

**Schnieders, Adam [DNR]**

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**From:** xxvhrsaday@aol.com  
**Sent:** Friday, June 27, 2014 2:17 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** 4" Topsoil Rule

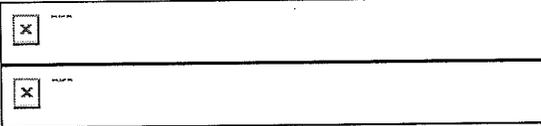
To Whom It May Concern:

Due to climate change Iowa is to expect more, and more frequent, heavy rain events. We have experienced flooding repeatedly over the past decade, and between 2008-2010 HUD allocated more than \$642 million to Iowa for flood mitigation. Dave Swenson, ISU Economist, found that close to **\$2.4 billion** in federal aid was spent in Iowa after the flood of 2008 to either restore households, assist businesses, repair or restore public facilities, or otherwise aid in the relief effort. That kind of aid can NOT continue indefinitely while Iowans continue business as usual and don't take the initiative to help themselves.

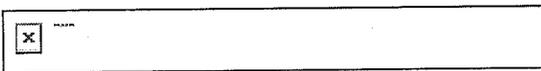
Because of agricultural development, changing our prairies to farms, Iowa has lost much of its ability to infiltrate rainfall. However, I have sat in a public meeting and heard an engineers tell city council members that because of the compaction caused by farm implements farm fields infiltrate less water than cement. I beg to differ. Since the advent of the bulldozer, most of our developed land, if not asphalt or cement, is compacted clay, covered with sod and left with no ability to soak up rainfall.

I stand in support of the proposed rule to leave 4" of soil on developed land.

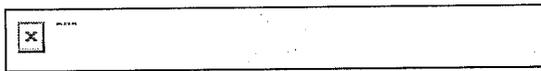
Very few places in Iowa would not have 4" of topsoil to LEAVE. I took the opportunity to drive around the 640 acre section of farmland I live near, some of which has been sold for development. I took photos to show exactly where developers could find some extra topsoil. This stockpile below has sat so long it has vegetation growing all over it. The first thing developers do is strip off the topsoil and pile it. Those shadows on the horizon are my silos in the background...it isn't a hill--the soil stock pile is probably 12+ feet high.



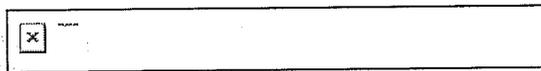
<----This is another stock pile on the same field. When the project is finished the remaining soil is hauled away...and probably sold. A perk for the developer/owner, but not for the taxpayer who pays for the damage caused by floodwaters.



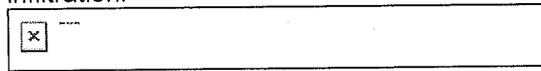
Sometimes the construction crew piles two berms of topsoil together, so it is out of the way and less visible. They are long, long piles



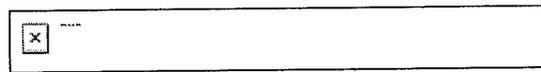
and half as tall as an H frame. There's plenty of soil to be had to leave the 4" behind.



You can see they aren't leaving any topsoil under the sod, which limits any infiltration.



Here's the sod and directly under it is the compacted clay--NO topsoil.



and it ends up here



And below is the stream the storm sewer drains into and the gullies circumvent the erosion control.

Iowa soils are world-class. There are no rules to protect prime soils from being developed. The least the state can do is ask developers to protect our water quality by leaving 4" of topsoil as a sponge to help slow and soak up our rainfall. This is common sense and it will also save the taxpayer and homeowner money. It is raining again today, and I bet I could photograph the same areas and capture some shots of erosion.

Sincerely,  
LaVon Griffieon



## Schnieders, Adam [DNR]

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**From:** Rebecca Kauten [rkauten@cfu.net]  
**Sent:** Monday, June 30, 2014 1:16 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Topsoil Rule

Hi Adam,

I am submitting comments in support of retaining the 4-inch topsoil requirement within general construction permits authorized by Iowa DNR. Here's why:

1. The permit also requires a percentage of vegetative establishment in order to file a Notice of Termination (NOT). Without adequate topsoil on site, more effort and dollars are necessary to establish this vegetation. In turn, it can also cause nutrient leaching if weaker clay soils have to be fertilized in order to establish vegetation.
2. The burden of cost gets shifted to we, the taxpayers, if contractors are not held accountable for supplying a site with adequate topsoil. I wholeheartedly support community-based efforts to improve watersheds and water quality, but our dollars can be much more wisely spent on more effective means if we can avoid having such problems in the first place. If the cost falls on the contractor, rest assured it will ultimately be passed on to the home owner. And, if the home owner has a well-established lawn at the time of purchase, less money will need to be spent on remediation.
3. Contractors will complain about regulation bogging down the system no matter what is done. OSHA requirements of years past were no different than many of the construction site regulations now in place for water quality. More than ten years have passed since the initial NPDES rules and laws took effect, so the learning curve has passed. It's time to comply and implement according to the language of the law -- not change the rules.
4. The purpose of the National Pollutant Discharge Elimination System is source control, be it point or nonpoint. Weakening the topsoil rule within the NPDES permit weakens the overall effectiveness of the entire NPDES system. Adding four inches of topsoil to a construction site at final grade is not asking the impossible. We need to keep in mind why the law and rules were initially established, and implement accordingly.

Thank you for compiling these comments.

Rebecca Kauten

## **Schnieders, Adam [DNR]**

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**From:** Grimes, Steve [sgrimes@bettendorf.org]  
**Sent:** Wednesday, July 02, 2014 11:11 AM  
**To:** Schnieders, Adam [DNR]  
**Cc:** 'dan mcneil'; 'McNeil, Daniel - NRCS, Davenport, IA'  
**Subject:** Top Soil Replacement Issue

Currently the Iowa Department of Natural Resources holds a General Permit #2 for Storm Water Management at Construction Sites. This permit requires erosion and sediment controls as well as other pollution prevention best management practices. An October 2012 permit renewal requires that if at least four inches of topsoil is present before construction begins it must be replaced when construction is complete. It also requires the development community to minimize compaction of existing soil when feasible. If you have a permit issued before October 2012, the construction site was "grandfathered" in with the old rule that does not require replacement of topsoil. My understanding is that these requirements are being considered for modifications that would ease the standards.

As a property owner that recently built a home, and as the Director of the Bettendorf Parks and Recreation Department, I have witnessed the detrimental effects of not requiring topsoil replacement. The disadvantages include many issues such as poor storm water absorption rates, poor quality lawns that require more treatment with chemical fertilizers and herbicides, more irrigation needs due to an inability of the soil to hold water, and others highlighted in the attachment.

I hope that the State takes a proactive environmental approach and retains the existing language regarding this issue. I firmly believe this is in the best interest of all Iowans.

Thank you for your attention to this matter.

**Steven M. Grimes**  
Director of Parks and Recreation  
Office 563 344-4115  
Fax 563 344-4131  
1609 State Street  
Bettendorf Iowa, 52722  
E-mail [sgrimes@bettendorf.org](mailto:sgrimes@bettendorf.org)

**"Life is what happens to you when you're busy making other plans." John Lennon**

**Schnieders, Adam [DNR]**

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**From:** Savage, Monique E MVR [Monique.E.Savage@usace.army.mil]  
**Sent:** Wednesday, July 02, 2014 11:16 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Topsoil (UNCLASSIFIED)

Classification: UNCLASSIFIED  
Caveats: NONE

As a homeowner/water consumer in Davenport I strongly stand behind the 4" topsoil requirement.

Monique Savage  
Mississippi Valley Division Regional Integration Team  
441 G. Street NW (CECW-MVD)  
Washington, DC 20314  
[monique.e.savage@usace.army.mil](mailto:monique.e.savage@usace.army.mil)  
202-761-4580

Classification: UNCLASSIFIED  
Caveats: NONE

**Schnieders, Adam [DNR]**

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**From:** patti2434@aol.com  
**Sent:** Wednesday, July 02, 2014 1:11 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** 4 inch topsoil

Contractors are making plenty of money on new construction. There is no reason why they should leave behind compacted clay soil. I see only good things for the environment and the new home owners by adding the 4 inches (at least) of top soil. And I see no reason why the contractors should not be required to do this.

[patti2434@aol.com](mailto:patti2434@aol.com)

**Schnieders, Adam [DNR]**

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**From:** Kathy Behrens [kab1414@gmail.com]  
**Sent:** Thursday, July 03, 2014 11:06 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Topsoil

Topsoil needs to be replaced by developers. They are using it to make a profit at the expense of home owners and the environment. Rather than selling it as they do now they could pile and re spread as they landscape at little or no cost.

## **Schnieders, Adam [DNR]**

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**From:** Ron Phillips [phillips1@mchsi.com]  
**Sent:** Thursday, July 03, 2014 1:49 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Top soil issue

Adam, as a property owner, I had to fight the battle of little top soil when I bought my home. It's taken years to build up even the small amount of top soil I have. Keep the 4 inch rule.

Ron Phillips  
2939 Hartford Dr.  
Bettendorf, Iowa 52722

**Schnieders, Adam [DNR]**

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**From:** Jim Hoepner [jimhoepner61@gmail.com]  
**Sent:** Thursday, July 03, 2014 9:07 PM  
**To:** Schnieders, Adam [DNR]  
**Cc:** McNeil, Daniel - NRCS, Davenport, IA  
**Subject:** Four Inch Topsoil Standard

Adam,

I am writing to voice my opposition to the proposed change to the four inch topsoil standard. My wife (also opposed) and I are homeowners in Davenport. We have worked hard to develop our lawn by incorporating good soil and compost and minimizing the use of fertilizers and herbicides.

A healthy lawn absorbs/holds rainwater thus reducing runoff. This helps reduce flooding and the flow of polluted matter from entering our creeks and streams. Our environment is being severely stressed by poor practices and this is merely another example.

To relieve developers from the responsibility of the four inch topsoil requirement would merely shift the cost and time required to develop a healthy lawn directly on homeowners, many of whom would be unaware of the condition of their lawn when they purchase their property.

I had to chuckle at the term "unless infeasible preserve topsoil". Is that not merely a clever attempt to say to the unsuspecting homeowner "we are probably leaving you with a yard that has little topsoil, is in need of significant soil restoration and is going to require a lot of work, time and money, good luck"!

Please work to encourage the state to leave the topsoil standard as written, thus taking a positive environmental position.

Thank You,

Jim Hoepner  
2119 W. George Washington Bl.  
Davenport, IA 52804

**Schnieders, Adam [DNR]**

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**From:** Vopava, Judy R [judy-vopava@uiowa.edu]  
**Sent:** Friday, July 04, 2014 9:21 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Topsoil Rules

I strongly support keeping the 4" topsoil rule for property developers. I live at 912 Willow Lane in Lisbon. We have frequent brown ponds because of soil runoff from neighboring developments. The state is losing too much soil. Please conserve it.

**Schnieders, Adam [DNR]**

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**From:** Larry Thompson [larthompson21@icloud.com]  
**Sent:** Saturday, July 05, 2014 9:24 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Top Soil

Dear Sir

Allow me to introduce myself. I am a Scott County Soil and Water Assistant Commissioner and a board member for the Partners of Scott County Watershed. Also I am a trained IOWATER volunteer. The benefits of replacing the top soil after construction are many and important, thus the law was written.

Now we have a group who could increase their profit by not replacing the top soil but selling it and they want the law reversed. The costs of not replacing the top soil are many and include:

1. higher cost for clean drinking water
2. increased storm water run off control
3. increased use of chemicals and cost to home owners to maintain yards
4. more pollution in streams and the food chain

As I see the situation, reversing the law is simply a business situation that would benefit one group of people by increasing their profit at the expense of many others and the environment. This is not value added or cost saving but simply greed and would be a bad business decision.

I urge you to keep the top soil rule as is.

Larry L. Thompson

**Schnieders, Adam [DNR]**

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**From:** abbipw@southslope.net  
**Sent:** Sunday, July 06, 2014 7:25 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** re: 4 inch topsoil rule

Dear Mr Schneider,

I wrote once before, but am writing again to voice my strong opposition to changing this rule. You can see the problem with run off from these heavy rains. We should be making changes to decrease the run off, not to increase it. We must use long term thinking, and not make short term, profit driven rules.

Sincerely,  
Lynn Gallagher

4674 Sutliff Rd NE  
Solon, Ia 52333  
319-624-6203

## Schnieders, Adam [DNR]

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**From:** Corydon J. Coppola [Corydon.Coppola@stetsons.com]  
**Sent:** Sunday, July 06, 2014 11:44 AM  
**To:** Schnieders, Adam [DNR]; Griffin, Joe [DNR]; Sheets, Jerah [DNR]  
**Cc:** Dean Cooper; Corydon J. Coppola  
**Subject:** Top Soil Alternative  
**Attachments:** OEI\_Beta\_Case\_Study\_Xcel\_Energy.pdf; Advancing Science of Revegetation.pdf; OEI\_Earth\_Essence\_and\_Terra\_Vita\_StetsonBuildingProducts.pdf; Stetson Earth Essence Product Comparison.pdf; Copy of Earth\_Essence\_Cost\_Comparison\_Calculator\_StetsonBuildingProducts.xlsx

Mr. Griffin, Mr. Schnieders, Mr. Sheets:

Mr. Griffin and I have met and discussed the following:

I have presented to Mr. Creighten Cox and the HBA Board on the following:

If you see value, I am open to speaking to the Environmental Protection Commission (July 14- 15) on the following:

We now have the ability to develop topsoil, while providing erosion control.

The kicker is that this can be done with the following advantages:

1. Deeper, more robust vegetation in an accelerated timeframe.
2. Erosion control while developing top soil.
3. Applied atop the subsoil. (Clay, sandy soils, shale, etc.)
4. Single application delivers the Earth Essence product mix of HGM2 + fertilizers + probiotics + seed. 1 & done.
5. All this with a savings to the project of 50%- 79%, when compared with bringing in topsoil, seeding, and providing erosion control in the current ways.
6. Reducing maintenance via elimination of rock rip rap via systems enabled by Turf Reinforcement Mats.

The Earth Essence system is unique for a few reasons:

1. One solution doesn't fit all problems.
2. **Product selection, Application rate, Associated BMP's (Turf Reinforcement Mats) determined at each site following the examination of the following items:**
  - a. Soil sample to determinate organic matter/ biological activity in soil
  - b. Erosive forces
    - i. Expected rain fall.
    - ii. Slopes
    - iii. Wind
  - c. Aspect/ Climate
  - d. Vegetation Establishment Difficulty (VED)

Enabling the development of top soil on each specific subsoil.

I do hope you see the value of incorporating alternatives to the NPDES top soil requirement. Our soils in Iowa are what every other state wants. If we eliminate this requirement, to save money, it will cost us more in the end. Allowing alternatives is a better way to save the contractors money, while improving the solutions of today.

Thanks for your time.

Corydon J. Coppola, CPESC  
Corporate Engineering Division Manager  
Stetson Building Products  
[Corydon.Coppola@stetsons.com](mailto:Corydon.Coppola@stetsons.com)  
515-577-6763  
2205 Bell Ave  
Des Moines, IA 50321

## Schnieders, Adam [DNR]

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**From:** David and Judy Thayer [djthayer@mchsi.com]  
**Sent:** Sunday, July 06, 2014 3:58 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** 4" of topsoil rule comments

Dear Sir:

As an environmentalist I have been aware for many years that rainwater runs off of lawns at 90% of the rate that it runs off concrete. This is due to the compaction of the soil on which the grass grows. The soil is most generally clay that has been compacted during the building process, often with a fair amount of limestone rock mixed in during the grading process prior to seeding or sodding. The result is lawns that don't do well in dry weather due to shallow rooting and water that runs off quickly because it isn't held by the soil. This rapid run-off has been a disaster for storm sewers since weather patterns have changed so that we receive deluges more frequently and fewer of the 1/2-1" rains of the past.

Returning topsoil to its place of origin, while not necessarily stop the run-off issues, will mediate them to more manageable levels. I see the adding of that cost to the cost of a house as being no different from the cost of providing water, sewer, electric and cable services to a house's cost. And the taxpayers and the homeowners come out ahead in the long run with fewer flooded basements and streets.

Judith Thayer  
955 Mesquite Dr.  
Coralville IA 52241  
319-337-2052

## Schnieders, Adam [DNR]

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**From:** Steve Hershner [shersh42@aol.com]  
**Sent:** Tuesday, July 08, 2014 9:15 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Topsoil Rule Comments

Hi Adam,

I recognize that the comment period may be completed on the proposed rule to require 4 inches of soil back on finished building sites. For the record, I fully support this rule on a personal and professional level.

Personally, I live in home that was constructed from October 1994 to January 1995 by Jerry's Homes at 6920 Winthrop Rd NE in Cedar Rapids, IA 52402. We took possession on January 19, 1995 and sod was finally placed on the lot in April 1995. My background with runoff and the accompanying challenges was not as strong as it might be today or I would've requested that our builder (Jerry's Homes) re-install some of the topsoil that was stripped off our lot during construction. The development had been a soybean field prior to the development and I thought that any topsoil on the lot would be replaced after construction – wrong assumption. The yard around my house immediately after construction was compacted clay, rock, and pieces of concrete with a small layer of soil that was attached to the sod laid on top. We still live in the house and I do all the things that I hope will improve the quality of topsoil in my yard – mulching mowing, limited/timely fertilization, and occasional aeration. After 19 years in the house, I can report that some areas have an improved topsoil layer 6+ inches thick, but in some areas like the parking section between the sidewalk and street it is still a battle because of the exceptionally poor quality of soil left after construction. We can do better.

Professionally, The City of Cedar Rapids has had requirements for stormwater detention basins from developments like the one I live in since the late 1980's – early 1990's. This can help reduce the impact of runoff developments that are currently build where there is no requirement for replacement of topsoil after construction. A better solution would be a State requirement to replace topsoil in the yard of every new home and certainly in areas adjacent to pavement so that retention basins would be a last resort for runoff control rather than the first and only one.

I have been thinking about providing comments about this topsoil replacement rule for some time and though it may too late our flash flood event of last week was a huge reminder that runoff matters. All of us need to take responsibility for runoff from urban areas and that especially includes home builders and developers during construction of new residential and commercial development.

I hope the EPC does the right thing and approves this rule.

Thank you,  
Steve Hershner  
68920 Winthrop Rd NE  
Cedar Rapids, IA 52402-7250  
(Home Phone) 319-395-0864  
(email) [shersh42@aol.com](mailto:shersh42@aol.com)

## Schnieders, Adam [DNR]

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**From:** Sandra Evers [sandjra@aol.com]  
**Sent:** Tuesday, July 08, 2014 10:53 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** top soil

I support the retention of a specific measurable standard of top soil on finished construction sites. It's well known that non-specific and/or voluntary standards are largely ignored and unenforceable. As water resources become increasingly scarce and costly people need to have yard surfaces that sustainably. A friend who purchased a new development house 8 yrs. ago can still manually lift the "fabric" of her grass cover away from the surface of the soil like a loose carpet and this is with a 4" standard on what previously was agricultural land. Current practices may be profitable for developers, nurseries, and landscape businesses but it is not sustainable and that should be our shared goal and standard. Sandra Evers

Connie Mutel  
2345 Sugar Bottom Road NE  
Solon, IA 52333-9580  
Connie-mutel@uiowa.edu  
319-624-3798

To all debating this regulation:

I would like to speak in strong favor of this regulation, because of my personal experience with topsoil's handling of water. We built our rural home 30-plus years ago, and were careful about handling topsoil and maintaining healthy plant cover (which was easy to do with our rich Iowa topsoil). We have lived here through the floods of 1993 and 2008. Our land, during those and other periods of heavy rain, became spongy and was saturated with water, but there was very little runoff, even in those wet years. Also, the creek at the bottom of our land runs clear because of the lack of erosion on our land. Had we "stripped" our topsoil and tried to reestablish plant cover on clayey soils, we would have had much erosion and much poorer water quality on our land - which would have led to more sedimentation of the nearby Coralville Reservoir. (I have seen the erosion and problems on neighbors' land, where fewer precautions were taken.)

It may cost a bit more to preserve and maintain healthy topsoil cover in developments, but I am convinced that doing so will save the landowner money in the long run as well as maintaining healthy plant cover and water quality.

For these reasons, I encourage you to maintain the 4-inch topsoil regulation and enforce it to your maximum ability. Thank you for your consideration. Connie Mutel

Representative Art Staed  
2905 Alleghany Drive NE  
Cedar Rapids, IA 52402-3311  
[Art.staed@legis.iowa.gov](mailto:Art.staed@legis.iowa.gov)  
319-899-4365

I recently read an article from the Cedar Rapids newspaper regarding the Governor's influence in a recent DNR rule regarding topsoil (see below). I support the rule, and feel that it is in the best interest of Iowans, the common good, and the protection of our soil and water.

Additionally, I request that the DNR move forward with approval and enforcement.

Sincerely,

Representative Art Staed

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4 inches of topsoil vital for healthy landscape

Stacie Johnson

Published: May 7 2014 | 2:28 pm in Letters to the Editor

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If you've ever purchased a new home, you know the woes of the rocky, clay-ridden subsoil that looks and acts more like concrete than a lush green landscape.

The Iowa Department of Natural Resources adopted a rule in October 2012 that requires builders to return 4 inches of topsoil to a lot before sodding or seeding takes place. This was done to provide the property owner with a fighting chance for a healthy landscape and protect water quality, as stormwater runoff is reduced and water pollution is prevented. This new rule reflects what the Environmental Protection Agency expects of Iowa.

Two developers, Hubbell Realty and Jerry's Homes, recently decided this rule is not fair and builders should be allowed to put topsoil back or not. They went to the governor's office, the governor's office called the DNR, the DNR formed a stakeholders group and this group, heavy on construction representation, will be "discussing" this rule for the next six weeks.

It may not be much, but 4 inches is the difference between enjoying a new yard or toiling forever trying to keep vegetation alive. Most builders do the right thing; however, a few want to go back to leaving behind a yard that will cause nothing but trouble for the new owners.

Please email the Iowa DNR ([adam.schnieders@dnr.iowa.gov](mailto:adam.schnieders@dnr.iowa.gov)) and tell them 4 inches of topsoil is just right for all involved.

Stacie Johnson  
Cedar Rapids

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Read more: <http://thegazette.com/subject/opinion/letters-to-the-editor/4-inches-of-topsoil-vital-for-healthy-landscape-20140507#ixzz32JKDotv5>

Sincerely,

State Representative Art Staed  
House District 66, Cedar Rapids

Richard Dietz  
5782 Felber Street  
Ames, IA 50010-9240  
[rsdietz@yahoo.com](mailto:rsdietz@yahoo.com)  
515-232-1484

Governor Branstad,

I understand that the topsoil requirement within the the NPDES General Permit #2 is currently under review (EO 80). I would like to relate to you what I observe daily as I work at and around new developments and construction sites within the city of Ames.

As you may be aware, current construction practices very often include removing topsoil from the construction site or development before construction begins. With rare exception, in my observations, the subsoil that remains becomes so severely compacted over the course of construction that it becomes difficult to excavate even a small hole by hand. In my work we carry a pick to loosen the soil before digging.

When properties are brought to final grade, in preparation for sod, the soil is highly compacted and contains large amounts of gravel and other construction debris.

The result of these practices for property owners is that their lawns require frequent and regular maintenance in the way of fertilizer, weed control and irrigation. The result of these practices for municipalities is that we have increased runoff, increased volume and nutrient inputs to our water bodies, and a higher demand for treated water. Automatic irrigation systems are increasingly common, and will often use water wastefully at times when it should be conserved.

There is no upside to eliminating the topsoil requirement and in fact more needs to be done to increase infiltration and reduce runoff. This is a cost of doing business that most be born by those who are in the business. There is no right to pollute, and it makes little sense to allow practices that we know will result in increased runoff and pollution. - Increased costs in the way of stormwater management and further damage to our already troubled rivers and streams.

Thank you for your time,

Richard Dietz

**Schnieders, Adam [DNR]**

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**From:** Leckband, Jesse [JLeckband@midamerican.com]  
**Sent:** Friday, July 11, 2014 4:45 PM  
**To:** Schnieders, Adam [DNR]  
**Cc:** Griffin, Joe [DNR]; Schiel-Larson, Deb [DNR]  
**Subject:** MidAmerican Energy Comments on EO80 Stakeholder Group: Review of topsoil preservation requirements  
**Attachments:** MEC Iowa DNR Topsoil Req Comments 07112014.pdf

Adam,

Attached please find comments from MidAmerican Energy Company on GP2 Topsoil Preservation Requirements.

Please let me know if you have any questions.

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Thank you,

Jesse

Jesse Leckband  
Sr. Environmental Coordinator  
MidAmerican Energy Company  
P:515-242-3971  
C:515-360-8854



July 11, 2014

Adam Schnieders  
Iowa Department of Natural Resources  
Wallace State Office Building  
502 East 9th Street  
Des Moines, Iowa 50319

**Re: Comments of MidAmerican Energy Company on Review of topsoil preservation requirements for activities covered by NPDES General Permit #2**

Dear Mr. Schnieders:

Headquartered in Des Moines, Iowa, MidAmerican Energy Company ("MidAmerican") provides natural gas and electric service to 729,844 customers in a 10,600-square mile area in Iowa, Illinois, South Dakota and Nebraska. Since 2003 MidAmerican has obtained authorization under the *National Pollutant Discharge Elimination System General Permit No. 2 for Stormwater Discharge Associated with Construction Activities* (GP2) for over 450 projects associated with the construction of natural gas and electric distribution and transmission lines as well as projects associated with wind and thermal generation. MidAmerican applauds the department's efforts, evident in the 2012 GP2 reissuance, to help define the vague language regarding topsoil preservation included in the Environmental Protection Agency's construction effluent guidelines. This approach leads to greater certainty in application of the GP2 requirements statewide and precludes a broad interpretation of the requirements.

#### **Topsoil Preservation Requirements**

Generally for non-linear projects such as the construction of an electrical substation, MidAmerican requires the installation of at least six inches of topsoil on areas that will be designated as open or green space in order to promote the long term success of turf grass or vegetative cover. It is unclear how the topsoil preservation requirement in GP2 is intended to be implemented on linear projects. Therefore, MidAmerican requests a specific clarification in the rule validating the current utility industry practice that preservation of topsoil is achieved when excavated spoil that is temporarily side-cast for the installation of an underground facility is returned as final cover.

#### **Need for Statewide Guidance**

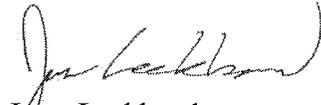
Many of the comments that have been submitted to you concern various implementation and enforcement requirements that have been put in place through the municipal separate storm sewer system (MS4) permits that delegate regulatory authority to local municipalities. These comments seem to take issue with the requirements that have been placed on permit holders by

## Comments of MidAmerican Energy Company

the municipalities in their attempt to implement and verify compliance with the topsoil preservation requirements. MidAmerican provides gas and electric service in the majority of Iowa's 43 MS4 communities; consistent implementation across municipal boundaries will help ease the regulatory burden of complying with various local topsoil preservation requirements in order to satisfy those same permit requirements contained in the GP2. MidAmerican believes that the department should provide greater guidance and clarity in the implementation of programs required by MS4 permits. A statewide standard that sets clear measures for implementation and allows for exemptions due to impracticability is a far better approach than the course proposed by many commenters to reduce the topsoil preservation requirement to the vague and undefined language in the federal effluent guidelines.

MidAmerican would welcome the opportunity to participate in a stakeholder group that fully represents GP2 permit holders in Iowa. We appreciate the opportunity to comment on the review of topsoil preservation requirements for activities covered by NPDES General Permit #2.

Respectfully submitted,



Jesse Leckband  
Senior Environmental Coordinator  
MidAmerican Energy Company  
4299 NW Urbandale Drive  
Urbandale, Iowa 50322  
515-242-3971  
e-mail: [jleckband@midamerican.com](mailto:jleckband@midamerican.com)

**Schnieders, Adam [DNR]**

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**From:** phillips1@mchsi.com  
**Sent:** Saturday, July 12, 2014 10:18 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Changes in Iowa DNR Permit #2

Dear Adam,

As the Chairperson of the Bettendorf Iowa Trees Are Us Committee, I'd like to take this time to express our organizations opposition to the proposed changes to the Iowa DNR's Permit #2 for Stormwater Management at Construction Sites. The 4 inch soil requirement that was instituted in 2012 is a visionary approach to ensure water quality of life for lowans for generations to come. The various environmental benefits that the top soil requirement provides are numerous and include enhanced permeability of the soil to minimize stormwater runoff that adds to our states already challenged waterways and enhanced turf growing conditions. In addition, the lack of adequate top soil requires additional fertilizer applications that also run off in rainwater events. The short term savings of not requiring the 4 inch top soil will be a long term debt that will be repaid many times over by future resident and tax payers throughout the state that will be paying the costs for poor water quality, erosion, flood damage, and other detrimental effects on our land.

I strongly urge you and others to oppose the change to the current top soil requirements.

Sincerely,

Ron Phillips

Bettendorf Trees Are Us Committee Chair

Ron

## Schnieders, Adam [DNR]

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**From:** Mike Todd [miketodd00@gmail.com]  
**Sent:** Saturday, July 12, 2014 2:12 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Comment about Topsoil Regulation

Hi Adam,

I have recently heard that Iowa is planning on or has already implemented some sort of regulation related to topsoil additions to developments before adding sod. I also heard that groups of developers are opposing these regulations because of monetary reasons.

I wanted to make sure that the voices of the citizens that live in these developments were heard, since up until this morning I had not heard anything about the regulation or the fight against it.

I live in a 3 year old house that was built using a builder that was collaborating with Friedrich Realty in Ames, supposedly one of the older and more prestigious developers in Ames. At the end of the construction process I was keeping a close eye on things and noticed that they had graded the clay without much room for adding any topsoil. I contacted my builder and asked him about topsoil and he said that they don't add any, they just put the sod on the graded rock and clay. I had some major arguments with them before they conceded to add 1 inch of topsoil. Little did I know that this was not nearly enough to sustainably maintain a lawn.

And there is little I can do now to build up topsoil/organic matter in my lawn outside of digging down 6" over my entire lawn and putting topsoil down followed by new sod. This is obviously not practical. The ONLY solution to this issue is making sure that there is plenty of topsoil before my yard is established. The developers do not discuss this during the building process.

I do not understand under any circumstances why this would be infeasible to a builder. They can pass any cost on to the consumer, since every developer has to follow the same rule. From a citizens perspective, I don't see any reason outside of a business wanting to be greedy and make more money that this rule would be removed - please inform me if there is a reason other than this.

Please make sure to do the right thing for the people of Iowa, today and in the future. Long term respect comes when people in the future realize that you did the right thing in the face of people who wanted short term gains in profit.

I have not talked to 1 person that has a different viewpoint on this issue, so I imagine this fight from the well organized developers is not the will of the people.

How long before a decision is made on this issue?

Thank you,  
Mike Todd  
Ames, IA

## Schnieders, Adam [DNR]

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**From:** Carol Hemesath [carolhemesath@gmail.com]  
**Sent:** Sunday, July 13, 2014 7:34 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** topsoil

I am sending my support for builders and developers to HAVE to return topsoil to the lots they develop. Homeowners want to have soil to have gardens, lawns and the ability for water to soak in to their lawns, not run off. In every area, we are seeing developers and big business finding ways to do things easier and making more money, leaving the rest of us at their mercy. Of course it will cost money to replace top soil. It will cost way more for home owners to TRY to get a decent soil developed, and never will. Please vote to make developers replace topsoil. Carol Hemesath, Decorah IA.

**Schnieders, Adam [DNR]**

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**From:** Robert Nolan [nolanrp@msn.com]  
**Sent:** Sunday, July 13, 2014 9:38 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Top Soil Restoration Requirements

Dear Sir:

I know you have received many communications from lowans around this topic as per article in today's Sunday Quad City Times, July 13, 2014.

I have had two new houses built in Davenport over the years. In both situations the removed top soil left me as a home owner with poorly draining and nutrition deficient clay soil to create landscaping and a new lawn.

I support the existing law requiring builders to bring back at least 4 inches of top soil to any new construction site for all the reasons so well articulated especially the ability of top soil to drain or percolate properly our heavy rains, instead of having the water and subsequent nitrogen and fertilizer components enter our streams.

Please do not allow any changes to take place with this requirement from DNR.

Thanks

Robert Nolan  
2839 E. 44th Street  
Davenport, Iowa 52807

**Schnieders, Adam [DNR]**

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**From:** shirley peterson [koalamom@iowatelecom.net]  
**Sent:** Sunday, July 13, 2014 10:42 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Topsoil

We are Larry & Shirley Peterson and are in support of this practice of saving our topsoil. We believe It should be regulated. We farm in the Sabula, IA area and comply with all conservation practices.

## Schnieders, Adam [DNR]

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**From:** Bruce Wilson [bruce12809@yahoo.com]  
**Sent:** Sunday, July 13, 2014 10:59 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Topsoil Restoration Rule

I would like to comment on the topsoil debate currently going on in Iowa. Let's take a look at the long term strategy for community development. Shouldn't homeowners expect their homes to have a sustainable infrastructure of their lot much like we expect a sturdy foundation? Isn't it important to consider the long term vision of the communities we are building? It is embarrassing to have state leaders so short sighted that they are even conflicted on which direction to go on this issue? Seriously, officials think it is TOO much to ask builders operating for profit to do what is right for the long term sustainability of Iowa's beautiful communities, of course we need standards to protect our environment. Quite frankly I am shocked by the LACK of intelligence and thoughtfulness on the part of our state government to do the right thing!

I should think all homeowners would be outraged to think we would even consider changing the rule to accommodate builders and realtors. I think we have reached a new low.

Thank you.

Bruce Wilson

Sent from my iPad

## Schnieders, Adam [DNR]

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**From:** mark smith [mjsmith52801@yahoo.com]  
**Sent:** Sunday, July 13, 2014 11:04 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** 4 inch topsoil replacement rule

The rule as it currently exists is preserving Iowa's greatest resource, it's soil. The developers want it eliminated for short term profits at the expense of future Iowans who purchase the home. It takes 100 years to produce one inch of topsoil. Requiring the developers to replace what they remove to build a home or commercial building is the least the DNR can do to preserve Iowa's heritage. The public places it's trust in your agency to do the right thing over short sighted demands. Hold your ground!

Mark

## Schnieders, Adam [DNR]

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**From:** Katherine Guth [kguth8110@icloud.com]  
**Sent:** Sunday, July 13, 2014 11:12 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Topsoil

Dear Mr. Schnieders,

Please do not let the DNR sell out to contractors regarding top soil retention. Of course, they would rather make a few extra dollars selling it, but topsoil is one of Iowa's most precious resources. It is a critical piece of our watershed management, and when it's gone, it's gone.

This may seem hard hearted, but if homeowners can't afford to pay a modest additional price to preserve Iowa's soil, perhaps they really can't afford to be homeowners. After all, homeownership is fraught with maintenance, upkeep, fees and tax expenses.

Thank you.

With Warmest Regards,  
Kathy Guth

Sent from my iPhone

## Schnieders, Adam [DNR]

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**From:** Susan [tobsuerol@gmail.com]  
**Sent:** Sunday, July 13, 2014 11:31 AM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Top soil regulations and restoration

Dear Mr. Schnieders,

Once again greed has reared its ugly head by trying to remove regulations of top soil regulations. Thirty years ago the City of Davenport did nothing in our subdivision to avoid runoff. We have lost, along with others on our street, much of the soil that has gone into the creek behind our houses. To date, our city has done nothing to repair or restore our land.

Please reconsider changes of the four inches regulation for topsoil. The benefits of less pesticides and fertilizer for homeowners far outweighs the need for greed. Farm lands are being swallowed up by builders as it is and soil erosion and runoff the result.

Thank you,

Susan Roling  
Davenport, Iowa

## Schnieders, Adam [DNR]

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**From:** Michelle Sillman [mtswrites@gmail.com]  
**Sent:** Sunday, July 13, 2014 11:56 AM  
**To:** Schnieders, Adam [DNR]; psauer@iamu.org; ccox@desmoineshomebuilders.com; joe.pietruszynski@hubbellrealty.com; jera.sheets@dnr.iowa.gov; lucyh@forevergreengrows.com; Ingels, Chad [DNR]; mark.watkins@mcaninchcorp.com  
**Subject:** Fwd: Your message to the DNR Webmaster has been received.  
**Attachments:** image001.jpg; image005.jpg; image006.jpg

Adam and EO 80 Workgroup--

I am writing in support of the General Permit number 2 rule that requires developers and home contractors to replace 4 inches of topsoil onto non-paved areas after building is complete.

The recent flash flooding across the state demonstrates the need to keep policies in place that improve and impact water absorption in Iowa. It will take a menu of options working together to improve water absorption across the state. Finger pointing at groups who could do more and using the excuse of less profit should not allow this group of stakeholders to duck responsibility for maintaining the quality of life, quality of land and quality of water in Iowa.

The costs of flooding in terms of hardship, money and impact on wildlife and the environment are high. These costs are passed on to Iowans, homeowners, taxpayers, and state and federal government. Every time a basement or home floods, homeowners pay hundreds and sometimes thousands of dollars to make repairs. Every time a trail gets washed out, flash flooding causes power outages and road damage, fish kills occur because of flood pollutants, etc., we all pay the price of poor water absorption. Let's continue working toward mitigating flooding, paying the cost before the destruction occurs. Developers building new homes and neighborhoods should take responsibility for building neighborhoods that don't flood or contribute to flooding in our communities. Please keep this rule in place so we can continue adding to the improvements/solutions for better water absorption in our state, for our state. Thank you for representing my views at the EPC business meeting on Tuesday, July 14, 2014.

Michelle Sillman  
405 Wilton Dr. NE  
Cedar Rapids, Iowa 52402  
319-640-7192  
[mtswrites@gmail.com](mailto:mtswrites@gmail.com)

----- Forwarded message -----

**From:** Webmaster [DNR] <[Webmaster@dnr.iowa.gov](mailto:Webmaster@dnr.iowa.gov)>  
**Date:** Sun, Jul 13, 2014 at 10:31 AM  
**Subject:** Your message to the DNR Webmaster has been received.  
**To:** "[mtswrites@gmail.com](mailto:mtswrites@gmail.com)" <[mtswrites@gmail.com](mailto:mtswrites@gmail.com)>

Your message has been received by the Iowa Department of Natural Resources. Please allow up to two business days for a DNR customer service representative to research and respond to your message. If you need immediate assistance, we ask that you contact us directly at [\(515\) 281-5918](tel:5152815918) during regular business hours. Our hours are Monday-Friday, 8:00 a.m.- 4:30 p.m. CST, with the exception of state holidays.

Iowa Department of Natural Resources  
P [515.281.5918](tel:5152815918) | F [515.281.6794](tel:5152816794) | [Webmaster@dnr.iowa.gov](mailto:Webmaster@dnr.iowa.gov) <<mailto:Webmaster@dnr.iowa.gov>>

502 E 9th Street | Des Moines, IA 50319

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[cid:image005.jpg@01CE375F.AD06FC20] <<https://twitter.com/iowadnr>>

[cid:image006.jpg@01CE375F.AD06FC20] <<http://pinterest.com/iowadnr/>>

Leading Iowans in Caring for Our Natural Resources.

**Schnieders, Adam [DNR]**

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**From:** Neil Wubben [agagent42@gmail.com]  
**Sent:** Sunday, July 13, 2014 12:17 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Fwd: topsoil issue

I doubt there is much "water holding capacity" left in disturbed topsoil and is a baseless argument. I haven't seen much maintenance of the aggregates after digging, pushing, driving on and otherwise being beaten up by equipment; and, after all, it is the aggregate composition that holds the OM and other micro soil structures together thus giving water holding capacity. It will wash/erode more quickly than the clay base...

Better to have purchasers put down sod which brings some erosion control/water holding ability with it. This, along with responsible erosion control practices (mulching, etc.), is, in my opinion, a more reasonable approach.

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Neil M. Wubben  
1108 Poplar Street  
Osage, IA 50461

PH: 641-832-9994

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Neil M. Wubben  
1108 Poplar Street  
Osage, IA 50461

PH: 641-832-9994

## Schnieders, Adam [DNR]

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**From:** Tom Mickley [tom-mickley@mchsi.com]  
**Sent:** Sunday, July 13, 2014 3:47 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Comments on State Regulation Regarding Topsoil Restoration

Dear Mr. Schnieder:

I understand you are accepting public comments regarding a possible proposal to repeal State EPA Regulations, which currently require at least 4" of topsoil on all new developments. **I wish to convey that my wife and I are strongly opposed to any repeal of this regulation!** I am also very disappointed that the stakeholder group, selected by the DNR and the Governor's Office, to recommend alternatives, consists of mostly construction industry representatives. There should be more representation of the end-users!!! My advice is to leave the requirement in-tact, and simply allow developers to pass the cost along to the end-user. As you will see below, this can be a much more cost effective method of controlling runoff.

My wife and I have been Davenport area residents for over 30 years. We have owned several homes in that time, and I can attest to the disastrous affects of the past, standard construction practice of removing all or most of the topsoil prior to construction, and simply laying sod on top of the remaining clay after construction and prior to initial sale. In fact, our current home, only 12-years old, and located in one of the more up-scale areas of Davenport, is, by far, the worst we have ever owned for surface runoff problems. With just an inch of rain in a 24-hour period, our property remains soggy for over a week, with standing water for 3-4 days, depending on the amount of wind. This makes our lot almost un-useable for any outside activities during this time!!

We have complained to the City, to no avail, for assistance, as they retained a storm water easement on our property. Left to resolve the situation, ourselves, we have consulted with the County's Soil and Water Conservation staff. They wanted to recommend a "rain garden" to resolve the problem, but they realized how impracticable that would be, as it would require 2/3 - 3/4 of our property at a cost of over \$100K for construction. Their only viable alternative was to conduct soil restoration projects in an effort to restore the lost/stolen topsoil. This costs us \$1200-\$1500 annually, and involves spreading approximately an inch of compost on the lawn and then repeatedly aerating it with 8" tines in order to work it into the underlying clay. We do not know how many years it may take to replace the topsoil to the point that it significantly slows the rate of runoff and actually holds an acceptable moisture content. On numerous occasions, the swales on both sides of our property have had water flowing 18" deep!!!

In the interim, in order to prevent erosion, we are having to install an under-ground tile system to collect runoff and carry it to the public storm sewer.

It has proven to be a major task just to find a contractor to accept the job! We are currently working with a contractor to develop bids to construct such a system on our's and three neighboring properties. I "hope" to complete construction this summer. In my opinion, if the City and Developers had done their jobs property, such problems would have been resolved before the development was approved and any homes constructed or sold. And the major problem goes back to the practice of removing topsoil prior to construction. I guarantee you, resolution of our problem will be more than a few \$K; a problem created by unethical city planners and developers!!! They care only about profits; nothing about the environment or the problems homeowners face.

Thank you for considering my comments.

George & Shirley Mickley  
1029 Meadowview Ln  
Davenport, IA 52806  
(563) 391-5447

## Schnieders, Adam [DNR]

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**From:** Carolyn or Jay Quimby [cjquimby@hotmail.com]  
**Sent:** Sunday, July 13, 2014 4:00 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Top Soil Restoration

Hello Adam.

My name is Jay Quimby and I live in Marion (most North West coordinate, 1/2 mile East of Robins).

My wife and I would like to go down as supporting the requirement of 4 inches of top soil.

We want to comment on the requirement to restore 4 inches of top soil.

My wife and I had our home built in 2004. We paid to have 14 tandem dump trucks of top soil hauled in prior to having the yard seeded. The best money we spent on our home. We do not have a sprinkler system and yet our yard looks better than those that do. On drought years our lawn goes with out water much longer than the other homes without looking stressed, even those with sprinklers.

I find it hard to believe this is being debated.

We aren't buying the excuse that it pushes the cost of a new home out of reach of some. If it is that close then they probably shouldn't be buying a home at that cost to start with.

I don't see the builders / developers cutting back on granite / quartz counter tops, whirlpools, security systems, 9 foot ceilings, wet bar, sound system, fireplace(s), screen porch / three season porches. I don't see them fighting electrical safety requirements such as GFI and arc fault breakers and outlets.

The rule / law applies to all so there isn't any advantage to some and not to others. The rule / law is equally applied.

The developer / home builder's concern that the home owner may come back to them because the soil compacted and isn't 4 inches is bogus due to the erosion control officer comes out to measure and sign off on the requirement.

Twenty - thirty years ago this wasn't an issue due to the developer / builder built on the land without changing the terrain. They dug a basement and hauled the surplus dirt off.

Today the land is stripped of the top soil and stored / piled on the end of the property being developed. The land is then reconfigured to allow walk out basements and daylight windows. The top soil is rarely returned to the lots. The top soil is usually sold off.

I think the real complaint is the top soil can not be sold without having to go out and buy more to meet the law. The top soil is having to be put back on the land where it belongs.

In a timeframe when green building is the buzzword, we find it hard not to support putting the top soil back. As a home owner if you have poor soil (clay) no one is going to till up their lot, add top soil and replant / sod (basically start over). It's critical to get this right the first time.

What we observed when homes are being built is the extra gravel / rock from the base of the driveway and sidewalks gets thrown into the lot. the lot gets leveled and sod is thrown on top. It is just short of a miracle that the sods ever grows with a base like this.

There's not good argument that keeping the top soil is not the best decision. Less run off, less maintenance, less fertilizer, etc..

Please push to keep what should comes to mind as a no brainer, keep the top soil.

Sincerely,  
Jay Quimby

**Schnieders, Adam [DNR]**

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**From:** Emma Olk [emmaolk@yahoo.com]  
**Sent:** Sunday, July 13, 2014 4:49 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Comment on Top Soil Regulation

Saw your prompt in the Globe today and while most "government" today makes little sense and doesn't seem worth my time, this subject does. My career has taken my wife and I from Waverly to Waterloo, to El Paso, to Philly, to Waterloo again, to Peoria Bettendorf, Seattle, DesMoines, Minnetonka, Austin-----and now retired in Sheffield, Iowa on a golf course. I have bought and built numerous homes and in the process paid for a lot of dirt which I always suspected originated in my yard. When I didn't buy dirt, the grass wouldn't grow. To be blunt, developers scrape the project clean, build the homes and then sell the dirt back.

Yes, this law is costing Builders and Developers. It's costing them ill gotten gains. All this law has done is re-leveled the playing field. Naturally they want it back. That doesn't mean it's right.

Many years ago I worked for a rough old dude and each time someone asked for something out of line he would respond, "Yes and people in Hell want ice cubes but that don't mean they'll get them". This is a great law for the common good--aren't many of those any more. Please save it.

Larry G. Olk - Sheffield, Iowa

## Schnieders, Adam [DNR]

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**From:** Dave Bierl [calothrix@gmail.com]  
**Sent:** Sunday, July 13, 2014 7:35 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** General Permit #2

Dear Mr. Schnieders,

I am writing to express my opinion regarding General Permit #2. I think it is crucial that the 4" topsoil requirement be kept intact. If anything, it should be increased to 6" or even 8". As a water quality specialist, I see the adverse impact to Iowa's rivers and streams that occurs with soil erosion. As a recent home builder, I found it to be ludicrous how all the topsoil from the addition where I built was removed, only to be brought back when lawns were seeded, etc. What a waste of our resources! The cycle perpetuates itself...the topsoil is removed from new additions just to be brought back to an older addition where it was previously removed and now needed back. How ridiculous is that! Why don't we just leave the topsoil there to begin with and keep the soil structure intact. Let's do what's right for our precious soil and water resources and keep the 4" rule intact. Thanks for the opportunity to express my opinion.

Best regards,  
David Bierl  
Davenport, IA

**Schnieders, Adam [DNR]**

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**From:** jimjayhawk@aol.com  
**Sent:** Sunday, July 13, 2014 7:54 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** Topsoil Restoration

The answer to this "problem" doesn't seem all that complicated to me. I suggest that the Iowa DNR expand the current rule so it applies to ALL development regardless of whether it is an acre or larger, or develops can simply leave the topsoil where it is, and then there isn't any additional cost to replace it, problem solved!

How disingenuous of contractors to belly-ache about the cost of compliance with the regulation without ANY mention of how much money is made stripping the top-soil off in the first place. I'd wager that the profit far exceeds the cost of restoration, and if not, why not leave the topsoil where it is and save EVERYONE the headache?

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James Schneider  
410 S. Pioneer Dr  
Long Grove, IA 52756  
563-639-1988 (cell)

**Schnieders, Adam [DNR]**

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**From:** Tom and Mary [tomabenge@aol.com]  
**Sent:** Sunday, July 13, 2014 8:19 PM  
**To:** Schnieders, Adam [DNR]; annecorbi@q.com; amclus406@msn.com  
**Subject:** 4" Top Soil Issue

The Progressive Action for the Common Good Environmental Forum would like to support the continued enforcement of the 4" top soil rule for new construction. The reduction in storm water runoff and the reduction in dysfunctional property is worth the small increase in site cost, which is passed on to the home buyer. Those of us that have dealt with poor soil conditions and flood waters, would gladly have paid the additional site cost.  
PACG Environmental Committee of the Quad Cities

## Schnieders, Adam [DNR]

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**From:** Terry Collins [tcollins2595@hotmail.com]  
**Sent:** Sunday, July 13, 2014 11:34 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** State Topsoil Regs

I have the perfect solution for all the builders/developers: STOP CLEAR-CUTTING!!!!

I am old enough to remember (and not all that long ago, either) when builders did NOT destroy everything on a lot before building. They did NOT bulldoze up all the grass, trees, flowers. They respected what was there before them and did NOT just do everything to make their lives easier.

Guys, if ya stopped clear-cutting you'd cut a lot of your costs in putting topsoil back. You wouldn't have to cuz it'd still be there!!

And what's with the stakeholder group being mostly folks who're against the regulations??!! Talk about a stacked deck! That's just not right. To be fair, it should be 50/50 for and against. Sounds like Branstad wants to ditch the topsoil reg.

The people of Iowa need the topsoil regulation, and we need it enforced!

Sincerely,

Terry Collins  
Davenport, IA

## **Schnieders, Adam [DNR]**

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**From:** Amy Bryant [ABryant@Ankenylowa.gov]  
**Sent:** Monday, July 14, 2014 10:05 AM  
**To:** Schnieders, Adam [DNR]  
**Cc:** Jared Bright; Sauer, Pat  
**Subject:** Comment on 4-inch topsoil rule

To whom it may concern,

I am writing on behalf of the City of Ankeny in support of retaining the four-topsoil rule in General Permit #2.

As there is a push to rescind this rule, I feel it is necessary to point out that the group that will be most impacted by this decision, Iowa homeowners, are not represented on the EO80 Stakeholders Group. I challenge the existing members and Environmental Protection Commission to consider this as they listen to the group's recommendation.

As Iowans, we have an expectation that when we buy a new house in a new development we will have the ability to grow grass, trees, and plants due to the fertile soil here. Unfortunately, that has not always historically been the case. As an area is developed, soil gets moved around, regraded, and shaped. Landscapes are changed to add walk-outs to the lower levels of homes. As basements are dug, the soil is often respread on the top of the yard. What remains for the homeowner is soils that have a large amount of clay and a limited amount of organics. Those organics are what really help the soil become like a sponge and soak the water in.

These changes to our landscape lead to the inability for those property owners to successfully grow grass, trees, shrubs, and perennial plants. What happens is the new property owner must water their turf grass continually to keep it alive because roots aren't able to penetrate the compacted soil. Because the compacted soil does not allow water to infiltrate, the water will go through the grass, hit the compacted soil and then move out of the soil onto the street, sidewalks, or driveways. To maintain a green yard, constant watering is required. So we treat our surface water to drinking water standards to water grass with a majority of said water becoming runoff. This system is unsustainable and impractical. Or homeowners plant trees in clay soil that holds water, rots the roots, and eventually kills the tree.

The City of Ankeny has some of the highest residential housing building numbers in the state every year. Construction practices impact our community significantly. We do not want to this rule to change so that we have the inability to protect our landscape and our homeowners. Removing the rule has a domino effect: less topsoil means less infiltration of rainwater and limited ability to grow vegetation; less infiltration means more stormwater runoff; more stormwater runoff means more urban flashiness in our streams; more urban flashiness means soil is lost from our streambanks, poorer water quality, and downstream flooding (more water quantity); and these issues lead to the expenses of flooding repair, stream restoration costs, and water quality lost.

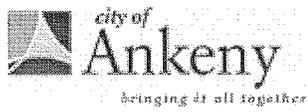
There are many ways to look at this issue. First, our state has the opportunity to lead by example. Second, it is an opportunity for regulators and those regulated to work together to come up with a compromise that is not only good for Iowans, their yards, our water quality and quantity, but also our downstream neighbors. Third, we can be good stewards of the land and water and improve the conditions that we have or improve on those conditions for future generations. Fourth and finally, we cannot continue to do things in the same manner and expect the results to be different. We need to create a sustainable system.

Thank you.

**bringing it all together**

**Amy Bryant**  
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## Schnieders, Adam [DNR]

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**From:** elaine.bales@gmail.com  
**Sent:** Monday, July 14, 2014 10:57 AM  
**To:** Schnieders, Adam [DNR]

I am writing re the changes proposed for Top Soil use. I live near Easter lake which is a great example of what not to do to land if you want to keep a lake. Almost all of the land around the lake is developed. When we bought our house it had been a productive farm, the top soil was stripped and we were left with clay. I have been here since 1991 and the soil is still terrible. After moving here I got to see what a developer does when they come in. the development next to ours, 23 ct, 24 and 25th streets was stripped of everything. A huge dirt hill. It was left open for 2 years before another developer came in and built on it. during that 2 years there was a lot of erosion into Easter lake. All because the developer needed to take the top soil even if he could not complete the project. please protect the water ways and the land by protecting the soil!

Elaine Bales, SE 22 des Moines Iowa

Sent from Windows Mail

**Schnieders, Adam [DNR]**

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**From:** Grantridge@aol.com  
**Sent:** Monday, July 14, 2014 2:23 PM  
**To:** Schnieders, Adam [DNR]  
**Subject:** General Permit Number Two -- 4" Topsoil Requirement

Dear Mr. Schneiders,

I'm a rural Iowa landowner and have lived in this state for thirty-seven years. I am writing to express my strong support for keeping the rule in place that requires 4" of topsoil to be preserved on construction sites.

As I have learned from personal observation and from talking with others, Iowa has a long unfortunate tradition of externalizing the water-quality consequences of land use decisions. Yes, it might save time and trouble for developers to not have to protect topsoil on construction sites. Yes, it might enable developers to sell homes for a little less money.

But homeowners would pay the cost of trying to deal with planting lawns and gardens on sites with little or no topsoil. And the public would suffer the consequences of more water pollution. The legitimate public interest in protecting topsoil on construction sites needs to be considered.

We now know from research that there is a direct connection between the ability of soil to hold water and Iowa's serious flooding and water pollution problems. Much of Iowa's topsoil is too degraded to hold water and filter pollution as effectively as healthy soil. But even degraded topsoil does a much better job than clay subsoil.

In addition, it is ultimately less expensive for developers to protect soil in place than for homeowners to have to try to "fix" land where little or no topsoil remains. The 4" rule is good common sense.

I've been doing soil conservation and building the organic content of my topsoil for a quarter century. I'm doing it partly because I consider it one of my fundamental responsibilities as a landowner. Protecting a reasonable amount of topsoil on construction sites, and 4" of topsoil should be a minimum, is a fundamental responsibility of developers.

Thank you for considering these comments.

Cindy Hildebrand  
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