



**SIERRA  
CLUB**

**IOWA CHAPTER**

## **PRESERVING TOPSOIL DURING CONSTRUCTION PROJECTS**

Homeowners across Iowa are discovering that their lots have no topsoil. The common practice has been for a contractor to scrape the topsoil off of a building lot and then not return topsoil or return very little topsoil to the building site once construction has been completed. Homeowners are surprised when they realize that sod was laid on top of compacted clay. Trees and garden plants wither away while homeowners struggle to maintain their lawns.

### **The Solutions:**

- Require builders to restore eight inches of topsoil, including compost, to a building site.
- Disclose to the buyer at the time a property is sold if the topsoil has been stripped from the building site or if amendments have been added to a building site where topsoil was not restored.
- Allow a potential purchaser to inspect the amount of topsoil on a lot by hiring a landscaper. Alternatively, the property owner can furnish an inspection report that details location of the inspection and the amount of topsoil present. The contents of the opinion can be used for purchase price negotiations. Based on the results of the inspection, a potential purchaser can also walk away from the sale.
- Establish a certification program for topsoil inspectors at the Iowa Department of Natural Resources.

### **Background**

In 2015, the Iowa Department of Natural Resources (DNR) implemented a rule that says that topsoil should be returned to a building site unless it is infeasible.

During the rulemaking process, homeowners flocked to the DNR complaining about properties where no topsoil was returned to the building site. Homeowners thought they were purchasing a lot with topsoil, only to find that the sod was laid on compacted soil with no topsoil returned. They related horror stories about the inability to grow trees, grass and gardens. They told painful stories about the costs that they either had incurred or were quoted to remedy the situation. It is infinitely more expensive for a homeowner to restore the topsoil than for a developer to do it in the first place. Furthermore, the price of returning topsoil to a lot would be bundled into a homeowner's loan at the time he or she purchased the property. Getting that loan is easier than trying to get a separate loan to complete the work that the contractor did not perform.



*Photo credit: Lynn Betts, USDA NRCS*

### **Topsoil is important for healthy lawns and gardens.**

Topsoil retention is very important to urban landscapes; growing plants **need** healthy soil. New homeowners, with no topsoil left in place, are often faced with very expensive soil remediation to even begin to establish healthy lawns, trees and gardens. The savings to the building industry comes at a great cost to the home owner and to the watershed.

### **Topsoil holds water in the yards, thus reducing flood risk.**

Good topsoil is porous and contains organic matter which serves as a sponge, soaking up and retaining rain and snowmelt rather than allowing the water to rush to rivers and streams, which can lead to flooding. Cities have stormwater problems and they have MS4 stormwater permit expectations. Without adequate topsoil on building sites, cities will find it more difficult to comply with requirements that stormwater be retained on the landscape.

### **Topsoil on urban lots helps reduce nutrients in Iowa's rivers, streams and lakes.**

Rain events will quickly wash fertilizers, also called nutrients, off of lots that have been stripped of topsoil. This pollutes our rivers, lakes and streams. Furthermore, it is costly for the landowner who must spend extra money for repeat fertilizer applications.

Iowa's Nutrient Reduction Strategy depends on **all** of us to practice good land stewardship to reduce nutrients in Iowa's waterways. This strategy recognizes the continued need for farmers, industry and **cities** to optimize nutrient management and lessen impacts to streams and lakes. All Iowans have an impact on nutrients in surface water and can play a role in reducing those impacts over time. This strategy emphasizes Iowans working together in small watersheds including towns and cities using existing and new frameworks to make an impact.



*Photo credit: Lynn Betts, USDA NRCS*

Soil stewardship is a significant component of water quality. All of us are responsible for clean water and we all must pitch in to ensure that Iowa's rivers, streams and lakes are healthy.

### **The current rule provides for no accountability and assurances that topsoil has been returned to a building site.**

Although the new rule says that topsoil should be returned unless it is infeasible, the rule gives the builder great latitude in determining how much topsoil to replace and seems to allow the builder to claim as "infeasible" anything the builder wants it to be. The rule provides for no oversight by the city. The rule allows the builder to submit an affidavit that says he or she complied with the topsoil requirement. An affidavit submitted by the builder is not adequate!

Cities issue permits necessary to enforce the building codes, inspect construction sites and provide guidance for building projects. Preserving topsoil can be monitored by cities as are plumbing, electrical and other aspects of home construction.

### **In conclusion, we need healthy soils in place for clean water, less flooding and better urban landscape.**

Homeowners expect to purchase properties with the topsoil returned to the lot.

Preserving topsoil at building sites **will** make a difference. Urban residents have a role to play in reducing nutrients. Topsoil will help hold those nutrients on-site, rather than allowing them to wash into Iowa's waterbodies. Likewise, homeowners can play a role in reducing flood risk; but they need to have the topsoil placed on their lots.

Satisfied homebuyers, healthy lawns and gardens and reduced nutrients in Iowa's waterways are why builders should be required to return eight inches of topsoil to their building sites.