A BILL FOR

1 An Act relating to requiring water quality plans for persons
2 receiving financial assistance for establishing soil and
3 water conservation plans.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 161A.42, subsection 3, Code 2018, is amended to read as follows:

3. "Cost-share" or "cost-sharing" means a contribution of money made by the state in order to pay a percentage of the costs related to the establishment of voluntary or mandatory practices as provided under this chapter, including but not limited to soil and water conservation practices, and erosion control practices, or water quality practices.

Sec. 2. Section 161A.42, Code 2018, is amended by adding the following new subsections:

NEW SUBSECTION. 6A. "Farming practice" includes but is not limited to a decision regarding crop production, including crop types and varieties to plant, cultivation and harvesting methods, and the application of materials including manure and commercial fertilizers, tillage, and crop rotation systems.

NEW SUBSECTION. 7A. "Major water source" means the same as defined in section 459.102.

NEW SUBSECTION. 12. "Water quality plan" means an instrument that requires a party to comply with water quality practices or farming practices as a condition to receiving financial assistance as provided in section 161A.77.

NEW SUBSECTION. 13. a. "Water quality practice" means a land use change or the establishment and maintenance of a measure that limits sediment or nutrients from being conveyed by surface water runoff or leaching.

b. "Water quality practice" includes the establishment of any of the following:

(1) A terrace.
(2) A cover crop that is used as part of crop rotation cycle.
(3) A bioreactor installed as part of or connected to a field drainage system.
(4) A wetland established as part of or connected to a crop field.
(5) A saturated buffer.
Cropland integrated with a prairie grass strip.

A riparian buffer strip.

A grassed waterway.

An area maintained in permanent vegetation cover, including perennial vegetation cover consisting of grasses or legumes, including but not limited to grasslands or forages.

A wetland area if the area is mostly underwater or waterlogged during the growing season and is characterized by vegetation of hydric soils.

Any other measure recognized by the division that manages nutrients and reduces contributing contaminant loads to receiving surface waters, including by detaining sediment-laden water, reducing the volume or velocity of precipitation-induced surface water, filtering sediment-laden water, or reducing nutrient loss through tile drainage systems.

NEW SUBSECTION. 14. "Water source" means the same as defined in section 459.102.

Sec. 3. NEW SECTION. 161A.77 Financing conditional upon maintaining a water quality plan.

1. In order to receive financing under this chapter, the owner of agricultural land, or an operator managing the farming activities occurring on the agricultural land shall execute a water quality plan. The commissioners shall assist the owner or operator in developing the plan. The person executing the plan shall file the plan with the commissioners subject to their approval. A copy of the plan shall be delivered to the division. An updated plan must be filed and approved each three years in the same manner as the original plan.

2. a. A person is not required to file a water quality plan until December 31, 2020.

b. This subsection is repealed on January 1, 2021.

3. The water quality plan shall apply to the same farm unit as an applicable farm unit conservation plan or conservation agreement. The plan may be made part of the farm unit conservation plan or soil conservation agreement. However,
a plan may cover one or more farm units as specified in the plan so long as all farm units are located as part of the same district. The plan shall identify those water quality practices or farming practices that manage nutrients and reduces contributing contaminant loads to receiving surface waters as required under this section.

4. The water quality plan shall be completed on forms prepared by the division in consultation with the Iowa nutrient research center established pursuant to section 466B.47. The plan shall be based on an analysis of the nutrient loss potential of a farm’s farming practices and water quality practices by the water quality model established by the Iowa nutrient research center pursuant to section 466B.50. The plan must provide that the farm unit’s nutrient load contribution to surface water sources shall not exceed its assigned tolerance values for nitrogen or phosphorus. The plan shall account for all of the following:

a. The location of each field and its size in acres.
b. The proximity of the field to a water source, including any major water source.
c. The amount and timing of nutrients or commercial fertilizers applied to each field.
d. Whether the application occurs on snow-covered ground or frozen ground.
e. If the farm unit includes an animal feeding operation, whether the animal feeding operation is a confinement feeding operation as defined in section 459.102 or an open feedlot operation as defined in section 459A.102. For each animal feeding operation, the plan shall state the type of animals confined, and the animal unit capacity of the operation.
f. The maintenance of any water quality practice, soil and water conservation practice, or erosion control practice.
g. The types of farming practices utilized.
h. Whether the agricultural land has been subject to soil erosion in excess of the applicable soil loss limits.
The predicted loads of nitrogen and phosphorus respectively contributed to a surface water source, including a major water source, and the extent that such loads are less than the tolerance values assigned to that farm unit.

The results of a test conducted according to a schedule adopted in the plan that indicates the average loads of nitrogen and phosphorus respectively being contributed to a surface water source, including a major water source. The test shall be conducted by the division, the commissioners, or a person approved by the division or the commissioners.

The commissioners shall ensure that a person receiving financial assistance under this chapter is complying with the terms and conditions of the water quality plan.

The commissioners shall inspect or cause to be inspected agricultural land covered by a water quality plan, if reasonable grounds exist to believe that a failure to comply with the plan is occurring. If the commissioners determine a failure is occurring, a notice of that finding shall be delivered to the person who filed the plan, to the landowner or landowners of record, and to each occupant of the agricultural land if known to the commissioners. The notice shall describe the agricultural land affected and shall describe the failure. The notice shall also describe the corrective action required and the time limit for commencing and accomplishing such action.

If corrective action has not been commenced or accomplished as described in the notice, the commissioners shall issue an administrative order to the person who filed the water quality plan. The administrative order shall address the same subjects provided in the notice. However, the corrective action must be commenced not more than six months after the date the order is issued and must be completed not more than one year after that date.

The commissioners shall petition the district court to issue an order requiring immediate compliance with an
1 administrative order if the commissioners have determined any
2 of the following:
3   a. The corrective action has not been commenced or completed
4 by the date specified in the administrative order.
5   b. The corrective action has been commenced but is not
6 being performed with due diligence or in a manner that will
7 reasonably result in compliance with the water quality plan.
8 Sec. 4. Section 466B.41, Code 2018, is amended to read as
9 follows:
10 466B.41 Definitions.
11 As used in this subchapter, unless the context otherwise
12 requires:
13 1. “Center” means the Iowa nutrient research center
14 established pursuant to section 466B.47.
15 2. “Committee” means the state soil conservation and water
16 quality committee established in section 161A.4.
17 3. “Council” means the Iowa nutrient research center
18 advisory council established pursuant to section 466B.48.
19 4. “Division” means the division of soil conservation
20 and water quality created within the department of agriculture
21 and land stewardship pursuant to section 159.5.
22 5. “Farming practice” means the same as defined in section
23 161A.42.
24 6. “Fund” means the water quality initiative fund
25 created in section 466B.45.
26 7. “Iowa nutrient reduction strategy” means the latest
27 edition of the publication of the same name initially presented
28 in November 2012 by the department of agriculture and land
29 stewardship, the department of natural resources, and Iowa
30 state university of science and technology.
31 8. “Model” means the crop field water quality model as
32 provided in section 466B.50.
33 9. “Nutrient” includes nitrogen and phosphorus.
34 10. “Water quality plan” or “plan” means the same as defined
35 in section 161A.42.
11. "Water quality practice" means the same as defined in section 161A.42.

Sec. 5. NEW SECTION. 466B.43 Policy.

It is the policy of this state that Iowa must reduce its contribution of nutrient loading to the Gulf of Mexico contributed from nonpoint sources occurring on agricultural land by the following percentages:

1. For nitrogen, forty-one percent.
2. For phosphorus, twenty-nine percent.

Sec. 6. NEW SECTION. 466B.50 Iowa nutrient research center — crop field water quality model.

1. Not later than July 1, 2019, the center shall establish a crop field water quality model based on the policy objective described in section 466.43. The center shall establish the model in cooperation with other entities, including all of the following:

a. Iowa state university of science and technology.
b. The department.
c. The division.
d. The state soil conservation and water quality committee.

2. The model shall be based on findings and recommendations contained in the Iowa nutrient reduction strategy, and on other pertinent research data.

3. The model shall be used to predict contaminant loads to receiving surface waters caused by farming practices and the application of nutrients on agricultural land.

4. The model shall take into account all of the following:

a. Water quality practices and farming practices. The model shall allow sufficient flexibility to allow a person required to file a water quality plan to select those farming practices and water quality practices that are compatible with the person’s business operations consistent with the policy described in section 466B.43.

b. Special characteristics associated with various types of agricultural land, including field slopes, soil types, the
presence of highly erodible land, the presence of tile drainage systems, and proximity of water sources, including major water sources as defined in section 459.102. The model shall also take into account the effects of the special characteristics on the predicted loadings of nitrogen and phosphorus using farming practices described in the plan.

(c) Tolerance values for nitrogen and phosphorus loads from farm fields based on the goals of the center normalized to a crop field level basis.

EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill requires a water quality plan to be executed by a person as a condition to receiving financial assistance for establishing a soil and water conservation practice. The plan would cover water quality practices such as land use changes or the establishment and maintenance of a measure that limits sediment or nutrients from being conveyed by surface water runoff or leaching. It would also cover farming practices regarding crop production, including those associated with tillage. A water quality plan must be executed by the owner of agricultural land or an operator managing the farming activities occurring on the agricultural land. The plan is to develop in cooperation with the commissioners of the soil and water conservation district where the agricultural land is located. However, a plan is not required to be filed until December 31, 2020. The plan must be based on a crop field water quality model required to be developed by the Iowa nutrient research center with the objective that the contribution of nonpoint sources of nutrients occurring on agricultural land must be reduced by 41 percent for nitrogen and 29 percent for phosphorus. The commissioners must conduct inspections to ensure compliance with the plan and take administrative or judicial action to enforce its provisions.