank Morris (NY) P
- Jonathan Ela (WI) N
- Larry Fahn (CA) N
- Liz Walsh (TX) N
- Rob Wilder (CA) N
- Jeremy Doschin (TN) N
- Aaron Mair (WI) N
- Jessica Helm (NY) N

N = Nominating Committee candidate
P = Petition Candidate

Opacity Takes the Day in the House of Representatives
Dove Hunting Bill Passes in 72 Hours

By Neila Seaman, Chapter Director

By Neila Seaman, Chapter Director

Transparency. How many times have we heard that word bandied about in relation to politics? According to Merriam-webster.com, transparency means something transparent, which means fine or sheer enough to be seen through.

What happened in the House of Representatives on March 23 qualifies as anything but transparency. In January, Sen. Paul McKinley (R-Lucas) introduced a bill that would allow 16-year-old residents to hunt raccoons with their parent, guardian or other competent adult without obtaining a fur harvester license as long as the minor does not hunt or carry a weapon. The bill was referred to the Senate Natural Resources & Environment Committee, passed the committee and was re-introduced as SF130. The Senate passed SF130 a month or so later by a vote of 48-0. That same day, SF130 was referred to the House Natural Resources Committee and a subcommittee recommended passage to the full Committee on March 21.

Rep. Richard Arnold (R-Lucas) introduced H-1435, an amendment to SF130, on the next day that eliminated all references to minor hunting raccoons with their parent, guardian or other competent adult and instead added mourning doves to a list of birds and animals that could be hunted during a season determined by the Natural Resources Commission.

In the meantime, on March 22, the Senate passed SF464, a bill that adds mourning doves to a list that includes birds and animals that could be hunted during a season determined by the Natural Resources Commission. SF130 came up on the House debate calendar on March 23 (now the dove bill.) Democrats offered seven amendments that would weaken the bill, but all seven were voted down. Then, Rep. Arnold introduced H-1436, an amendment that would amend his earlier amendment. H-1436 would remove the title of the bill—“An Act relating to raccoon hunting”—and replace it with “An Act allowing the establishment of an open season for hunting mourning doves.” It was adopted on a voice vote. After wrangling over whether or not H-1435 (as amended by H-1436) was germane, a motion passed 53-30 that suspended the rules in order to consider H-1435 and it passed on a voice vote.

Immediately after the House passed H-1435, it introduced a list of bills passed by the Senate and SF464 was included in that list. The House then deferred SF130 and approved SF464 by a vote of 58-39.

Who would have thought in the age of transparency that legislators would completely strip a bill’s language and replace it with language that totally alters the meaning of the original bill? Voters in Rep. Arnold’s district (Lucas, Monroe, Marion and Mahaska counties) should hold him accountable for his shamefully opaque maneuver.

The Governor wasted no time signing the dove hunting bill—one day after it passed the House. The bill passed in 72 hours.

Mike Markarian of the Humane Society of the United States wrote in his blog:

Weedrow Wilson was in the White House. The Spanish flu pandemic swept the globe. World War I was just ending. A lot has happened since 1918, but one thing has stayed the same for these 93 years: Mourning doves have been protected in Iowa. Sadly, that may change this fall, under a new bill. A bill—one day after it passed the House. The bill passed in 72 hours.

The Iowa Sierran is dedicated to informing members and other friends about environmental issues that affect Iowa. It is a forum for the expression of ideas on topics of environmental concern, as well as the voice of the Iowa Chapter of the Sierra Club. Articles with a by-line represent the research and opinions of the authors and not necessarily that of the Sierra Club. We invite submissions of letters, articles, photographs and illustrations. Letters and articles must be complete, accurate and identified with your name, address and phone number(s). Please submit by email to jrclark@radiks.net. The editor reserves the right to edit for clarity, space and libel reasons.

Deadlines are March 5 for the Spring/Summer issue; July 5 for the Autumn issue; and November 5 for the Winter issue. Preference will be given to articles 400-1,000 words in length that relate to Iowa. Longer articles will be considered. A subscription to the Iowa Sierran is included in the cost of Sierra Club membership. For non-members, a subscription is $5 per year.

IOWA SIERRAN
Editor: Jane R. Clark
Associate Editor: Jo Hudson
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Sierra Club

EPA Proposes First Ever Safeguards for Mercury and Air Toxics from Power Plants

After 20 years of delay, EPA took an important step toward protecting millions of American children from toxic air pollution from power plants including mercury, arsenic, and acid gases. On March 16th, EPA proposed a rule that would limit these air toxics from 1.350 combustion units at 500 coal and oil power plants. If finalized as proposed, the Mercury and Air Toxics rule’s reasonably strong emission limits will prevent as many as 17,000 premature deaths, 11,000 heart attacks annually, 120,000 cases of childhood asthma symptoms and 85,000 missed days of work. The rule would also result in 11,000 fewer cases of acute bronchitis among children and 12,000 fewer emergency room visits and hospital visits. EPA predicts an increased demand for pollution control technology, and increased job opportunities for Americans working to install, operate, and maintain these controls, including 31,000 short term jobs, and 9,000 long term jobs that will benefit steelmakers, pipeliners, boilermakers and laborers. EPA does not predict any reliability concerns as a result of this rule, stating that any retirements or relocations will be manageable as long as the utilities engage in adequate planning. The EPA predicts only 10 GW of plants will retire as a result of this rule, on top of the predicted 27 GW expected to retire regardless of the rule. This step marks a victory – particularly for those who have been litigation this issue for years, and now we must to defend and strengthen this rule by mobilizing massive public support. The 60-day public comment period will begin officially when the rule is published in the federal register, likely to be later this week. Additionally, EPA will hold three public hearings in Atlanta, Chicago, and Philadelphia. Dates of the hearings have not yet been announced, but Sierra Club will provide a strong leadership role in each location.

Check out Sierra Club's new website on mercury.sierraclub.org

Iowa Chapter of Sierra Club has nine local Groups where members can get involved and attend outings or meetings and programs. The areas covered by each of these Groups is listed below.

Cedar Prairie Group—Waterloo and Cedar Falls Area
Counties: Blackhawk, Buchanan, Bremer, Butler, Grundy, Chickasaw, Hardin

Cedar Wapsie Group—Cedar Rapids and Marion Area
Counties: Benton, Jones, Linn, Tama

Central Iowa Group—Des Moines, Ames Area and south
Counties: Adair, Appanoose, Boone, Clarke, Dallas, Decatur, Guthrie, Jasper, Lucas, Madison, Mahaska, Marion, Marshall, Monroe, Polk, Poweshiek, Ringsgold, Story, Union, Warren, Wayne

Eagle View Group—Clinton, IA and the Quad Cities Area — Group participates in both Iowa and Illinois Chapters
Counties: Clinton, Scott, Muscatine

Iowa City Area Group—Iowa City, Coralville Area and south
Counties: Cedar, Iowa, Johnson, Keokuk, Washington

Leopold Group—Burlington, Fairfield and Ottumwa Area
Counties: Davis, Des Moines, Henry, Jefferson, Lee, Louisa, Van Buren, Wapello

Northwest Iowa Group—Sioux City, LeMars, Soldier Area
Counties: Cerro, Ida, Lyon, Monona, Plymouth, Sioux, Woodbury

Prairie Lakes Group—Spirit Lake, Spencer, Storm Lake, Emmetsburg, Estherville, Pocahontas, Primghar, Sibley

Sierra Club                       IOWA CHAPTER DIRECTORY
For our Families . . . For our Future.
PROTECT AMERICA'S ENVIRONMENT

Sierra Club  IOWA Sierran  Spring/Summer 2011
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Counties: Buena Vista, Clay, Dickinson, Emmet, O’Brien, Osceola, Palo Alto, Pocahontas

White Pine Group—Dubuque, Decorah and Elkader
Counties: Allamakee, Clayton, Delaware, Dubuque, Fayette, Howard, Jackson, Winneshiek