

Schnieders, Adam [DNR]

From: Bosolds [bosolds@lisco.com]
Sent: Thursday, April 24, 2014 9:15 PM
To: Gipp, Chuck [DNR]; Schnieders, Adam [DNR]
Subject: Topsoil provision of NPDES General Permit No. 2

Dear DNR Director Gipp and Mr. ,

The DNR recently adopted a rule to preserve 4" of topsoil at construction sites - the topsoil provision of NPDES General Permit No. 2. I support this rule, which was adopted to retain healthy soil which better enables new homeowners to establish healthy landscapes - lawn, gardens, native plantings, trees and shrubs - and improve on-site stormwater retention, lessen runoff and soil erosion, and improve water quality.

Please ensure that this rule is enacted and enforced.

Sincerely,

Patrick Bosold
202 N. 5th St.
Fairfield, IA 52556
tel 641-472-1691
bosolds@lisco.com

From: Brad and Tammy Freidhof [bradfreidhof@msn.com]
Sent: Tuesday, April 29, 2014 6:26 PM
To: Schnieders, Adam [DNR]
Subject: NPDES General Permit No. 2 - Comments for EO 80 stakeholders group

Dear Mr. Schnieders,

My name is Brad Freidhof and I am a life-long resident of Iowa. I grew up on a small family farm in Northeast Iowa and currently reside in Coralville, Iowa in Johnson County. I am writing to you today in support of the National Pollutant Discharge Elimination System (NPDES) General Permit No. 2

In this permit it **requires that unless infeasible 4" of topsoil remains on the site after construction.** This is only a portion of the general permit requirement, but a very important component. The goal of this rule is to have yards that will be able to absorb rainfalls of up to 1.25" which account for up to 90% of the average rainfall in Iowa. Some developers and builders have expressed a concern that implementing this rule will add excessive cost to the price of a new home placing a burden on the home buyer by increasing the development cost. There are a lot of rules that add costs to home ownership. Home ownership comes with responsibility. Home ownership also comes with dream and visions. Many people envision using their yards with their family and friends. Being able to grow vegetable gardens and flower beds. Some developers and contractors don't want that burden, that responsibility, to return the fertile topsoil that once covered the building site back to the site following development. It is easier to sell the topsoil and roll out a turf which appears as a functional landscape, but is far from it.

In my current place of residence the practice of removing soil and leaving compacted clay which is unable to retain an average rain fall and is unsuitable for lawns and landscapes has been commonplace. While most builders and developers are conscientious and want to create the best possible product for their clients there are still many who will cut corners without concern for the quality of their product or its impact on our environment. My concern is that without regulation and monitoring we will return to business as usual. We need to consider that without changing our pattern of development which channels water above ground directly into rivers & lakes instead of allowing it to infiltrate into the ground we will continue to see increased flooding, pollution and degradation of those waters.

I purchased a home that was impacted by the practices previously described. My lawn is currently shedding more water than it is retaining and I am experiencing difficulties with erosion and growing grass. I will have to repair these issues at my cost and apply management practices to my yard to increase water infiltration. These costs may be higher than the initial costs of replacing the original topsoil.

There is a cost to these practices to protect our water resources, just as there are costs to other construction rules such as electrical and plumbing codes which will be passed on to the homebuyer. I believe that the cost of the damage to our resources outweighs the expense of complying with this regulation. If it is left to individual communities to comply it may be an incentive for communities who do not see themselves impacted by water quality to ease enforcement to encourage construction at a cost to homeowners and all of us who use and enjoy our waterways.

Please require that a topsoil replacement requirement remains a part of the NPDES General Permit No. 2. Iowans' pay now or our children pay later. I'd preferred to carry my own burden, my children generation will have enough of their own issues to deal with.

Thanks for your time and consideration.

Sincerely,

Bradley Freidhof
bradfreidhof@msn.com
Coralville, Iowa 52241

Schnieders, Adam [DNR]

From: Charity Rowley [crowley@oaknoll.com]
Sent: Tuesday, April 29, 2014 3:31 PM
To: Schnieders, Adam [DNR]
Subject: water runoff

Dear Mr. Schnieders,

Please help those who work with land uses use good procedures to reduce water runoff. It is especially important for contractors to restore worked soil to be able to absorb water by not leaving clay as the only surface available after construction.

And for farmer land owners like myself to make use of wetland areas in waterway areas along with other conservation practices.

We all need to do our part of helping with good practices for our water - water that we are fortunate to have unlike the states that are experiencing more drought than we have.

Charity Rowley

Schnieders, Adam [DNR]

From: Chris Anderson [sky.doc@gmail.com]
Sent: Monday, April 28, 2014 6:33 PM
To: Schnieders, Adam [DNR]
Subject: Information about Storm Water Permit #2 Regulation

Hi Adam,

I learned today about the stakeholder process for the amendment to the Topsoil Preservation Requirements.

I believe it is too late for me to get involved in any way, but I would appreciate any suggestions you might have of persons I can contact to become involved. I am also interested in learning how to obtain previous evaluation materials that determined costs are more than anticipated and unreasonable for developers to bear.

I'm a home owner who is paying for storm water management programs that I might not have to pay for had topsoil been left on my lot after developing it. That makes me a stakeholder, I think.

I am also interested to know if someone is a point of contact that I can list in an opinion letter to the Ames Tribune.

Chris

Schnieders, Adam [DNR]

From: Crabb Aaron P [CrabbAaronP@JohnDeere.com]
Sent: Tuesday, April 29, 2014 1:39 PM
To: Schnieders, Adam [DNR]
Subject: GP #2 4" Topsoil Requirement Feedback

Mr. Schneiders:

I would like to take a few minutes of your time to provide some additional feedback regarding the 4" topsoil requirement proposed in General Permit #2.

I am a current resident of Ankeny. In November of 2008, we signed a contract to build a new home on the NW side of Ankeny. We moved into the home in February of 2009.

My children enjoy the process of keeping a vegetable garden and I like to maintain a healthy, lush lawn. Our expectations were high for our new yard due to the fact that our home was built on land that was in agricultural production a year prior to our arrival. Were we in for a surprise!

Our developer graded our neighborhood heavily in order to build homes that have walk out basements. As a result, the topography of our lot was modified from a flat farm field to a slope. In order to achieve this, the topsoil was removed and heavy clay soils were brought up to create new contours. At the time of the final grading, I don't believe there was enough top soil available to cover the lot with even a very thin layer. The contractor that did the final grade ended up placing top soil in a few places around the foundation in order to create the proper slope.

Over the ensuing 5 years, I've done about everything I can think of to get grass to grow on our yard including:

- Bringing in over 45 cubic yards of compost and top dressed the yard.
- Tilling and aerating multiple times.
- Removing concrete and gravel construction waste.
- Over seeding multiple times.
- Bringing in trailer loads of horse manure.
- Broadcasting gypsum on the yard in an attempt to break down the clay.

My efforts have yielded marginal results. Today, our yard supports a fair stand of grass in some areas. We continue to struggle with erosion and run off in several areas due to the fact that neither grass nor weeds will grow in solid clay. The trees we've planted won't take root beyond the original hole we dug, and they don't demonstrate any top growth. I'm afraid to remove their original support stakes because I think they'll blow over. The sod that was originally laid on my neighbors' properties is gradually dying away.

Many times I've considered giving up on my restoration efforts and bringing in 150 yards of top soil to completely overlay my yard. However, as a family, we struggle to absorb that cost into our budget. Just today, I called around and got a quote to have the soil delivered to our house. The price of the soil would be about \$5,450 and the delivery charge is \$950. On top of this, I would need to rent a skid loader for two days, take three days off work, purchase and spread new seed etc...

I can anticipate the economic objections that contractors will make to the proposed 4" top soil requirement. Here are a few comments regarding the cost of this proposal:

- In the quote above, 84% of the cost is the material and 16% is transport fees. (from Waulkee) In a contractor's case, the material is included with the purchase of the lot and they shouldn't have to transport anything if they store it on site. I agree that there will be some additional labor and fuel costs to redistribute the material. However, I believe that some creative site management techniques could minimize these costs.

- The impact of this added cost will affect all new properties equally, so it won't create an unfair advantage for some over others.
- The cost of this practice will be passed along to consumers. However, the frustration, headaches, and additional labor are already being passed on. Even if the total cost was \$2000, that represents less than 1% of the cost of my property. Given the choice, I would have gladly paid an additional \$2000 or more in order to have that top soil.

As you consider this proposal, I would encourage you to include feedback from homeowners like myself who are left to deal with the aftermath of poor construction site management. I'm sure there are many reputable contractors who practice good techniques already. However, the 4" top soil requirement is essential to create a check and balance for the contractors like mine who don't demonstrate a higher level of conscientiousness.

If you would like to discuss this further, feel free to contact me by e-mail or directly at the phone number below.

Thank you!

Aaron Crabb

Operations Improvement Manager
John Deere Des Moines Works
Cell: 515-494-2627
crabbacrnp@JohnDeere.com

Schnieders, Adam [DNR]

From: David H. Sickles [dsick747@lcom.net]
Sent: Wednesday, April 30, 2014 8:26 AM
To: Schnieders, Adam [DNR]
Subject: Stakeholders Group

As a horticulture sales person I can not begin to count the number of calls and conversations I have had with homeowners who say "All we have is clay in our yard, What can we do about it." Usually my answer is not much and learn to live with the what the cheap developer left you. In many cases the topsoil on these yards was removed and sold, some didn't have it to start with and others had the excavated clay from the basement spread over the topsoil so that the developer didn't have to pay to have the clay hauled away. If developers want to sell houses they need to learn that they have to provide not only a quality product inside the home but outside the home as well. Please help support the DNR rule of 4" of top soil on all new home construction. This not only helps on run off it helps the future home owners develop attractive and sustainable landscapes.

David H Sickles
Beautiful Land Products
360 Cookson Dr
West Branch, IA 52358

Schnieders, Adam [DNR]

From: Jim Mitchell [jimitchell101@yahoo.com]
Sent: Tuesday, April 29, 2014 4:02 PM
To: Schnieders, Adam [DNR]
Subject: Reduction of runoff into our rivers, lakes and streams.

Dear Adam Schnieders,

Please retain the regulation to protect our lakes, rivers and streams by requiring 4" of topsoil remains on a site after construction . The benefit to our resources outweighs the expense of development cost.

Thank you for your time and consideration.

Sincerely,
James Pierce Mitchell
319-530-6985
jimitchell101@yahoo.com

Sent from my iPhone

Schnieders, Adam [DNR]

From: Joe Wegman [JWegman@awwelt.com]
Sent: Tuesday, April 29, 2014 3:02 PM
To: Schnieders, Adam [DNR]
Subject: Help reduce runoff into our rivers, lakes & streams

Adam,

I agree with the concept in NPDES General Permit No 2 and the effort to help preserve our rivers, lakes and streams and comply with EPS rules the Iowa DNR has implemented a regulation that among other things **requires *that unless infeasible 4" of topsoil remains on the site after construction.***

I am not an expert in the field but I do agree with the premise. It is not my intention that the contractor has to shoulder this cost alone. Nor that housing costs rise to become unaffordable. I am not privy to what those costs are but I certainly agree with continuing to move toward such a regulation. We need to consider the environmental impact of the practice of taking all top soil and other traditions across our economy that have a negative impact.

Joe Wegman

Schnieders, Adam [DNR]

From: Josh Rath [pastorjoshath@gmail.com]
Sent: Wednesday, April 30, 2014 9:27 AM
To: Schnieders, Adam [DNR]
Subject: NPDES General Permit No. 2

Dear Adam,

As a homeowner in Johnson county Iowa, I believe that leaving 4" of topsoil at the building site is essential not only for the homeowner, but also the environment. I own a home that does not have topsoil, just compacted clay and sod laid on top. We constantly have to run the sump pump and water in the yard is always a concern along with run off into our storm sewers. Although contractors and developers do not like this law because they cannot sell the top soil before building a home, cutting corners and not being concerned about the environment is something that needs to be stopped. I used to be in construction and although I was never a developer, I did want to make sure that as much of the natural environment was left at the site instead of hauling it away because I do believe it is everyone's responsibility to care for our land. Please keep the law in place so that we can have less runoff to deal with along with better absorption of rain and snow.

--

In Christ,

Josh Rath

Pastor

Cooperative Parish
New Horizons United Methodist Church
2251 1st Ave
Coralville, IA 52241
(319) 351-2491
North Liberty First United Methodist Church
85 N. Jones Blvd.
North Liberty, IA 52317
(319)626-2762

Schnieders, Adam [DNR]

From: Pam Ries [pamela.sue.ries@gmail.com]
Sent: Tuesday, April 29, 2014 5:37 PM
To: Schnieders, Adam [DNR]
Subject: NPDES General Permit No. 2

Mr. Schnieder,

I live in a development where the contractors removed the topsoil and left compacted clay/silt. Never in all my years of living in Iowa have I had so much difficulty establishing plants as I have had at this house. I have had to dig out the clay and replace it with topsoil. Even then, the bushes and trees experience retarded growth as the roots cannot penetrate the soil. This has added much to the cost of landscaping our yard.

Another unexpected consequence of this practice is that when we have heavy rains the water runs down the hill of the development and seeks out the lowest point - our egress window. We have had water fill up the window well and enter our home 3 times since we moved in 7 1/2 years ago. Each time this has happened we have raised the retaining wall, placed metal sheeting into the soil on the outside of the wall, had to replace dry wall in our home, and cleaned up a huge mess. The last time this happened we pulled out all of the carpet and replaced it with tile.

None of this is covered by insurance. So even though these practices require the expenditure of funds, without the regulations our water quality is compromised and the home owner still incurs the expenses. Please support NPDES General Permit No. 2.

Pam Ries
Johnson County
Iowa

Schnieders, Adam [DNR]

From: whsteward@mediacombb.net
Sent: Thursday, April 24, 2014 9:38 AM
To: Schnieders, Adam [DNR]
Subject: topsoil

I write to let you know I favor the proposed 4" of topsoil requirement for construction sites. I am a retired United Methodist minister who has lived in IA all my life. I grew up on a small IA farm near Grand Mound; my father was a conservationist who carefully tended our land and waterways. Our vacations were to swim, fish and enjoy the Wapsi River. I imagine that. The appeal of Iowa, and the reason so many of us love it, is that it is truly an exquisitely "beautiful land." It does not make any sense (not even short-term financial sense) to treat our soil like it can be dismissively thrown away. May our sacred soil be given a break. Thanks for your consideration.

Schnieders, Adam [DNR]

From: Gipp, Chuck [DNR]
Sent: Wednesday, April 23, 2014 11:52 AM
To: Virginia Soelberg
Cc: Schnieders, Adam [DNR]
Subject: Re: Support for topsoil preservation rule

Thank you. I will forward to our DNR staff.

Sent from my BlackBerry 10 smartphone on the Verizon Wireless 4G LTE network.

From: Virginia Soelberg
Sent: Wednesday, April 23, 2014 10:13 AM
To: Ehm, William [DNR]; Gipp, Chuck [DNR]
Subject: Support for topsoil preservation rule

Below is my letter to the EO80 Stakeholder Group considering the Topsoil Preservation Rule.

To the topsoil preservation rule Stakeholder Group:

I would like to give input for the consideration of the Stakeholder Group supporting the preservation of 4" of topsoil at time of construction, as the Rule now requires.

I see this as an issue of upfront costs and efforts for the developer, compared to long term costs to the home buyer and the environment. Topsoil is a precious resource in Iowa and we should all be doing what we can to preserve it.

A few years ago my son became a homeowner of a building lot that had the topsoil totally scraped off. He has spent several years trying to build back healthy soil, and in the process buying and replacing trees, pouring time, money, grass seed, fertilizer, sod, water and effort into establishing a lawn, trees, and a garden. How much better to have spent a little extra money upfront on the lot and have fewer of these problems. And his soil would have absorbed more water from the start, rather than having it run off. Short term additional profit means long term costs to the owner.

And without the use of best management practices to control stormwater runoff in urban development, the health of natural ecosystems that our urban streams, lakes and wetlands support, declines. Studies show that landscaped areas can contribute significantly to the total runoff from residential developments when constructed on poor-quality soil.

I am very concerned that the makeup of the EO 80 Stakeholder's group lacks the needed balance to fairly weigh these issues, such as:

- New homeowner's costs and struggles to establish their landscaping.

- Water quality advocates: DM Waterworks as well as recreational water users concerned about water quality (sediment, nitrates and others.)

- Those impacted by water quantity issues; flooding, erosion, lack of infiltration.

- Engineers who understand and apply the strategies of Best Management Practices for replacing urban topsoil and who could evaluate cost claims of those developers who consider soil preservation "burdensome."

- Soil experts who recognize soil as a precious and fundamental urban resource.

- Cities in which the 4" rule is working.

I also support "open and accountable" government practices, including open meetings and timely notification.

It seems to me the established 4" preservation rule is a fair means of meeting the EPA's topsoil preservation expectation. Iowa has many experts in soil and water best management practices. Please avail yourselves of their expertise.

Sincerely
Virginia Soelberg
5979 Dogwood Circle
Johnston, IA 50131

Schnieders, Adam [DNR]

From: Virginia Soelberg [soelbergg@gmail.com]
Sent: Thursday, April 24, 2014 10:45 AM
To: Gipp, Chuck [DNR]; Schnieders, Adam [DNR]
Subject: topsoil (again)

I ran across this excellent article on topsoil preservation, including how and why.
FYI...Page 33 of jan/feb **Land and Water** magazine has relevant
article...<http://viewer.zmags.com/publication/17a0e029#/17a0e029/1>

Thanks for your involvement in this issue.

vs

--
Virginia Soelbeg
Johnston, IA

Building Healthy Soil: Making Urban Landscapes More Absorbent to Stormwater

Urban development fundamentally changes the ways by which water flows through the local environment. Without the application of best management practices to control stormwater runoff and improve its quality, the health of natural ecosystems that our urban streams, lakes and wetlands support declines. We typically think of these changes to the local water cycle as being caused by the spread of hard surfaces across the land like roofs and pavements that prevent rain and snowmelt from soaking into the ground or being intercepted and evaporated by plants. Yet, studies have shown that landscaped areas, like the yards, gardens, parks and sports fields that make our towns and cities beautiful and healthy places to live, can contribute 40 to 60% of the total runoff from residential developments when constructed on compacted, poor-quality soil.

Healthy soil provides important stormwater management functions including infiltration and storage, adsorption of nutrients, filtration of sediments, decomposition of pollutants, and moderation of stream flows and temperatures. In addition, healthy soil supports vigorous plant and tree growth that intercepts rain, returning much of it to the atmosphere. The health of the soil, vegetation and the rivers,



Compost amended topsoil.

lakes and wetlands they drain to are intrinsically related. These relationships should be better recognized in land development planning and urban construction processes in order to produce more functional landscaped areas. Implementing best practices to preserve and restore healthy soil in

landscaped areas also qualifies for credits in green building certification programs like Leadership in Energy and Environmental Design (LEED®) and The Sustainable Sites Initiative™.

The way in which landscaped areas are constructed and managed affects how absorbent they are to stormwater, in addition to the level of effort that will be required to re-establish and maintain healthy vegetation and the lifespan of the plantings. Today, conventional construction practices involve mass stripping and stockpiling of site topsoil in large mounds for periods of six months to a year or more until a portion, typically less than 30% of what is stripped, is reapplied to landscaped areas. This process compacts the topsoil, radically changing its structure and water holding capacity, and depletes it of beneficial soil organisms that cannot survive the anoxic conditions experienced in the topsoil mounds.

Often the only living portion of topsoil stockpiles is limited to the top 30 centimeters. This produces stockpiles that are either poor or highly variable in quality. Standard practice is to apply 10 to 15 centimeters of the stockpiled site topsoil to landscaped areas, without taking any measures to reverse compaction of the underlying subsoil caused by construction equipment traffic and storage of building materials.

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How topsoil is stripped and stockpiled affects its composition, structure and moisture holding capacity.

Residential lawns in newly developed areas have been shown to produce significantly larger runoff volumes than older lawns due to higher soil bulk density (i.e. loss of soil structure) and lower organic matter content. While many natural processes act to loosen up soil, such as freeze-thaw cycles, activity of soil organisms and plant root penetration, they can take decades to substantially decrease soil bulk density. In addition, many of these processes are ineffective when soil compaction becomes severe (i.e. bulk density greater than 1.7 g/cm³) because water, roots and soil fauna simply cannot penetrate the dense soil matrix.

If best practices to preserve or restore healthy functioning soil in landscaped ar-

reas are not applied during construction, changes to soil structure, biology and organic matter content and the effects of compaction can cause them to function more like impervious surfaces. This makes the standard practice of directing roof drainage to them less effective than it could be at reducing urban runoff and contaminant loads to receiving waters. Furthermore, poorer quality planting environments are produced that require more irrigation, fertilizer and effort to re-establish and maintain vegetation and urban tree canopy. Application of improved soil management practices during construction can reduce stormwater runoff and outdoor water use, produce more lush yards and landscaped areas that are easier and cheaper to main-



Topsoil being reapplied during construction (foreground) and a tree protection zone (background).

tain, and provide the growing environment needed by urban trees to reach maturity.

A New Approach

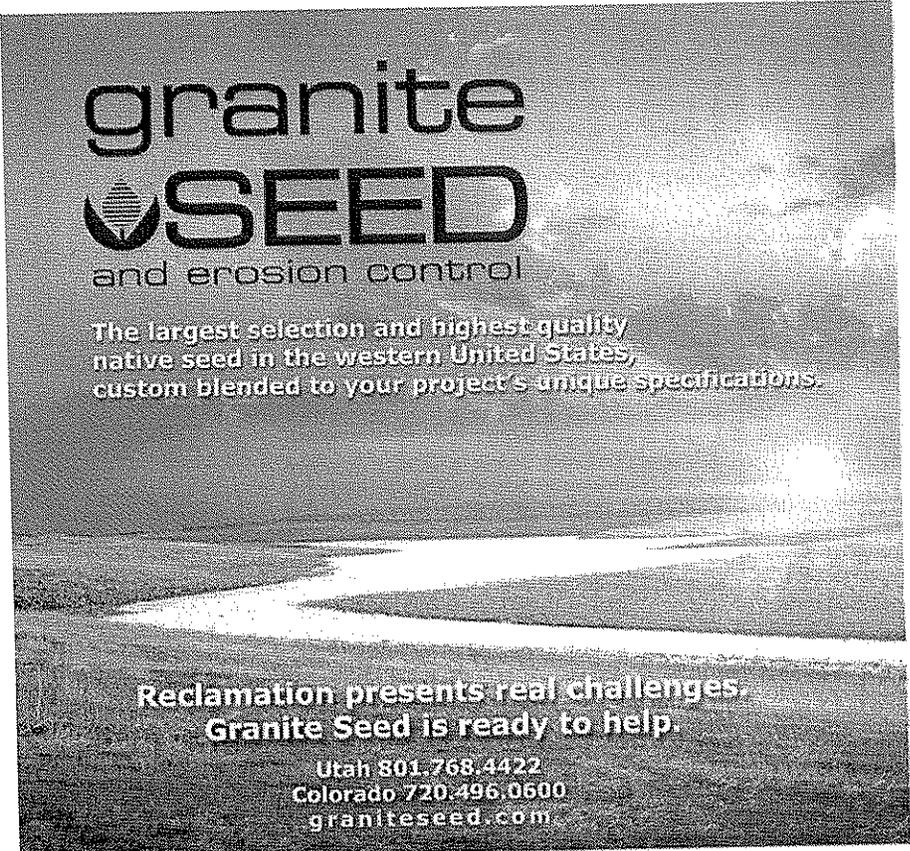
With the release of a new best practices guide on preserving and restoring healthy soil, the Toronto and Region Conservation Authority (TRCA) hopes to foster change in construction industry practices and municipal standards. The guide recommends that soil in all landscaped areas should meet minimum standards for quality and uncompacted depth, especially those that receive runoff from adjacent roofs or pavements. In terms of quality, the topsoil should contain at least 5 to 10 percent organic matter, a critical component to the water holding capacity and biological health of soil. If topsoil is low in organic matter, it should be amended with compost to meet the standard. In terms of uncompacted soil depth, topsoil should be at least 20 centimeters deep, representing double the amount that is typically applied to yards and parks during construction, and the total uncompacted soil depth should be at least 30 centimeters.

Higher standards are recommended in areas where shrubs and trees will be planted as they need richer and deeper soil to thrive. To make adoption of these practices easier, guidance is also provided on how to develop a soil management plan for your site, including templated forms for planning and field inspection and tools for calculating the quantities of topsoil and compost needed.

Best practices and optional methods to meet the standards are described in step-wise detail. Examples of the best practices include:

- Leaving existing trees, vegetation and soil undisturbed to the greatest extent possible
- Stripping, stockpiling and preserving existing topsoil on-site for reapplication in areas to be landscaped
- Restoring post-construction soils in areas to be landscaped to meet minimum soil quality and depth standards

Recommended approaches to restoring healthy soil functions involve reversing compaction through the use of subsoiling or tilling equipment and incorporating compost and mulch to increase organic matter content. Incorporating compost helps reverse the effects of compaction and adds organic matter. Every one percent of organic matter in a 30 centimeter deep topsoil can hold

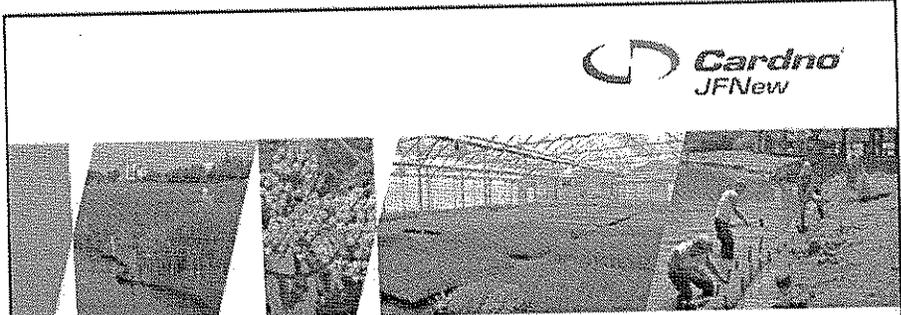


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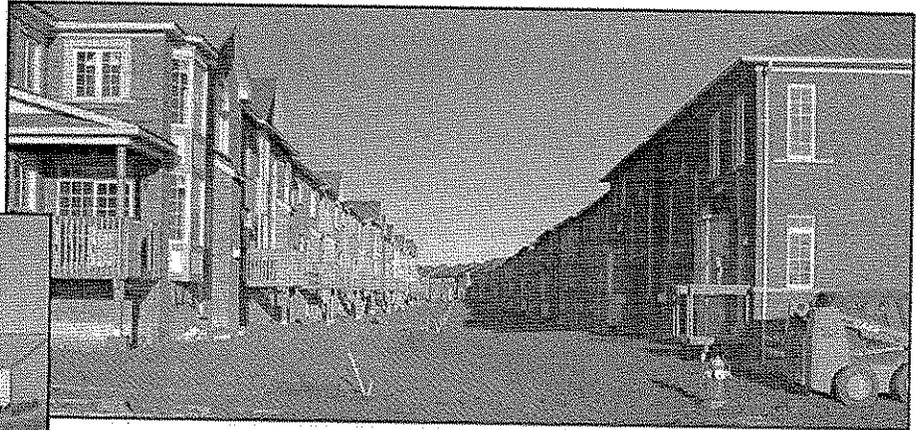
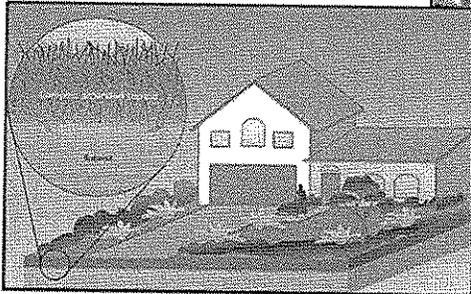
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SOIL MANAGEMENT

up to 16 litres of plant available water per square meter, which adds up to substantial water storage capacity if all landscaped areas in a development meet the recommended standards. Compost also has soil binding properties, acting like glue which



Minimum standards for topsoil depth and quality can produce healthier, easier to maintain and more absorbent lawns and gardens. Image source: Soils for Salmon.

aggregates and holds soil particles together, making it more resistant to erosion. When subsoiling and tilling is combined with compost amendment, studies have shown that the volume of runoff produced by a landscaped area constructed on compacted soil can be reduced on the order of 75 to 90%.

How stripping and stockpiling is done on construction sites also affects the quality of topsoil available for reapplication on

landscaped areas. To produce healthier topsoil stockpiles, the guide recommends a two-phase topsoil stripping process in which the higher quality topsoil obtained from a shallow first pass of stripping equipment is stockpiled separately from the mixture of topsoil and subsoil obtained from subsequent passes. Keeping the height of topsoil stockpile mounds below two meters and turning them over prior to reapplica-

tion is also recommended to minimize the portion of the mounds that become anoxic during storage and to help distribute soil micro-organisms surviving in the top 30 centimeters throughout the mound.

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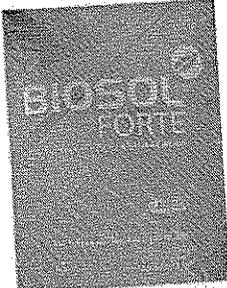
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bent our urban landscapes are to rain and snowfall. They also contribute to making our cities, towns and villages, beautiful and healthy places to live. Everyone's yard should be a functioning part of the "treatment train" of stormwater management best practices helping to manage urban runoff. By improving on conventional construction practices and municipal standards to ensure all landscaped areas contain healthy functioning soils, the impacts of urbanization on the local water cycle and the health of our urban rivers, lakes and wetlands could be reduced.

A copy of the TRCA guidance document, Preserving and Restoring Healthy Soil: Best Practices for Urban Construction, can be downloaded from the Sustainable Technologies Evaluation Program (STEP) website (www.sustainabletechnologies.ca).

STEP is a multi-agency program, led by the Toronto and Region Conservation Authority. The program helps to provide the data and analytical tools necessary to support broad implementation of sustainable technologies and practices within a Canadian context. The main program objectives are to:

- monitor and evaluate clean water, air and energy technologies;
- assess barriers and opportunities for implementing technologies;
- develop supporting tools, guidelines and policies; and
- promote broader use of effective technologies through research, education and advocacy.

Technologies evaluated under STEP are not limited to physical products or devices; they may also include preventative measures, alternative urban site designs, and other innovative practices that help create more sustainable and liveable communities. L&W

by Dean Young

Dean Young is a Project Manager with the Sustainable Technologies Evaluation Program. For more information contact, Dean Young, Toronto and Region Conservation, 5 Shoreham Drive, Toronto, Ontario, Canada, M3N 1S4. Phone: (289)-268-3904. Email: dyoung@trca.on.ca. Web: www.sustainabletechnologies.ca.

Learn More

If you like what you just read and are interested in learning more about this topic, consider attending Great Connections 2014 (www.greatconnections2014.com). From April 29 to May 1, the Radisson Quad City Plaza in Davenport, Iowa will be the scene of high-quality short courses, keynote lectures, breakout sessions, local tours, and much more. Great Connections 2014, which is jointly organized by the Great Lakes and Great Rivers Chapters of the International Erosion Control Association, will address environmental compliance, active and post-construction stormwater management issues, and locally-driven policy and education initiatives. Come join us on the banks of the *mighty Mississippi River!*

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Schnieders, Adam [DNR]

From: Schnieders, Adam [DNR]
Sent: Friday, May 02, 2014 8:42 AM
To: 'Craig Mead'
Subject: RE: Help reduce runoff into our rivers, lakes & streams

Craig,

Thank you for your letter. We will provide a copy to the topsoil preservation stakeholder group.

If you have any questions, please let me know.

ADAM SCHNIEDERS NPDES Program Supervisor



Iowa Department of Natural Resources
P 515.281.7409 | F 515.281.8895 | adam.schnieders@dnr.iowa.gov
Wallace Building | 502 E 9th Street | Des Moines, IA 50319

WWW.IOWADNR.GOV



Leading Iowans in Caring for Our Natural Resources.

From: Craig Mead [<mailto:craigmead@outlook.com>]
Sent: Thursday, May 01, 2014 8:26 AM
To: Schnieders, Adam [DNR]
Subject: Help reduce runoff into our rivers, lakes & streams

Adam,

It is great to see someone is finally talking about this. I feel it is a crime for developers to conduct this sort of practice and preposterous to claim they have the consumers best interest in mind. I know of a specific example of a developer in North Liberty who stripped the topsoil, stockpiled it then sold it back to the homeowners he stripped it from. The developers won't do the right thing unless they are forced to. Please help us preserve our topsoil, ground water, and waterways.

Thank You,
Craig Mead

Schnieders, Adam [DNR]

From: Crystal Leto [crystal.r.let@gmail.com]
Sent: Friday, May 02, 2014 4:16 PM
To: Schnieders, Adam [DNR]
Cc: LaVon Griffieon; soelbergg@gmail.com
Subject: 1000 Friends of Iowa letter of support for the topsoil provision of NPDES General Permit No. 2

Please find attached a letter of support on behalf of 1000 Friends of Iowa from Interim Executive Director, LaVon Griffieon.

Thank you for your time.

Crystal Leto
1000 Friends of Iowa

May 02, 2014



Director Chuck Gipp
Iowa Department of Natural Resources
Central Office
Wallace State Office Building
502 East 9th Street
Des Moines, IA 50319-0034

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Crystal Leto

3850 Merle Hay Road, Suite 605

Des Moines, IA 50310-1300

Phone: 515-288-5364

Fax: 515-288-6362

Email: kfoi@1000friendsofiowa.org

Website: www.1000friendsofiowa.org

Dear Director Gipp,

Please support the topsoil provision of NPDES General Permit No. 2, a rule to preserve 4" of topsoil at construction sites.

As an undeveloped area is changed to urban, commercial, or industrial use, natural cover is removed and the chance of erosion problems increases. Large tracts of prime farmland are stripped of topsoil, the topsoil is stockpiled, sold and a thin layer is applied before putting sod on top. Natural drainage areas are usually changed to remove runoff rapidly. In addition, paved streets, sidewalks, buildings, and compacted soil add to the runoff. Runoff from snow or rain in these developed areas washes pollutants off the land and surface areas. These contaminants often contain salt, fertilizer, heavy metals, organic chemicals, pet waste, and sediment from construction sites. Controlling erosion and water quality and developing procedures to manage construction sites to reduce off-site water pollution is a major concern.

According to the USDA National Resources Inventory in the thirty years between 1977 and 2007 Iowa lost 642,700 acres of prime farmland. That trend continues. Much of this loss is attributed to the outward growth of our cities even though Iowa's five percent population growth ranks 43rd in the United States. Currently, the packed clay under the thin layer of topsoil on this developed land allows for very little water to infiltrate. Sod will grow on cement if you keep it watered, however, lawns which lack topsoil underneath require constant care and watering. Watering is irresponsible in drought conditions. We need to retain four inches of healthy soil which will better enable new homeowners to establish healthy landscapes (lawn, gardens, native plantings, trees and shrubs) as well as improving on-site storm water retention, lessen runoff and soil erosion, and improve water quality on any new development.

1000 Friends of Iowa is a statewide non-profit organization founded in 1998 and based in Des Moines, Iowa. We are a member-supported 501(c)3 whose mission is to promote responsible development that

- Conserves and protects our agricultural and natural resources
- Revitalizes our neighborhoods, towns and cities, and
- Improves the quality of life for future generations

Thank you for your time and consideration.

Sincerely,

LaVon J. Griffieon
Interim Executive Director

Schnieders, Adam [DNR]

From: abbipw@southslope.net
Sent: Sunday, May 04, 2014 6:16 AM
To: Schnieders, Adam [DNR]
Subject: Re: the 4 inch topsoil rule

Dear Mr Schnieders,
I am writing in support of the 4 inch rule. We need to leave the topsoil in place!
Please don't let the developers change this so they can make a little more money.
Sincerely,
Lynn Gallagher

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



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Schnieders, Adam [DNR]

From: David Halfpap [dnnhalfpap@icloud.com]
Sent: Sunday, May 04, 2014 8:44 AM
To: Schnieders, Adam [DNR]
Cc: todd.dorman@sourcemedi.net
Subject: Re: Todd Dorman's article in CR Gazette

Dear Mr. Schnieders;

Mr. Dorman's article conjures up considerable memories. We fell victim to Skogman homes to this top soil scam when we were young and naive. Fortunately, on a future home we built with Skogman homes we built into the offer that the topsoil needed to be replaced before the sod was put down. If my memory serves me correctly, the sod showed up one morning ready to be laid, and fortunately someone was home to show them the contract. Skogman wasn't too happy about having to then come out and replace the topsoil before laying the sod.

This is only one of the many scams home builders play on unsuspecting home buyers. Yes, homebuyers are culpable in this as they have sat by and let it happen. This is where I do believe regulation does have its place. I'm a free government type of person, but there are certain things that need to be regulated just because its the right thing to do.

Let's consider an example as an analogy; Suppose a farmer contracts with someone to tile his farm. The tiler removes the topsoil and puts it on one side of the trench. The remaining soil he puts on the other side of the fence. When finished he puts the "clay" back into the trench, but takes the topsoil and sells it to a nursery. Can you imagine the outrage! What is the difference between the farmer and the homeowner?

Dave Halfpap

Schnieders, Adam [DNR]

From: Janet Kvach [jskvach@mchsi.com]
Sent: Sunday, May 04, 2014 9:37 AM
To: 'adam.schnieders@dnr.iowa.gov.'
Subject: Saving Top Soil

Mr. Schneider,

I would like to go to the meetings about saving the top soil in Iowa referenced in Todd Dorman's article in the Gazette today. I feel that saving top soil for lawns isn't the big issue. The real issue is saving the topsoil for food production. If top soil is removed from the soil it leaves it open for erosion. If topsoil is mixed with other sub-soils it is no longer useful for growing food. How can I find out about the meetings, when and where they will be held. We own Iowa farmland and use conservation practices to save soil and reduce erosion.

Jan Kvach
Hiawatha, Iowa

jskvach@mchsi.com

Schnieders, Adam [DNR]

From: Robin Kash [rekle@mchsi.com]
Sent: Sunday, May 04, 2014 11:28 AM
To: Schnieders, Adam [DNR]
Cc: Todd Dorman; Gazette; Gazette
Subject: Urban topsoil protection

Mr Schnieders

Todd Dorman's excellent commentary on the despoilation of urban topsoil by developers. The lack of transparency of stakeholder group meetings that he reported is not tolerable in a democratic society. He quoted Creighton Cox, chair of the group in justifying closed meetings to say: "We want to meet as a group and have candid conversation. But we want to be able to have public input in an organized manner as well." Sounds like "candor" is another word for secrecy which would suffer in the light of public participation. Furthermore it appears that the proposed "public input" will be organized in accord with conclusions reached in private meetings.

This approach appears to be yet another instance of the Branstad Administration's efforts to cloak in secrecy matters that have a bearing on public good. I trust that Mr. Cox and othe "stakeholders" who are part of this privacy-prone group to reconsider and change from closed to open meetings.

Robin Kash
1806 Grande Ave SE
Cedar Rapids IA 52403
319.213.7738

Robin Kash
Sent from my U.S. Cellular® Smartphone

Schnieders, Adam [DNR]

From: Virginia Soelberg [soelbergg@gmail.com]
Sent: Sunday, May 04, 2014 11:43 AM
To: Schnieders, Adam [DNR]
Cc: pat sauer
Subject: Fwd: Dorman's column on the topsoil rule

Todd Dorman had a nice opinion column in the Cedar Rapids Gazette today on the 4-inch topsoil rule:

<http://thegazette.com/subject/opinion/looking-for-the-straight-scoop-will-iowas-topsoil-rule-get-bulldozed-20140504>

Virginia Soelberg

--

Ginger

Schnieders, Adam [DNR]

From: Dot Hinman [bluehair3329@yahoo.com]
Sent: Sunday, May 04, 2014 12:48 PM
To: Schnieders, Adam [DNR]
Subject: topsoil replacement rule

It was my (obviously erroneous) belief that the DNR was in existence to protect natural resources. I cannot understand how allowing developers to continue to strip water-absorbing topsoil, leaving compacted clay to cover new housing developments is doing that. Of course you know that good loamy soil slows runoff, reduces flow of pollutants into streams. As for the cost to developers, I suspect homeowners would rather pay that amount up front instead of paying to put topsoil back so they can garden and grow a decent lawn. If you haven't paid for topsoil recently, you might not realize how expensive loads and loads of "dirt" is to the homeowner trying to establish a garden. Stacking a 7 member committee with 3 developers and a construction firm hardly looks like protecting our natural resources.

Score one more point for politics and one more loss for the environment.

Dorothy Hinman
2115 1st Ave SE, Cedar Rapids IA 52402

Schnieders, Adam [DNR]

From: Don Steichen [dsteichen@imonmail.com]
Sent: Sunday, May 04, 2014 1:24 PM
To: Schnieders, Adam [DNR]
Subject: Top soil

I applaud your efforts on top soil. It's so true. I seen it first hand after the flood in Cedar Rapids when they tore houses down. The demo crews packed the poor dirt down and put a thin layer of top soil on top as thin as possible, 1/2" even though the contract said a tillable layer. Concerned as a citizen I complained to the city because the plans were to make it into green space. Hard to grow grass on shit soil. So the city gave them more money and they still skimp.

On a different subject I feel the control of the wet lands are more important. We keep allowing farmers and developers to tile and tile, funneling water making the rivers faster and faster. Voluntary doesn't cut it. I've seen a lot of damage to the Cedar in the past year from construction next to the river with massive erosion. Seems like money talks here.

Schnieders, Adam [DNR]

From: Gary Ellis [egarye@cs.com]
Sent: Monday, May 05, 2014 12:40 PM
To: Schnieders, Adam [DNR]
Subject: Fwd: Soil Replacement

I got your email off a piece by Todd Dorman in the CR Gazette. I see that I mistyped your address.

Begin forwarded message:

From: Gary Ellis <egarye@cs.com>
Subject: Soil Replacement
Date: May 4, 2014 at 1:21:17 PM CDT
To: "adam.schneiders@dnr.iowa.gov" <adam.schneiders@dnr.iowa.gov>

I suggest you make builders liable for for flooding and run off issues for 10 years unless they can prove homeowners caused the problem. This would make them think twice about reducing the 4" rule for soil replacement.

Sent from my iPhone

Gary Ellis
Golf League Secretary

Charles Winterwood
1555 Montrose Terrace
Dubuque, IA 52001-0329
cwinterwood@netscape.com
563-588-2783

Please support the existing requirement for developers to maintain or replace 4 inches of topsoil. This allows landscaping to become established earlier and prevents runoff into our streams.

Barbara and Jim Dale
909 Vernon Street
Decorah, IA 521010-1653
Nonrev909@neitel.net
563-382-4693

Our topsoil may very well be Iowa's greatest resource. We hope you will support the topsoil provision of NPDES General Permit No. 2 to preserve this life-giving material for areas of new construction.

Patrick Bosold
202 North 5th Street
Fairfield, IA 52556-2501
bosolds@lisco.com
641-472-1691

Dear Governor Branstad,

The DNR recently adopted a rule to preserve 4" of topsoil at construction sites - the topsoil provision of NPDES General Permit No. 2. I support of this rule, which was adopted to retain healthy soil which better enables new homeowners to establish healthy landscapes - lawn, gardens, native plantings, trees and shrubs - and improve on-site stormwater retention, lessen runoff and soil erosion, and improve water quality. Please ensure that this rule is enacted and enforced.

Jerry Depew
16595 450th Street
Laurens, IA 50554-8640
Depew@ncn.net
712-845-4466

When long ago I first learned of that builders would steal the top soil from construction sites, I was aghast. It's good that Iowa has a law requiring 4 inches of topsoil remain. Keep that law!

Schnieders, Adam [DNR]

From: Dechant, David M. [David.Dechant@hdrinc.com]
Sent: Monday, May 05, 2014 5:20 PM
To: Schnieders, Adam [DNR]
Subject: Replacing Topsoil Post Development

Adam,

In case you hadn't seen the article in Sunday's Cedar Rapids Gazette that identified your email address, here's a link <http://thegazette.com/subject/opinion/looking-for-the-straight-scoop-will-iowas-topsoil-rule-get-bulldozed-20140504>

By the way, I'm a strong advocate of post construction topsoil restoration whether it be residential, commercial, or industrial. Last spring, I personally invested in "soil quality restoration" for my 20 year old yard and saw pretty amazing results in terms of my yard infiltrating and retaining water. My yard was consistently greener and thicker than my neighbors throughout the summer and fall. I'll be doing the same this spring. The restoration that I had done and will do again this spring entailed deep tine aeration followed by application of compost pellets.

Amy Bouska with NRCS pointed me in this direction. I was actually looking for someone to do more extensive restoration similar to what is described in the following link, but was not able to find anyone in the Cedar Rapids area with the capability to do so. <http://www.rainscapingiowa.org/index.php/practices/link/soilquality>

Bottom line, there's no excuse to do anything less than restore the topsoil post construction. The \$1500 to \$2500 per lot quoted by the developers, even if it's not inflated, is a good investment.

Thanks,
Dave D

David M. Dechant, PE
Vice President / Project Manager

HDR
5815 Council Street, Suite B
Cedar Rapids, IA 52402
D 319 373 2536 x2 M 319 270 0721
david.dechant@hdrinc.com

hdrinc.com/follow-us

Schnieders, Adam [DNR]

From: Gilroy, Chris [cgilroy@Aegonusa.com]
Sent: Wednesday, May 07, 2014 2:08 PM
To: Schnieders, Adam [DNR]
Subject: FW: Thank You - Yard Runoff Comes At High Cost
Attachments: 027.jpg; 017.jpg

Mr. Schnieders:

We read Todd Dorman's article in the Cedar Rapid's Gazette regarding EO80 et al:
<http://thegazette.com/subject/opinion/looking-for-the-straight-scoop-will-iowas-topsoil-rule-get-bulldozed-20140504>

This article brought us some relief knowing that we are not alone.

In July 2013, my wife and I moved in to a new construction home in North Liberty. We went under contract with the developer when the home was already 90% finished and we were not in a position to determine many of the finishes. We were unaware that the property had been 'scraped' of soil (and I am not one who has much agricultural understanding to have noticed otherwise). In hindsight, we ignorantly opted to seed our yard rather than sod, which was an alternative presented to us by the developer's agent (again, it was not explained that they had removed the 'good' soil). Three attempts at seeding the property have produced minimal results (once by the developer, once by us and once by a landscaping vendor engaged by us). We have recognized severe run off and sink holes as a result of our decision (I have attached some photos). Our developer has been responsible and has repaired the sink hole and the subsequent damage it caused, but has offered no relief for the condition of the soil (we recognize that this would be a longshot).

One of our vendors encouraged us to apply for the City of North Liberty's Stormwater Quality cost share program to assist us with remedying the situation. We did so but have been denied. The City was responsive but stated that we were denied because "What the city does not want to do is begin a process of repairing or finishing work completed by private contractors such as scraping down to clay". The City did go on to explain that "For your information, the city is taking an active role to keep in place a newly implemented state requirement for developers and builders to provide a minimum of 4" of top soil to newly constructed sites. Currently, the builders and developers are meeting with state officials to try to get rid of the requirement. I know this will not help you but we are aware of the problem and working to establish new requirements to alleviate the problem". While we can understand the City's response at some level, it is disappointing. We had hoped that a program such as this may be in place to assist those in similar positions as us until the state is successful in its proposed remedy.

While we respect that responsibility rests on us as the buyers/homeowners, we are frustrated. We are still in the process of working with vendors to get our yard in a healthy state.

Thank you for your time.

Chris & Erin Gilroy
1960 Silver Maple Trail
North Liberty, Iowa



Schnieders, Adam [DNR]

From: vklimes [caklimes@southslope.net]
Sent: Wednesday, May 07, 2014 8:03 PM
To: Schnieders, Adam [DNR]
Subject: todd.dorman@sourcemedi.net

Mr Schnieders

After reading Todd Dormans article in Sundays Gazette, I support the new 4 inch rule. The developers in our condo Asso. took the easy & cheap way by putting only sod over the clay, which is as hard as cement sometimes. The mowing crew has to keep putting down more & more fertizer to get the grass to grow as roots have a hard time getting thru & this ends up in our waterways here too.. After even a light rain the water runs right off and in no time at all we have behind our condo a six foot wide stream running until it stops raining.

I feel that should be open too. The DNR should demand that they be open.

Thank You

Vernon Klimes
Cedar Rapids, IA

Schnieders, Adam [DNR]

From: woodnquilts@mchsi.com
Sent: Thursday, May 08, 2014 9:39 AM
To: Schnieders, Adam [DNR]
Subject: TOPSOIL

Please keep our earth beautiful by using some common sense!!!\

Let's keep Iowa healthy and beautiful.

There is plenty of topsoil to use.....from those farms that THEY are covering with houses.

Please vote for 4 inches of top soil.

Thanks.

Dale and Shirley Parker

Marion, Iowa

Schnieders, Adam [DNR]

From: Ginger Hansen [glh@balmoralcottage.com]
Sent: Thursday, May 08, 2014 11:05 AM
To: Schnieders, Adam [DNR]
Subject: Topsoil

In response to Stacie Johnson's persuasive letter-to-the-editor in today's "Cedar Rapids Gazette", please add my note of concern to the proposed adjustment to the 2012 DNR rule that required builders to add four inches of topsoil to building sites.

Our focus now seems to be on avoiding water run-off. Changing this rule would be against the flow--if you'll pardon the pun.

Thank you for your consideration.

Virginia Lee Hansen

Schnieders, Adam [DNR]

From: B & K Arens [bkarens1@gmail.com]
Sent: Thursday, May 08, 2014 11:49 AM
To: Schnieders, Adam [DNR]
Subject: healthy landscape

DNR:

Per articles in newspapers of needing 4 inches topsoil to be put back by builders should be. We live in a development in Cedar Rapids and all we have is gravel and clay with rock put as landscape around the condo we live in. In order to plant anything, dirt must be hauled in that should have been put on instead of gravel and rock over heavy clay soil. I have dug over a foot down to plant a flower and find no top soil of any kind. This type of landscaping is only causing much water to be put through sump pumps adding an additional expense to living here. Also the rock landscaping is only causing heat retention in the summer as it is over much gravel. I thought Iowa was going to be more of an environmentally sound state until finding this. If developers can scrape all the black dirt, top soil off a site and sell it, they certainly could put it back and be a good neighbor to the communities.

Thank you,
Kathy Arens

Sent from Windows Mail

Schnieders, Adam [DNR]

From: Paul Davisson [pdavisson2325@hotmail.com]
Sent: Thursday, May 08, 2014 6:49 PM
To: Schnieders, Adam [DNR]
Subject: Topsoil

4" of topsoil should be a minimum for new construction.

My house was built in 1977 on land that had been farmland. The builder scraped off all of the topsoil and sold it. My front lawn has approx. 1/2 in. of topsoil, I've added bags of topsoil and a trailer full of compost, without much success.

My back yard ,where I have a garden, is mostly yellow clay and black gumbo. I have added leaves, grass clippings, peat, kitchen waste and sand. After 25 years , the garden soil is decent shape for growing things.

That's my experience,

Paul Davisson
Cedar Rapids, IA

Schnieders, Adam [DNR]

From: Lisa Ross Thedens [lrossthdens@gmail.com]
Sent: Friday, May 09, 2014 9:26 AM
To: Schnieders, Adam [DNR]
Subject: Fwd: 4 inches of topsoil necessary

I was very happy to learn of the 4 inches of topsoil rule adopted by the DNR in October 2012 and very disappointed to learn that it is being revisited because Hubbell Realty and Jerry's Homes have complained. It is far better that the cost be spread across the the buyers of the new real estate than that the cost be borne many times over by the entire community when the risk of flooding increases because the compacted barren soil releases run-off. The DNR made a reasonable, economically responsible decision based on science and measurable data. If we keep on doing things the same way our flooding problems will get worse and worse as we develop more and more in an irresponsible manner. We need to take every step we can to mitigate flood damage. If we don't, we have no right to cry to FEMA to take care of us later.

As a gardener, I know topsoil is a valuable commodity, more precious to me than any jewels. But its greatest value for the community as a whole is when it stays right where it is, right where it belongs, spread like a blanket over our land.

Lisa Ross Thedens
3316 Lucas Ave.
Walker, IA 52352
319-938-8807

Sent from my iPad

Schnieders, Adam [DNR]

From: CenturyLink Customer [jschreur@q.com]
Sent: Sunday, May 11, 2014 1:35 PM
To: Schnieders, Adam [DNR]
Subject: topsoil rule

To the DNR:

Please keep the 4" topsoil rule that home builders are supposed to follow. It is very important to us, as homeowners, that this amount of soil should be put back. We have lived here for 17+ years and our yard does NOT have the 4" topsoil. We have had problems with keeping a lawn, with water run-off, and even problems keeping trees healthy. There is no "spring" in the yard, making it more unpleasant to play in the backyard.

Various lawn companies have told us that we need to strip the lawn that we have, put in yards of topsoil (to make the 4" that are necessary!), and then re-sod everything. This is very expensive to do after the fact; if our contractors would have done this years ago, it would have been less expensive to them and we could have enjoyed years of a wonderful backyard instead of having things die on us, or always having to go out and buy more dirt/topsoil in order to have even flowers thrive. We would hate for the state to go backwards and saddle future homeowners with this problem when it can easily be prevented. Not only does it give the homeowner more pleasure in their own home/yard, it is also better for the state as a whole when rainwater has a place to soak in instead of running off down the street. As children of farmers in the state, we understand the value of topsoil and the value of letting rainwater soak in.

Thank you for your consideration,

Judy Schreur
Robert Klein
1304 Fox Trail Dr NE
Cedar Rapids, IA 52402

Schnieders, Adam [DNR]

From: THOMAS MATTHES [dadrmr3@msn.com]
Sent: Monday, May 12, 2014 2:57 PM
To: Schnieders, Adam [DNR]
Subject: 4 inches of topsoil just right

Tom Matthes
Marion, Ia. 52302

I agree with a letter to the editor in the Cedar Rapids Gazette 5-8-14 that at least 4 inches of topsoil should be added to the lot of each new home.
Also, I believe slant of the lot and possible dirt/mud movement should be part of the consideration of each lot.

Schnieders, Adam [DNR]

From: Rich Patterson [richapatterson@gmail.com]
Sent: Tuesday, May 13, 2014 8:51 AM
To: Schnieders, Adam [DNR]
Subject: Fwd: Delivery Status Notification (Failure)

HOpe thjis one reaches you. Transposed letters in your name first time around. Rich

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

From: Mail Delivery Subsystem <mailer-daemon@googlemail.com>
Date: Tue, May 13, 2014 at 8:37 AM
Subject: Delivery Status Notification (Failure)
To: richapatterson@gmail.com

Delivery to the following recipient failed permanently:

Adam.Schneiders@dnr.iowa.gov

Technical details of permanent failure:

Google tried to deliver your message, but it was rejected by the server for the recipient domain dnr.iowa.gov by dsmgw01.iowa.gov. [165.206.254.9].

The error that the other server returned was:

550 5.1.1 <adam.schneiders@dnr.iowa.gov>... User unknown

----- Original message -----

DKIM-Signature: v=1; a=rsa-sha256; c=relaxed/relaxed;

d=gmail.com; s=20120113;

h=mime-version:from:date:message-id:subject:to:content-type;

bh=s/hVFXMsHZY WndmnCTTx6L7bMRyB2Vps3TPkq/IOFOQ=;

b=M8v9NCX5qqjzbDNWfli0mwRnwdTj2CalSrHJsm68rLoH8enYXdZ7FFCNgOqFPe8Wa5

GKdExZyRBY1MPi16D2quZa4jK.mBtEzOGF/iprHo7wwf9qUeEcljAjm2h0ndlpmZ+RNKv

5Y9S2xbRrBJiE/p8rkG01uECALJcFHBnk6+P8jZivbhCe9PmAZRKEPSDrI/BBZKjXEbD

UrKC3ZzUbeMGn/pMDdFjCoMASuu3E3wE6/bIqo6XGFZ0jyyC3S0hm0wCXARyJ0WH5EDU

nTkzxo1OhrFOIXMYQAY/G3GjNju0ZXhN7pLBNU8NM64ELkMvbFc3f12RTiQdEvf2VzLE

OoxA==

X-Received: by 10.236.175.101 with SMTP id y65mr20008066yhl.61.1399988229912;

Tue, 13 May 2014 06:37:09 -0700 (PDT)

MIME-Version: 1.0

Received: by 10.170.191.214 with HTTP; Tue, 13 May 2014 06:36:48 -0700 (PDT)

From: Rich Patterson <richapatterson@gmail.com>

Date: Tue, 13 May 2014 08:36:48 -0500

Message-ID: <CANbfE1840_kBM_2hjSWhn+DkWfjNAT94+r694UEHnF+0Eoj_8g@mail.gmail.com>

Subject: From Rich Patterson about topsoil in building sites

To: Adam.Schneiders@dnr.iowa.gov

Content-Type: multipart/mixed; boundary=20cf306846cd2254d004f9482920

Dear Mr. Schneiders:

It is very important that topsoil be retained at all building sites. I am much in favor of requiring builders to restore at least 4" of topsoil.

This will reduce runoff, pollution of chemicals into waters, and create more beautiful yards. This is somewhat the focus of our new business.

I've attached the "about us" page from our soon to be website.

--

Rich Patterson
Winding Pathways
1080 30th St Drive SE
Cedar Rapids, IA 52403
1-319-640-5707

--

Rich Patterson
Winding Pathways
1080 30th St Drive SE
Cedar Rapids, IA 52403
1-319-640-5707

Schnieders, Adam [DNR]

From: Stacie Johnson [soilcycle@aol.com]
Sent: Tuesday, May 13, 2014 10:13 AM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil
Attachments: Skogman_Home.JPG

Hi Adam:

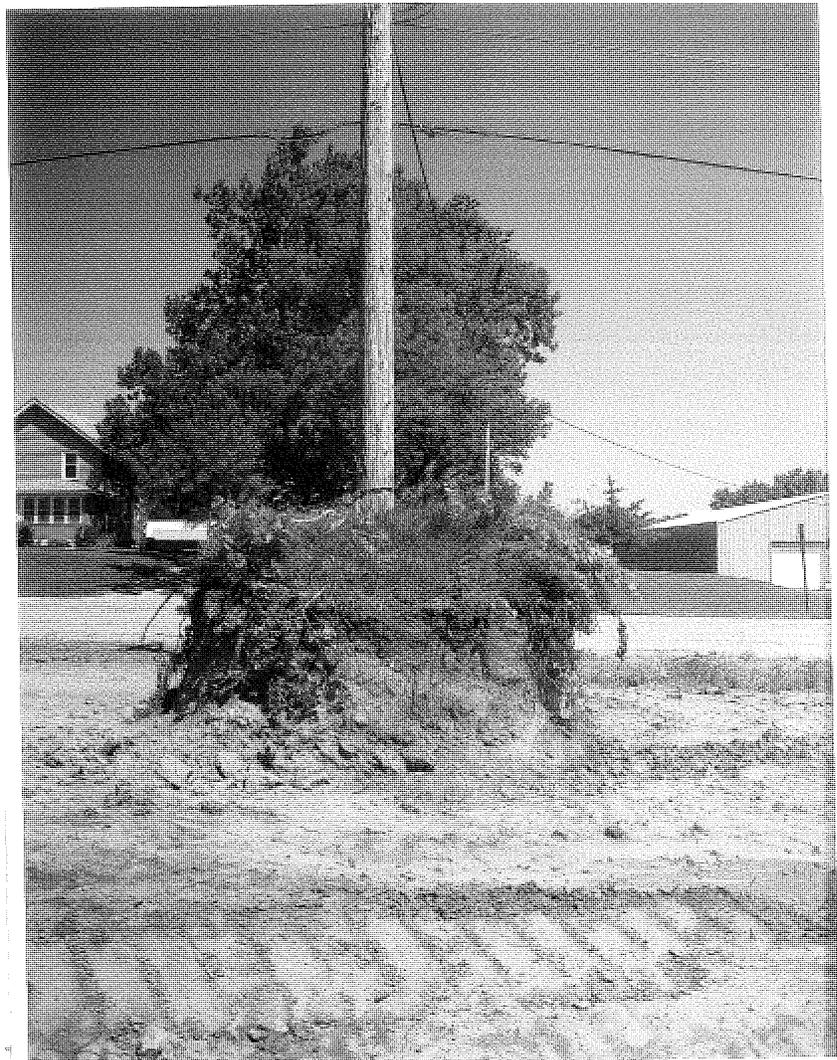
They say a picture is worth a 1,000 words - attached is a picture I took at an active home construction site in Cedar Rapids. The unsuspecting homeowners have been left with nothing but compacted sub-soil in which to grow a landscape. I realize homebuilders are saying that adding the 4" of topsoil has a cost, but how much more money is being spent by the homeowners to correct the rocky, hard pan mess hiding under the facade of beautiful green sod?

In my work with home builders they say they need to hear from home buyers that infiltration and the top soil is important to them. Home buyers don't realize this, because home builders aren't asking - they are waiting for the buyers to tell them.

Would it be possible, as part of the stakeholder group research, to request home builders conduct a survey of the home buyers that have purchased a new home from them in the last three years and ask them what they think of their yards and the cost of inputs they estimate they have spent and will spend over the next five years (water, fertilizer, soil amendments?) That way the home builders will begin to hear what they need to to hear to do the right thing.

The DNR is in the unique position to protect future homeowners from this frustrating fate. Please do the right thing and hold the builders accountable for their actions - removing the topsoil and not replacing it is not right, for the homeowner, for stormwater management or for water quality in Iowa.

Sincerely,
Stacie Johnson
Cedar Rapids, IA



Schnieders, Adam [DNR]

From: Peggy Andrews [picandrews@gmail.com]
Sent: Tuesday, May 13, 2014 10:59 AM
To: Schnieders, Adam [DNR]
Subject: Keep the DNR 4 inch topsoil ruling intact

Dear Mr. Schnieders,

I would like to add my voice to the group for keeping the 4-inch topsoil ruling in place! I understand initially it may be more expensive to homebuilders/developers to keep this ruling, however I am sure that cost is being passed on to the home buyers. If the ruling is reversed the costs will simply become hidden ones that effect not only the homeowner who wants a healthy lawn and garden, but a cost to the cities who have to pay for the damage done by stormwater runoff, excessive water in the streets from sump lines (which in my neighborhood freezes during the cold months), and then eventual repairs to the storm sewers (which also happened in my fairly new neighborhood).

We all know the costs are more than monetary when we over use chemicals and water to keep our lawns and gardens growing because of poor soil.

At some point we must take responsibility and stop being so short sighted!!

Thank you for being an advocate for so many of us who are unable to attend the May 29 open meeting in Des Moines!

Thank you,
Peggy Andrews
2530 Plymouth St.
Marion, IA

Schnieders, Adam [DNR]

From: Kathleen Gibbons [kathkey373@gmail.com]
Sent: Tuesday, May 13, 2014 11:14 AM
To: Schnieders, Adam [DNR]
Subject: E80 Stakeholders Group - Topsoil

Dear Adam,

I am writing in support of keeping the 4" rule for topsoil. I realize it's better for the developers to make money faster and easier if they don't have to follow this rule "exactly" -- but it's time to stop ignoring how much we strip away from the earth and how little (good) we leave behind.

Thank you,

Kathleen

Schnieders, Adam [DNR]

From: eric rehm [eric.rehm5@gmail.com]
Sent: Tuesday, May 13, 2014 12:56 PM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil issue

Adam,

I wanted to be heard on this topsoil debate issue, I work for a city as a regulator of the our stormwater ordinance, and am fairly well versed in the general permit as well.

But my view or position is not to be confused as I am also an Iowan that believes the development community and builders groups do make a point that the increased costs necessary today are difficult to balance.

However, these costs are manageable. The issue has been placed squarely on the shoulders of the uninformed buyers of these "new" homes and properties. Sure the homes are great with the finishes they desire but there is far more expense in reworking the yard, watering the new sod not only to keep it alive but forcing it to grow on soil it cannot survive in. While the homebuilder complains about the cost of lumber, and windows or even labor these are items that cannot be left out of a home; the developer complains about costs, planning concerns from the city and the like but will not manage the project to benefit anyone other then themselves until its time to get paid for a lot, afterwhich point is long gone until the next plat or development.

As someone wanting to purchase a new home I believe the need for topsoil under the new green grass is more appealing that what color the carpet is or if the home has stainless steel appliances or not. To me it becomes a longer term benefit not needing to install an irrigation system, move sprinklers all summer, apply chemicals to force growth, or amend the pour quality soils and the like, not to mention mowing less because a healthy lawn with a good soil base is just that HEALTHIER for everyone. Not to mention the benefits to water quality and reduce the runoff coefficient.

Please understand I believe people and businesses need to make money, but not at the cost of uninformed people; these same people are the ones that keep development and home construction going year in and year out. They are asked to just keep paying for the lack of oversight and lack of regulation but for what; the consumer should finally get what they are paying for.

Keep the 4" topsoil provision, after all the developers and homebuilders asked for 4" back when the DNR was making the rule, stand by it please.

Thanks.

Eric

Schnieders, Adam [DNR]

From: sdendurent@yahoo.com
Sent: Tuesday, May 13, 2014 4:58 PM
To: Schnieders, Adam [DNR]
Subject: 4 inches

Mr. Schneider:

Please maintain the 4" of topsoil regulation for new home construction. I am blessed to live in a 100+ year old home with beautiful black top soil. Let's make sure that new home owners have a shot at being able to garden and even grow grass at their new home sites. As a Linn Co. Master Gardener I work on the Hortline and have received calls from homeowners who have difficulty growing anything on their new property. Don't give in to developers who want to cut costs at the cost of our environment. Everyone needs at least 4" of topsoil in their yard.

Sharon Dendurent
Mt. Vernon

Sent from Surface

Schnieders, Adam [DNR]

From: Chip Allen [jwbchip@qwestoffice.net]
Sent: Thursday, May 15, 2014 7:01 AM
To: Schnieders, Adam [DNR]
Subject: FW: top soil ruling

Adam,

We built a house in 2010 and the Builder basically stripped off all the top soil then put maybe ½" of top soil back down before laying the sod.

It has been a complete catastrophe in trying to get the sod to grow and get established.

We have spent thousands of dollars on watering our grass since 2010 and I truly think the sod has not and will not root down very far because of the clay underneath so when it gets hot and dry the watering must begin.

We have several Perennial Plants that winter kill every year also (not sure if that is because of the clay soil or not).

I feel the 4" Rule should be in place and enforced because as a property owner it has been expensive and aggravating.

Thanks Chip

Chip Allen

James W Bell Co. Inc.

1755 I Ave N E

Cedar Rapids, Iowa 52406

Phone 319-362-1151

Web site www.jwbellco.com

Cell 319-350-2873

Schnieders, Adam [DNR]

From: Tim Liedtke [tliedtke11@gmail.com]
Sent: Thursday, May 15, 2014 4:05 PM
To: Schnieders, Adam [DNR]
Subject: 4" topsoil mandate

Please keep this rule in place, one more thing a new homeowner needs to keep a healthy lawn and a lower amount of storm water runoff.

thank you

Schnieders, Adam [DNR]

From: aklostermanbuild@aol.com
Sent: Thursday, May 15, 2014 4:12 PM
To: Schnieders, Adam [DNR]
Cc: joan@hbaofic.org
Subject: Topsoil requirements

Adam

The new topsoil requirement for builders and developers I feel is completely unreasonable. Here are my reasons why. 1
Coralville Iowa City area is not a good place for permitting any amount of topsoil because of the terrain, the only place
you will find it will be on farm properties or river bottoms. Now does the DND want to impose a mandate that could cause
builders and developers to strip topsoil from areas they shouldn't to provide for Jobsites.

2. There is a misconception about selling topsoil off of developments that simply does not happen, it will though if this
mandate goes through.
3. We as builders and Developers for the past several years have been doing an excellent job with soil erosion control
and containment, that is an extremely costly task to help preserve the soil on site and keep it out of the streams. I fell that
it is the right thing to do verses importing or mandating topsoil.
4. Any builder will preserve topsoil if it is prevalent on a site.

Thank you for your consideration

Thanks,
Aaron Klosterman
President

Klosterman Construction
4105 Westcor Ct
Coralville, IA 52241
Phone:319-631-4133
aklostermanbuild@aol.com
www.klostermanbuild.com

Schnieders, Adam [DNR]

From: Brandon Combs [74brandons@gmail.com]
Sent: Thursday, May 15, 2014 4:23 PM
To: Schnieders, Adam [DNR]
Subject: 4"

Adam, our company is a very considerate homebuilder when it comes to recycling and soil protection . We go above and beyond in some areas for taking care of erosion issues. After all, my kids will need a place to grow up as well. I enjoy days in the field and woods with my two sons. The 4" top soil rule would be very cost prohibitive to still providing affordable housing. If you are going to require this from homebuilders, than you had better start knocking on the doors of farmers as well. In north liberty , we can barely set foot on the street with muddy shoes, but every farmer in the country strips fence rows, tiles their fields, and tears down their trees for a few thousand square feet of corn. Why doesn't a farmer have to clean off the roads after he drives on them? When is the last time you saw a farmer with a silt fence next to his waterways? I think everybody needs to take a step in the right direction, but us homebuilders already have. It's time to start looking at other places.

Brandon, VP MCCH

Schnieders, Adam [DNR]

From: Kyle Larson [kyle@onlylgc.com]
Sent: Thursday, May 15, 2014 5:32 PM
To: Schnieders, Adam [DNR]
Subject: Top Soil and Bigger Issues

Adam,

Our company builds 25-35 homes per year in the Waterloo/Cedar Falls area. My main reason for writing you is to discourage the top soil requirement in residential new construction. I think the idea behind this is a standard that most good contractors try to adhere to for obvious reasons. Other than being one more crippling blow amid the barrage of legislative hinderances to economic development, the foremost problems I have with this component is reasonable enforcement and the fact that there are much bigger issues.

In my jurisdiction, they tend to take enforcement of codes, ordinances and compliance quite seriously. In this particular case the top soil requirement is being enforced by the Building Department. They plan to probe randomly in some fashion to check for a "minimum of four inches." An average of four inches is what we normally go for with the finished product and always has been. To get a minimum of four, however, requires an average of six. This is completely unnecessary, especially with sod that usually adds ½" to 1" to the total base once installed.

Even after considering every perspective I cannot find one argument for this measure that results in anything short of ridiculous. There is an idea I have been considering for some time as we get bashed every six months to a year with new requirements—it is to itemize on my contracts and proposals to the people that are paying both of all of our salaries, the cost of our total improvements associated with nonsensical compliance (e.g. storm water protection, electrical code changes, energy code changes and so forth). Most of these ideals are things that the hundreds of people whom we have built for do not share to the extent the requirements are enforced. This topsoil matter may push me past the limit where we start exposing some of these perpetual and unfounded changes to the end cost to the customer (or taxpayer, or property tax payer).

We are so concerned with protecting rivers and streams—but it seems to exclusively be at the expense of development and construction. I could see taking exhausting measures when building a bridge over a river, but to take the exact same measures and endure the same or even increased level of enforcement when building a single-family home is asinine. Utility companies and road improvement contractors – or pretty much anything relating to municipal or government work – seems to be held to an entirely different standard.

A double standard exists perhaps, but the plot thickens. If our rivers and streams are at such great risk, then why are thousands of tons of sand recklessly dumped on our roads every winter?! No one talks about this. Meanwhile, I am risking a \$1,000 ticket and halting my ability to get building inspections on a house while we pull a silt fence on a 0.2-acre lot in dry weather to grade a yard. And this needless condition will now be 50% more complicated. Are we being effective and logical?

I suppose it is hard to find time for logic and reason when being so distracted 'biting the hand that is feeding' - as they say.



Schnieders, Adam [DNR]

From: james.vongillern@gmail.com on behalf of James von Gillern [james.vongillern@cbdsm.com]
Sent: Thursday, May 15, 2014 8:36 PM
To: Schnieders, Adam [DNR]
Subject: 4 inch topsoil requirement

Hello Adam,

I understand you are the individual I should be contacting to voice my opinion on the 4 inch topsoil requirement and why I and many people in my field feels like it is an impediment on affordable housing. Although I'm a real estate agent I volunteer a lot with the home builders association as I know it is a vital part of the community and our economy. Although I understand the 4 inch topsoil requirement has good intentions I feel like it has become a burden on the industry and a cost barrier to affordable housing. The requirement among with many other regulations that have been placed on the builders in the last few code releases have driven up costs to the point where builders are not able to build mid level houses. This has forced more demand on resale houses and driven up their prices which in turn has made it tougher for many people to afford a home. Lastly I know the requirement had many potential benefits that sounded great but I honestly can't say I see any difference in my lawn from lawns of houses being built today, not in quality or in drainage.

Thank you for your time and I hope you consider utilizing the federal language in place of the 4 inch topsoil requirement.

Thanks,

James

James von Gillern | Licensed Salesperson
Coldwell Banker Mid-America Group, Realtors®
1401 50th Street, Suite 105 | West Des Moines, IA 50266
W: 515-224-8864 | C: 515-321-2595 | www.Realty515.com

LICENSED SALESPERSON IN THE STATE OF IOWA SINCE 2006

Schnieders, Adam [DNR]

From: Colin King [colin@kandvhomes.com]
Sent: Friday, May 16, 2014 1:41 AM
To: Schnieders, Adam [DNR]
Cc: Creighton Cox; Colin King; dave@midwest-cc.com; sarcher@kcfda.com; justin@clarityconstruction.com; DMBeal@mchsi.com; s.bezdicek@mchsi.com; beth@mcgoughglass.com; Marc@silentrivers.com; sbrower@ldrs.co; kab19@aol.com; remodeling@mchsi.com; barry@remodelingsolutionsbyelings.com; zak@FlemingConstructionLLC.com; tgilman@desmoine.gannett.com; lgratias@mchsi.com; tomgratias@cs.com; Eric@newblooddevelopment.com; hoodjer.brian@gmail.com; devan@kaufmanconstruction.com; amy.kimberley@ferguson.com; dknoup@krmdev.com; lmohlenhoff@westbankstrong.com; carrieknorris@yahoo.com; tstevens@tsconst.com; matt@gilcrestjewett.com; jrtollari@metrohci.com; james.vongillern@cbdsm.com; justin@vistarei.com; echeikes@midamerican.com; cfbecker@belinlaw.com

Subject: Topsoil Appeal

Adam,

It is late at night and I am writing to you in the hope that you will be receptive to an alternative opinion regarding the current top soil requirement. I am not going to sit here and regurgitate statistics and dollar amounts as we all know that these can be skewed/misconstrued to whichever side needs to benefit. Having been a very small homebuilder for the past 17 years, I have seen the cost of building a home increase year after year. I will be the first one to admit that part of this cost falls back upon the goods and services provided in the construction of a home, that being the labor and materials required to construct a home from the ground up. However, I also know, that each year the additional costs that are incurred by a homebuilder are a direct result from the change in the building codes of which may be driven locally, statewide or nationally. As a homebuilder, I have no other choice but to pass these costs on to my potential homeowners in the hopes of being selected by them to construct their new home.

Just within the last few weeks, I have had a few meetings in the evenings. My children, ages 6 and 11, are home when I leave and say, "Good luck Dad! I hope you get a home to build." This statement is priceless as they are unaware of the process with which we go through in providing a proposal to a new homeowner. Are they bidding us against multiple homebuilders? Are they basing their decision on "price per square foot?" Are the other builders providing a "fixed cost" or "cost plus" estimate. Do they own a lot and is it within the city limits or is it located in a rural setting. So many variables and so much discrepancy in the cost to build that new home for a mother and father that is simply trying to provide more for their children that what they had growing up.

The long and short of the discussion when there is any code change discussion is simply what if YOU were building a new home. All of the new codes have a very definitive reason as to why they should be implemented. However, the position of myself as President of the Greater Des Moines Home Builders Association as well as a single family home builder constructing between 10 and 15 homes per year is that it should be up to the homeowner whether the additional money should be spent. The ability to place responsibility upon the homeowner is just as effective if not more effective than implementing a code requirement which may/may not affect the decision of the homeowner to build as a result of the financial implication. It is one thing to mandate a change that may or may not affect the decision to build, however, if the change is not required, the possibility of the homeowner constructing a home is far greater as the cost will be reduced. As a result, the additional tax base will far surpass the additional cost to construct the home. With this additional tax base, budgeting can be established to address any potential groundwater contamination problems from which the change in the building code strives to achieve. The risk potential is far less to rely on the additional tax base as opposed to rolling the dice as to whether or not the homeowner will be willing to pay the additional cost to construct their new home.

Thank you for your time. I am more than happy to discuss this matter in further detail if you would prefer to email or call me.

Colin King GMB, CGP, CAPS
K and V Homes, Inc.

(515) 202-4483

www.kandvhomes.com

colin@kandvhomes.com

Schnieders, Adam [DNR]

From: Doug Kohoutek [DougK@colonyheating.com]
Sent: Friday, May 16, 2014 6:54 AM
To: Schnieders, Adam [DNR]

Mr. Adam Schnieders, Please reconsider the 4" of top soil requirement for new construction. The Federal requirement of "preserve topsoil" is a much better alternative.

As a developer and business man I'm constantly trying to provide affordable housing that meet the needs and sustainability for Iowans.

The margins on new home building in the past 5 years have made it very difficult to make a profit. We need common sense legislation that protects the buyers as well as the builders.

Thank you for your consideration.



Doug Kohoutek, President



2224 16th Ave SW • Cedar Rapids, IA 52404
Showroom Hours: M-F 7:30-5:00pm & Sat. 9:00-1:00

www.colonyheating.com

Schnieders, Adam [DNR]

From: Kevin Yoakum [kevin@kandkhomesinc.com]
Sent: Friday, May 16, 2014 8:18 AM
To: Schnieders, Adam [DNR]
Subject: Top Soil

Adam,

I understand you are on the committee looking in to the requirement for 4" of top soil and wanted to give you my thoughts.

As a smaller builder this requirement adds several thousand dollars to the cost of each new house. I built my house 2 years ago and kept what top soil there was on site (like we do for every house we build). While there was not much here once graded and sodded it has produced a very high quality yard with no problems at all. I just cant see the justification for adding the requirement for 4" of top soil and feel the added cost to be too high for the benefit.

I believe the federal rule that requires the builder or developer to keep the top soil on site is much more reasonable and should be adopted.

We just built a \$500,000 + house (in an older development that was grandfathered in) this home owner is very picky about his yard and wanted us to truck in black dirt to put under his sod because it's "the best way" until he got the estimate of \$5000. Even on a house that expensive he could not justify the cost and we will sod on top of the existing dirt.

Thank you for thaking the time to read my coments.

Kevin Yoakum
K&K Homes Inc.
PO Box 459 Altoona, IA. 50009

Schnieders, Adam [DNR]

From: Kathleen Moore [kathymoore651@gmail.com]
Sent: Friday, May 16, 2014 9:03 AM
To: Schnieders, Adam [DNR]
Subject: May 29th meeting re:4 inch rule

I strongly urge you to support keeping "**the 4 inch rule**" requiring homebuilders and developers to put 4 inches of topsoil back onto finished building sites. It adds cost but that could easily be passed on to buyers who are concerned about the environment. If 4 inch topsoil is listed as a property feature buyers would gladly pay as an individual contribution to lasting water conservation and run-off prevention.

Schnieders, Adam [DNR]

From: Darryl Bresson [darryl@realestateconcepts.net]
Sent: Friday, May 16, 2014 9:34 AM
To: Schnieders, Adam [DNR]
Attachments: Topsoil Letter.pdf

Mr. Schnieder,

Please read the attached letter regarding the Topsoil Federal Rule and it's effect on builders and developers.

Thanks

--
Darryl Bresson | Realtor
NEW CONSTRUCTION & LAND SPECIALIST
Member of Remington Homes LLC
Member of Highmark Development LLC
RE/MAX Real Estate Concepts | 3602 NE Otterview Circle| Ankeny, IA 50021
Mail all correspondence to:
Remington Homes| 309 E. 1st Street| Ankeny, IA 50021
Office: 515-963-4388| Cell: 515-249-2507 | Fax: 515-963-4377 Darryl@RealEstateConcepts.net
Licensed Realtor in State of Iowa



Remington Homes
309 1st Street
Ankeny, IA 50021
515-963-4388

May 14, 2014

Adam Schnieders
Department of Natural Resources

Sir:

The 4" topsoil federal rule requirement is difficult to maintain and very costly. In building a home, the cost of compliance to the topsoil rule will be passed along to the home buyer. In some cases, this up-charge could be up to \$5,000 per lot. This can result in lower home sales in some cases. This is not good business just as the housing industry is getting back on its feet. This also increases the time to produce a home which could confine a builder to how many homes he could build in a year.

Builders and developers are already heavily regulated when it comes to storm water runoff requirements. These regulations are expensive, but successful all around the country. And any topsoil that is removed in building is added to another lot in the development. It is not sold or wasted.

We developers and builders are already doing all we can to preserve our land and environment. More regulations just impede progress and growth in Iowa.

Thank you for your consideration in this matter.

Sincerely,

Darryl Bresson, Owner
Bresson Construction, Inc. DBA Remington Homes

Schnieders, Adam [DNR]

From: Tamara Senne [savannah.warranty@yahoo.com]
Sent: Friday, May 16, 2014 10:14 AM
To: Schnieders, Adam [DNR]
Cc: Ted Grob
Subject: Savannah Homes
Attachments: Savannah Homes, DNR.pdf

Good morning Adam,
Please see the attached information and contact Ted, 202-4705 with any questions. Thank you!

Tamara Senne
Savannah Homes
800 S. 50th St., Suite 101
WDM, IA 50266
ph 221-2333
fx 221-4680
savannah.warranty@yahoo.com
www.savhms.com

Dear DNR;

As a homebuilder for over 40 years I have found that those in a position to do something about the high cost of housing, almost always exasperbate it.

New EPA and energy requirements are almost non-stop, June 1st of this year will see several more. Currently costly detention basins, silt fencing, temporary gravel driveways, \$600 per lot silt socks which are destroyed within days and massive fines for noncompliance are common. Each requirement like street trees, has its advocate with a ready list of excellent reasons for the additional costs.

If I understand it correctly the goal of this requirement is to insure that top soil is not lost and is used to allow the permeation of as much ground water as possible. Of course, those with the greatest chance of doing something about the issue; i. e. farmers, get a pass in Iowa. A simple and easily followed regulation which says '*no top soil may leave the site*' certainly accomplishes that without the time, effort and money needed to spread it somewhere else on the site.

If the 4" requirement is mandated it will (a) be virtually impossible to regulate and verify; in other words "infeasible" and (b) will, sometime in the future, give new home owners who may find a spot in their yard that is only 3", the opportunity to sue the Builder, Developer and City. Lawsuits against townhome owners associations will become a growth industry because adhering to a 4" regulation is simply and logically impossible.

Sincerely,



Ted Grob

Savannah Homes

Schnieders, Adam [DNR]

From: Virginia Soelberg [soelbergg@gmail.com]
Sent: Friday, May 16, 2014 10:24 AM
To: Schnieders, Adam [DNR]
Subject: Topsoil Rule letters

In conversations with friends and neighbors, many had stories to relate about their difficulties in establishing new lawns and landscaping at their new home sites. Two took the time to write down their stories. (I'll try to send the photos separately. i'm having trouble transferring them.)

Thanks
Virginia Soelberg

*From Robert: I have attached 3 photos from my backyard. Two of the photos are of the soil that was at the base of my deck, and 1 is a close up of a trench that I had dug out for some landscaping. They all show how my sod was placed directly onto clay with random rocks and construction debris that was left after building. I have found lumber, concrete, gravel, and other trash directly under my sod. It took **two years of living at my home before I saw a worm or nightcrawler come out of my soil** during a rain event. I live in Ankeny.*

From John: Importance of Topsoil for New Housing Developments

Nutrient rich topsoil is a key to establishing turf grass, landscape plantings and trees in new developments. It's my opinion that this topsoil should be established at 5-12" depth to allow for a quick vegetative turn-around when an area is disturbed due to construction. Too often the topsoil is stripped off and the hard, compacted clay/rock soil combination is left behind. Water infiltration and lack of water "holding" capabilities inhibit plant growth due to these poor soil conditions.

I have experienced this first hand. I recently moved into a new development where the topsoil was stripped off. Sod was placed directly on the compacted ground with numerous rocks and other debris still present. The sod had a very difficult time taking hold because the water retention in the soil was not there and there was a severe lack of nutrients. One year later, I am still struggling to get the sod fully developed. This year I am also doing a lot of landscaping and planting of trees. I have brought in a substantial amount of top soil to mix into these areas to ensure that the nutrients and porous quality soil is present. I have a general knowledge of these needs, but many people don't. I've seen too many trees and other plantings go into soil that truly was not ready to sustain them.

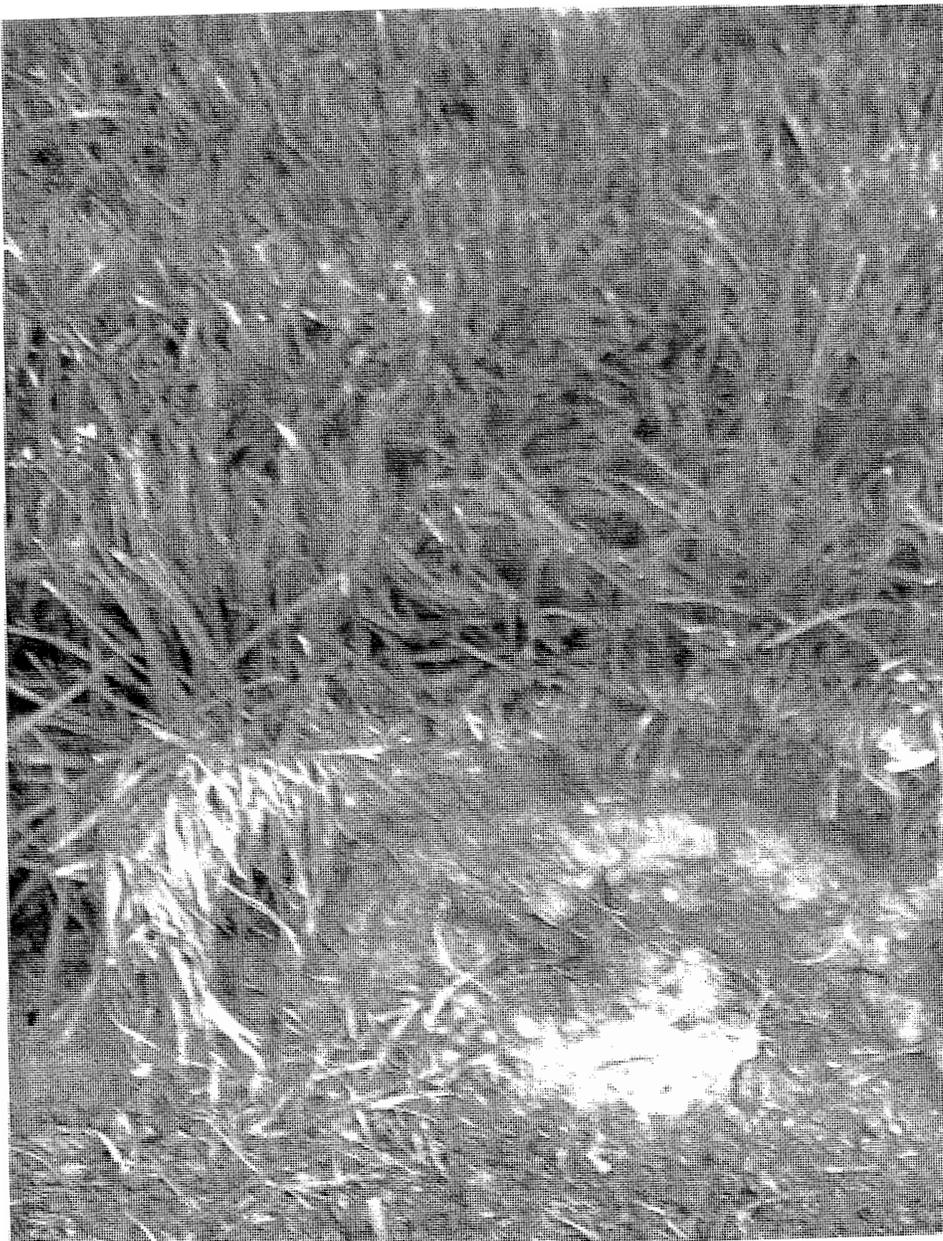
Schnieders, Adam [DNR]

From: Virginia Soelberg [soelbergv@dwx.com]
Sent: Friday, May 16, 2014 10:35 AM
To: Schnieders, Adam [DNR]
Subject: Fwd: Urban development Soil

These are Robert's three photos.

Let me know if you have any questions.

vs





Schnieders, Adam [DNR]

From: Lance Henning [lhenning@gdmhabitat.org]
Sent: Friday, May 16, 2014 11:07 AM
To: Schnieders, Adam [DNR]
Subject: Concern - 4 inch Top Soil

Mr. Schnieders,

Greater Des Moines Habitat for Humanity will develop and build 24 new construction homes and renovate 6 foreclosed homes in 2014 and sell the homes to low-income families that otherwise would not have the opportunity to own a home. Across the state, Habitat for Humanity develops around 80 new single family homes a year. We have a strong concern on the rule requiring four (4) inches of top soil and the cost burden this places on low-income lowans.

Habitat for Humanity currently spends significant time and funds to meet or exceed storm water runoff requirements. Habitat for Humanity development sites are often within a metro area and have limited work and storage space, thus a 4 inch top soil rule significantly increases the per lot hauling and soil management costs. The per lot cost impact of a 4 inch top soil requirement is much greater for inner city development as compared to a much larger suburban housing development.

Greater Des Moines Habitat for Humanity believes the 4 inch top soil rule creates a cost burden on low-income lowans. The rule should be changed to more closely match the federal language.

Please feel free to contact me with questions.
Thank you for your consideration.

Lance Henning,

President
/

Executive Director
Greater Des Moines Habitat for Humanity
2200 E. Euclid Ave., Des Moines, IA 50317-3607
Office 515-471-8686 x101

lhenning@gdmhabitat.org www.gdmhabitat.org

Seeking to put God's love into action, Greater Des Moines Habitat for Humanity brings people together to build homes, communities, and hope.

Schnieders, Adam [DNR]

From: Wagner, Robert D. [r.wagner@cedar-rapids.org]
Sent: Friday, May 16, 2014 11:23 AM
To: Schnieders, Adam [DNR]; Lucy (theranch@southslope.net)
Subject: I move into my home 16 years ago

It was a new development and all my top soil was sitting in a huge pile a block away. I even tried to buy back some of the soil, and my developer told me they would put it back and they never did, so I ended up with sand and clay with new sod on top of it. I had a huge watering bill. I have had trouble getting gas and trees to grow in my yard. For a few years I had a stream in my back yard where grass would not grow due to the water. I ended up putting water bars in to stop the flow. I have had to replace trees that died. I spend \$300 a year on fertilizer and weed killer, I aerate my yard every year. All of this would be unnecessary if they would have put some of the top soil back. I still have a crappy looking yard. I should just plant it in native prairie grasses, my neighbors would love that. I have a small garden and had to amend the soil to get vegetables to grow, more cost and labor.

Then 6 months after I moved into my new house, I saw my top soil trucked away to be sold to somebody else.

I think your committee is going to rule against the home owner and go with the developers so they can make more money selling the top soil. Your committee is too heavily biased with developers and people who will make a profit with selling the top soil. I understand that you did not appoint the committee. But you do have a duty as a DNR person to protect the environment and to advocate as hard as you can for conservation.

Rob Wagner
Special Populations Supervisor,
Parks and Recreation Department
City of Cedar Rapids, 2000 Mount Vernon Rd SE, Cedar Rapids, IA 52403
Office: 319 286-5799
Email: r.wagner@cedar-rapids.org

Schnieders, Adam [DNR]

From: Wayne Johnson [wayne@mainstreetstudio.com]
Sent: Friday, May 16, 2014 11:26 AM
To: Schnieders, Adam [DNR]
Subject: 4 inch topsoil comment

Adam,

I know little about the runoff issue at stake, but I have done my part by channeling most of my home rainwater to an underground pipe which feeds my backyard pond (still under construction). Because of this, my pond project has qualified for a local Storm Water Management Grant, and my city is footing half the bill for my pond. I think that is great, and a huge step in the right direction.

Now, about 4 inches of topsoil..... Wow, this should be a MINIMUM on every new construction project! I live in an old century+ home in North Liberty with virgin Iowa topsoil in my backyard--about **2 1/2 feet deep**. I'm also an avid gardener so I'm a happy guy! With all the crazy weather we are getting----and more likely coming on a regular basis, I think home gardening will soon become a necessity for everyone, just like in WWII times with the Victory Garden recommendation across America. For local food security, everyone should get into gardening, and there are a million good reasons for this. Four inches of topsoil isn't much for a garden, but it is certainly better than subsoil!!

Contractors probably make it a habit to scrape as much nice black dirt as possible off their projects, and assume that putting down sod is good enough. What a joke. They can take that dirt and sell it as a commodity, or more likely, have it dumped at their residence because they want a nice yard!

I say YES for more topsoil.

--Wayne Johnson
Main Street Studio
North Liberty, Iowa
www.mainstreetstudio.com
319-626-6875

"I know that this defies the law of gravity, but you see, I never studied law" ---- Bugs Bunny

From: Mark Patton [mark@iowavalleyhabitat.org]
Sent: Friday, May 16, 2014 12:49 PM
To: Schnieders, Adam [DNR]
Subject: 4" topsoil proposal

Iowa Valley Habitat for Humanity has always been concerned about runoff from our construction sites. In recent years ALL of our sites have been surrounded with a sock barrier to minimize runoff, at no small cost to us. We have observed some larger commercial construction sites where runoff takes place and it appears they may not be following existing rules.

The proposed requirement of four inches of topsoil for new construction seems to be an excessive requirement for the following reasons:

- a) Currently we have to file and follow as SWIPP which has nearly brought to zero any runoff....perhaps all single family construction sites should have to follow this standard statewide.
- b) Four inches of topsoil adds costs and does not assure a reduction in runoff. The majority of our homes have sod brought in which means there is nearly zero erosion. Even with sod, the 4" requirement would mean extra trucking of 2"-3" of topsoil from somewhere else (where is all of that topsoil coming from??). This means extra cost for the soil, trucking and landscaping which makes the house less affordable to the families we endeavor to serve. The trucking also adds greenhouse gases which need to begin to be computed whenever new regulations are contemplated.
- c) Four inches of topsoil may mean removing 4" of existing soil to be hauled away in order that we do not have an elevation above the pedestrian sidewalk. Again, the extra costs of handling and trucking raise the house price and increases the greenhouse gas emissions.
- d) A more "green" and carbon neutral standard would be having significant level of grass started before a certificate of occupancy will be granted.

Thanks you for listening to our concerns.

Mark Patton

Executive Director, Iowa Valley Habitat for Humanity
2401 Scott Blvd., Iowa City, IA 52240
office: (319) 337-8949

www.iowavalleyhabitat.org

"The difference between doing nothing and doing something is everything".
Fr. Daniel Berrigan

Schnieders, Adam [DNR]

From: cepalmer@mediacombb.net
Sent: Saturday, May 17, 2014 10:16 AM
To: Schnieders, Adam [DNR]
Subject: Maintaining 4" Top Soil throughout site

Adam Schnieders

I'm emailing in an effort to express my concern with the continuation of this requirement. I work for a development company and am heavily involved in working to place the soil of our lots to best suit the proper drainage and runoff for the site. We always keep our existing soil and keep it on site and use it in the areas that work best for that particular lot. Trucking any of our soil out on a regular basis would not be cost effective for our company. It's more feasible and convenient for us to use the dirt from our dig and place in the areas that make for the best finish grade. In doing this, the exact depth of the top soil can vary due to many factors. Even after making sure a certain area has the 4" of top soil, settling could occur or a truck working on site could compact a particular area. We're finding that the 4" requirement of top soil being maintained throughout the site has become an unnecessary expense that has reached anywhere from \$3,000 to \$5,000 per lot. This money is attached directly to the price of the house. With all of the additional cost that goes into building a house, the price of purchasing a house has gone up dramatically in recent years and less people are able to afford to purchase them. I feel that unnecessary costs in building a house work directly in slowing down the industry's ability to thrive. I'm asking that you please consider removing the 4" top soil requirement in the state's mandates.

Thank you for your time in reading this.

Chris Palmer

Schnieders, Adam [DNR]

From: tomgratias@cs.com
Sent: Saturday, May 17, 2014 3:49 PM
To: Schnieders, Adam [DNR]
Subject: 4" topsoil

Adam,

I am a homebuilder and land developer in the Greater Des Moines area. I have been in this business since 1972 and have built more than 1000 homes, 400 townhomes, and developed over 1200 lots during this 42 year time period. I have observed many changes during this time period, especially regarding regulation and its impact on the housing industry.

I wish to make you aware that a new DNR rule adopted and implemented last year (regarding 4" topsoil) has become very costly and difficult to satisfy. I have been told there was an assumption initially put forth that a 4" prescriptive topsoil rule would only add costs of approximately \$400 per house (or lot).....i.e. not impact housing costs significantly. Nothing could be further from the truth. It appears the typical actual cost to comply with this new regulation is more in the range of \$4000 to \$5000 per home (or lot).

I believe said requirement to maintain 4" at any particular location goes well beyond what federal law mandates or requires. If I understand the federal rule correctly, it does not require any given particular amount of inches at any particular location....i.e. only mandates that topsoil should be retained within the plat and used where it will serve the best purpose for the development. From my perspective, the federal language really amounts to nothing more than what we have always practiced when developing land and/or building homes. It has never been our practice to remove topsoil from our sites and we have always utilized any black topsoil on our sites where we can.

From my perspective, the federal language makes more sense than having a very onerous prescriptive 4" formulai.e. a formula very costly to monitor and achieve.

I urge the DNR to rescind said 4" prescriptive formula and insert (adopt) the federal language. Said language satisfies all requirements imposed by the EPA to protect topsoil. Most importantly, it helps minimize the cost impact on Iowa housing.

I sincerely request the Iowa Environmental Protection Commission adopt said federal language and delete current 4" prescriptive formula. Thank you!

Sincerely,

Thomas J. Gratias
Gratias Construction Inc.
Gratias Homes LLC

Schnieders, Adam [DNR]

From: Brad Cooper [bcooper@cooper-crawford.com]
Sent: Monday, May 19, 2014 9:22 AM
To: Schnieders, Adam [DNR]
Cc: Keven Crawford
Subject: 4" topsoil rule

Hi Adam,

I'm writing to express my opinion regarding the 4" Topsoil rule being looked at for Iowa. I am an engineer that specializes in working for private developers in the state of Iowa. I don't think the blanket requirement to respread 4" of topsoil gives the end result that everyone would like to see. If we just respread the topsoil on our residential subdivisions, the 4" of topsoil that we respread just gets buried once the builders come in and build their homes, then covered up by the clay from the basement excavation.

I think there needs to be more of an effort to stockpile the topsoil for the project. Once the home builders build their homes, they then can use this stockpile to respread on the yards of the subdivision. To me this makes much more sense.

Also, the cost to respread 4" of topsoil is a major burden on the developers responsible for the costs of the subdivision, and I don't feel it ends up with the desired result of having the topsoil on the top and the clay on the bottom.

Thanks for considering this when making your decisions regarding the 4" topsoil requirement.

Sincerely,

Bradley R. Cooper, P.E.
COOPER CRAWFORD & ASSOCIATES, LLC
475 South 50th Street, Ste. 800
West Des Moines, Iowa 50265
515-224-1344
515-224-1345 Fax

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Schnieders, Adam [DNR]

From: Griffin, Joe [DNR]
Sent: Monday, May 19, 2014 10:09 AM
To: Webmaster [DNR]
Cc: Schnieders, Adam [DNR]
Subject: RE: Inquiry submitted by Richard

No, they should go to Adam if you receive others.

From: Webmaster [DNR]
Sent: Monday, May 19, 2014 9:50 AM
To: Griffin, Joe [DNR]
Subject: FW: Inquiry submitted by Richard

Joe-

Do these go to you??

SK

From: rvhilde@hotmail.com [<mailto:rvhilde@hotmail.com>]
Sent: Friday, May 16, 2014 4:51 PM
To: Webmaster [DNR]
Subject: Inquiry submitted by Richard

You have received a new inquiry from Richard.

Name	Richard
Address	Hildebrand
City	Marion
State	Iowa
Zip	52302
Phone	319-373-0917
Email Address	rvhilde@hotmail.com
DNR Customer #(if known)	

Your Question

We understand Jerry's Homes is asking Gov. Branstad to work on their behalf to lower the amount of black dirt left on residential properties from 4" to 2." We live in a Jerry's home built around 2002 with only 2" of soil in the yard. It was very hard trying to plant trees due to the clay. Also when it gets dry, we have to do more watering due to the lack of black dirt. When it rains, we have more runoff due to the lack of absorption by the clay. As the builder removes the black dirt to see, we have more flooding. This is a poor environmental practice. We are in favor of maintaining the current standard of 4" of black dirt.

Schnieders, Adam [DNR]

From: Rick Madden [rick@maddenconstruction-realty.com]
Sent: Monday, May 19, 2014 10:52 AM
To: Schnieders, Adam [DNR]
Subject: Top soil requirement

Hi Adam,

I'm a 4th generation home builder and mainly build "starter homes". Over the past 20 years my brother and I have built over 250 homes together. Typically our homes are built on infill lots in the City of Des Moines. The prices start in the 140's. We also do entry level in the City of Norwalk in the 170's. There have been so many cost increases and regulations put on Homebuilders the past few years that the costs that are getting passed onto homeowners is getting ridiculous. The American dream of homeownership is getting pushed further away from people because the affordability is getting out of reach. Soon, people are going to only be living in apartments and saving their money until they can actually afford a house that is way over priced because of so many silly regulations. It is always our goal to set aside any good dirt to use as top soil on our final grade. I would like to think that is what most builders do. I would ask that this requirement not be enacted. The costs to homeowners does not offset the rewards of the topsoil.

Thanks.

Rick Madden
Broker - Madden Realty
V.P. - R.M. Madden Construction, inc.
Cell - 515-710-4227
Office - 515-255-1557
5909 Grand Ave
Des Moines, IA 50312

Schnieders, Adam [DNR]

From: LaDonna Gratias [lgratias@mchsi.com]
Sent: Monday, May 19, 2014 11:57 AM
To: Schnieders, Adam [DNR]
Subject: top soil

Mr. Schnieders

I am writing in regard to the prescriptive 4" topsoil requirement adopted last year by the DNR. This new rule has become very onerous and costly. I am not sure what has brought all this concern about topsoil to the forefront. Perhaps there is a misconception that Builders routinely strip their lots of topsoil to sell it or ship it to other sites. That simply isn't the case. I can tell you as a Builder I have always saved any black dirt found on a given lot when building and then utilized on that same lot for landscaping and sod topsoil.

Builders are already heavily regulated when it comes to all kinds of building codes, storm water runoff requirements, etc. In fact, 25 – 30 percent of the cost of a house is because of regulation. For every \$1,000.00 that a house is increased it prevents thousands of lowans from qualifying for a home. With the additional 4" prescription topsoil rule, we now have another \$3,500 – \$4,000.00 of increased cost which impacts the price of building a new home. I'm not sure how the 4" rule came to be but my understanding federal law only requires topsoil found on any site to be preserved and reused. Federal language seems to make sense..... state DNR language requiring us to meet a 4" topsoil prescriptive standard at any particular location doesn't.

I urge the Environmental Protection Commission of Iowa to strike out said 4" language from their topsoil rule and replace it with language taken directly from the federal rule or somewhat similar.

Sincerely,

LaDonna Gratias
Country Classic Homes
CLG Homes

P.S. I also have considerable doubt how four inches of soil can be measured accurately when it is all said and done.

Schnieders, Adam [DNR]

From: Chad Mellinger [homebldr29@yahoo.com]
Sent: Monday, May 19, 2014 4:51 PM
To: Schnieders, Adam [DNR]
Cc: jayiverson@hbaiowa.org; ccox@desmoineshomebuilders.com; joan HBA
Subject: [L2SPAM] 4" Top soil rule

Importance: Low

Adam, a few notes to consider in the matter of top soil and building sites.

At this time Builders and Developers are heavily regulated in regards to Storm Water Runoff. By the time we have our SWPP designed, obtain our permit , place and maintain our controls throughout the project we spend a minimum of \$1,500 on a small single family home. A larger development can incur costs of \$20,000 and up. In our industry there comes a point where the market will not bear any more costs to be factored into the price of the project. Any added costs will have to come from the builders or developers bottom line. I feel at this time we are at that point.

We have a system in place that is working now and it has been for year. We don't need any new rules, laws, statutes, regulations, or requirements.

I think the language in the Federal Rule is adequate and should satisfy the needs of the sate.

Respectfully

Chad Mellinger

Mellinger and Sons Construction Inc.
PO Box 580
Riverside, Iowa 52327

homebldr29@yahoo.com

Schnieders, Adam [DNR]

From: A.G. Burnside [ag.burnside@gmail.com]
Sent: Monday, May 19, 2014 6:53 PM
To: Schnieders, Adam [DNR]
Subject: 4" topsoil

I would like to share my small story about topsoil on new construction. I built a new home in rural Davis County, Iowa in 2010-11. During construction, the topsoil was removed and stored in a pile near the construction. The plan was that the bulldozer operator would replace the topsoil once construction was complete. As may often be the case, timelines on the project were not met and we entered the summer of 2011 with only clay on the surface. I was not able to get the topsoil spread for more than a year.

During that year, we had several torrential rains and with each rain, soil washed down the west side of our site. With no topsoil, it was not possible to get a cover crop to grow. Heaven knows I tried. I hired a landscaper who seeded the area. I reseeded and overseeded. Little but weeds would grow. By the following spring, the erosion down the hillside was many inches deep. Since then I have hired people to rework the hillside and I have reseeded, twice. There is still a lot of clay on top and I still have a bounty of weeds.

I am not sure what it might have cost to make sure the topsoil was replaced at the end of construction but I do know what I have spent since then trying to control the erosion and get adequate groundcover. I dearly wish there had been a requirement to replace the topsoil. Instead, I was at the mercy of the bulldozer operator and he had other things to do.

Anne Burnside
Davis County, Iowa

Schnieders, Adam [DNR]

From: edkocal [edkocal@yahoo.com]
Sent: Monday, May 19, 2014 6:53 PM
To: Schnieders, Adam [DNR]
Subject: Topsoil requirement

Follow Up Flag: Follow up
Flag Status: Flagged

I think this is a regulation that has been overdue. It should stand and people will adjust to it.

Sent from my U.S. Cellular® Smartphone

Schnieders, Adam [DNR]

From: Christine Kirpes [cmckirpes@gmail.com]
Sent: Monday, May 19, 2014 7:16 PM
To: Schnieders, Adam [DNR]
Subject: Topsoil rule

I have not been fortunate enough to buy a new home. Our almost 50 year home had a garden when we moved in. There is a huge difference in the front yard on the hill, and the back yard (with better soil) down outside the walk out. The front is almost pure clay, and after 20 years of trying various amendments it is still poor. The back/low yard, where much of the topsoil left after building has eroded to, has much better grass and gardening conditions.

I am a gardener and environmentalist. If I buy a new home, I consider that I'm buying the land as well as the house. Taking the topsoil off the land a buyer's home is on is simply THEFT. It does not matter what has been done in practice, the 4" topsoil rule is a good one and should be kept. The cost of leaving/replacing the topsoil on newly developed homes can be passed on to the customer, who will save money over the long run not having to buy topsoil and much more fertilizer to get plants to grow.

Even more important is the advantage of having more topsoil to absorb water during heavy rains. Keeping as much rainwater as possible on each property saves the community money in the long run.

Thank You,

Christine

"We've got to get ourselves... back to the garden" -CSN&Y

Schnieders, Adam [DNR]

From: Matt Fisher [matthew_fisher@live.com]
Sent: Monday, May 19, 2014 7:20 PM
To: Schnieders, Adam [DNR]
Subject: Topsoil Removal

Adam,

I believe that topsoil MUST be left in place in developments. I lived in a subdivision in North Liberty where the sod was laid on subsoil. The grass grew poorly and even with chemical treatments never grew well. I cussed the contractors every time i looked at my sickly lawn and how it affected propety value, aesthetics and our water quality. Also as a person who is tired of flood devastation, the loss of an absorbent layer of soil is unconscionable in an urban landscape where imperviousness already causes expensive, flashy floods.

Matt Fisher
Des Moines

Sorry, sent from my iPad with fat fingers.

Schnieders, Adam [DNR]

From: Anne Clark [anneclark@netins.net]
Sent: Tuesday, May 20, 2014 12:59 PM
To: Schnieders, Adam [DNR]
Subject: 4"

Mr. Adam Schnieders,

I am writing to express my fear that the governor's task force will be yet another example of him and his friends pushing their pro-business/development agenda over real help for the environment. With Iowa having some of the most polluted water in the nation we need to do all we can to prevent more soil erosion. The 4" rule seems like a reasonable solution to construction runoff. The cost must be weighed against real harm done to the environment. Please do the right thing and help protect Iowa's waters.

Thank You,
Anne Clark
3122 Kingman Rd
Ames IA 50014

Schnieders, Adam [DNR]

From: ryan@aspenwindmiller.com
Sent: Tuesday, May 20, 2014 3:37 PM
To: Schnieders, Adam [DNR]
Subject: 4" Top soil Rule

Hello Mr. Schnieders,

I am writing you in regards to the new regulations of keeping the topsoil on each lot. As a developer and builder I know how difficult and expensive this can be. From the developer perspective we move all of the top soil off to the side as a requirement before we start our cutting and filling. After that we can most certainly put it back but if we do so it will mostly get mixed in with other soils during the rest of the development with utilities and roads and even more so when we as builders dig the hole. It becomes difficult for the excavator to separate it all out and storage on the lot can also become a problem. Below is what we have found as a cost perspective and I think this may even be conservative.

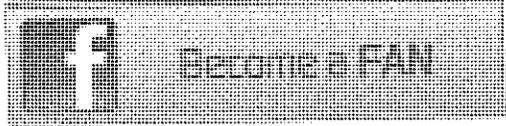
The 4" requirement is extremely difficult and costly to satisfy. When the 4" requirement was implemented last year, HBA estimated that the additional cost of compliance would be about \$300 - \$400 per lot. After a year of implementation, we have discovered that the actual cost of the requirement is more than 10 times that original estimate - and in some places as high as \$5,000 per lot. Since all of the topsoil is left on site, the additional cost of dictating exactly where the topsoil gets placed is an unnecessary impediment to affordable housing. This is especially true at a time that the industry is trying to get back on its feet.

In conclusion I think that this should be a decision that each homeowner have as an option. We offer this to all 30 homeowners we build for a year and only 1 or 2 opt to do so based on the cost. Thank you for your consideration.

Sincerely,

Ryan Windmiller
Windmiller Design and Development

www.windmillerdesign.com



Schnieders, Adam [DNR]

From: Eric [eeduck13@hotmail.com]
Sent: Tuesday, May 20, 2014 4:34 PM
To: Schnieders, Adam [DNR]
Subject: Runoff protection

I think almost anything and everything should be done to protect iowas waters. One of the reasons, albeit a small one, we moved was because of the degradation of our landscape and water. Iowa can be a beautiful state, but everything needs to be in balance. We are selling our future generations natural resources for \$5 corn. Please consider protecting our waterways. A couple thousand dollars now will save future millions to clean up and restore. Thanks.

Eric Davidson

Sent from my iPhone

Schnieders, Adam [DNR]

From: Bob Buker [bob@beaverbuilders.com]
Sent: Tuesday, May 20, 2014 7:08 PM
To: Schnieders, Adam [DNR]
Subject: \$" top soil rule

Adam

The 4" requirement is extremely difficult and costly to satisfy. When the 4" requirement was implemented last year I had a subdivision that required over \$50,000 of additional site work just to satisfy this rule. HBA estimated that the additional cost of compliance would be about \$300 - \$400 per lot which was way too low. After a year of implementation, we have discovered that the actual cost of the requirement is more than 10 times that original estimate - and in some places as high as \$5,000 per lot. Since all of the topsoil is left on site, the additional cost of dictating exactly where the topsoil gets placed is an unnecessary impediment to affordable housing. This is especially true at a time that the industry is trying to get back on its feet.

We need help, not more unneeded regulation. We are so overregulated, when farmers and mining that move 100's of times more soil and cause 1000's of times more run off are completely exempt from any regulation.

Bob Buker
www.Beaverbuilders.com
309 269 7546



Schnieders, Adam [DNR]

From: Staed, Art [LEGIS] [Art.Staed@legis.iowa.gov]
Sent: Tuesday, May 20, 2014 9:18 PM
To: Schnieders, Adam [DNR]
Subject: FW: DNR rule on 4 inches of topsoil

Dear Adam,

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

4 inches of topsoil vital for healthy landscape

Stacie Johnson

Published: May 7 2014 | 2:28 pm in [Letters to the Editor](#)

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.

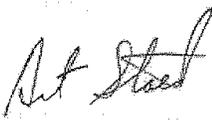
It may not be much, but 4 inches is the difference between enjoying a new yard or toiling forever trying to keep vegetation alive. Most builders do the right thing; however, a few want to go back to leaving behind a yard that will cause nothing but trouble for the new owners.

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

Stacie Johnson
Cedar Rapids

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



Schnieders, Adam [DNR]

From: Jim and Sherrie Justice [jsdjustice@mchsi.com]
Sent: Tuesday, May 20, 2014 9:12 PM
To: Schnieders, Adam [DNR]
Subject: [L2SPAM] Topsoil

Importance: Low

4 INCHES IS GOOD



This email is free from viruses and malware because avast! Antivirus protection is active.

Schnieders, Adam [DNR]

From: Reese, Jane [jreese@bbsae.com]
Sent: Wednesday, May 21, 2014 8:36 AM
To: Schnieders, Adam [DNR]
Subject: top soil

We had a new home built in 1976 in Des Moines. It was on a lovely infill lot with trees, bushes and grass. The slope of the grade was right for a split foyer with a walkout basement in back, and except for some old lilac bushes all the remaining old growth trees and bushes remained.

The area in the front yard that had the digging and backfill never supported a good lawn. Chunks of concrete even asphalt would surface occasionally (don't know where they got that "clean" fill). The ground was hard pack clay. It was always an eyesore to see the great grass close to the street change to meager sprouts as you got closer to the house. We would have had to dig out half of the front yard and bring in new top soil to make any change. We lived there 20 years before moving, never attempting the rehabilitation.

If that rule would have been in-place at the time that house was built, there never would have been an issue. I think it is a good and logical rule to install 4" of topsoil, and something that should be required of new home builders.

Jane Reese
CAD Technician
jreese@bbsae.com
515 365-8219



317 6th Avenue, Suite 400 Des Moines, IA 50309-4108
T 515 244-7167 www.bbsae.com F 515 244-3813

ANOTHER CENTURY OF MINDFUL DESIGN

Schnieders, Adam [DNR]

From: DENNIS JENNIFER EGEL [egelnest1@msn.com]
Sent: Wednesday, May 21, 2014 9:40 AM
To: Schnieders, Adam [DNR]
Subject: Top Soil Ruling

Dear Sir:

I would like to state that as a homeowner I think requiring developers to return 4 inches of topsoil to building lots prior to seeding or sodding the lot is the correct thing to do. I have wondered aloud in the past to my husband about this very thing. It seems to me that when one buys a lot, the soil, being part of that lot, is part of what one is paying for, and therefore should be returned to the lot after the house is built. It doesn't seem right that top soil can be removed by the developer and then the homeowner must turn around and pay extra for top soil to be replaced. There's something that just doesn't seem right about that. I think the developer would be, in fact, selling the top soil twice and this should not be allowed under Iowa law. I am also concerned about soil conservation and the run-off problems that result if this requirement would no longer be in force. I would urge the DNR to continue requiring 4 inches of top soil be put back onto finished building sites.

Sincerely,
Jennifer Egel
Marion, IA

Schnieders, Adam [DNR]

From: number1mom78 [number1mom78@yahoo.com]
Sent: Wednesday, May 21, 2014 9:41 AM
To: Schnieders, Adam [DNR]
Subject: Topsoil

Please push for at least 4 inches of topsoil for new construction of homes.

Dee & Rick Euchner

Sent from my Verizon Wireless 4G LTE Smartphone.

Schnieders, Adam [DNR]

From: Mutel, Cornelia F [connie-mutel@uiowa.edu]
Sent: Wednesday, May 21, 2014 9:48 AM
To: Schnieders, Adam [DNR]
Subject: 4 inch topsoil regulation

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

Copy to Governor Branstad

Schnieders, Adam [DNR]

From: Dianne blankenship [dianne.blankenship@gmail.com]
Sent: Wednesday, May 21, 2014 12:04 PM
To: Schnieders, Adam [DNR]
Subject: four-inch topsoil regulation

Regarding this regulation, I fully support it. I live in western Iowa, in the Loess Hills. This area was not dubbed the Fragile Giants for nothing. They are very fragile and very vulnerable to both wind and especially water erosion. They also are very easily bull-dozed and reshaped and moved about. Please keep western Iowa in mind as well as the rest of the state.

Thank you.

Dianne Blankenship
Sioux City, IA

Schnieders, Adam [DNR]

From: Jim Miller [jimm@jerryshomes.com]
Sent: Wednesday, May 21, 2014 4:37 PM
To: Schnieders, Adam [DNR]
Subject: Comments on the 4" top soil rule

To whom it may concern:

I have been involved in somewhere in the neighborhood of 2000 addressed homes in my 9 years with Jerry's Homes. To meet this 4" top soil rule at the final stage of construction is very close to impossible. The way this is written it certainly opens up possibilities for many lawsuits by home owners when they go to plant flowers only to find minimal top soil in that particular area of their yard.

Some of the cities don't want to take legal liability so they are asking for certified testing prior to sod to ensure that 4" of top soil is present. Some cities just want an affidavit from the builder stating they have put it back. Again all the cities want to do is limit their exposure to both the DNR and the Home Owner and put it back on the home builders back. They don't care about the cost or if this is even possible.

Based off the comments it seems as owners think that builders strip this and sell to home and garden centers. I have no idea where they get top soil from but I don't think it comes from residential construction. What happens today is this top soil has to get stripped off road bed and building pad areas to get compactable fill. This stripped top soil is then spread back into everything that is not streets. Some of this in areas where driveways, sidewalks, and homes will go. If the development at the planning stage doesn't balance meaning that dirt is going to have to be hauled off site the original grade contractor is going to take what he needs to use at other sites as close to possible to the export site. It is extremely expensive to move dirt around. He may need clay for compactable fill on his infill job, or maybe he needs top soil. I think the Federal Mandate supports this in the wording of you must preserve top soil.

Now that we have that top soil re spread on site we start to build homes. This is where we run into issues with the requirement. How much top soil was left for us to build a house on ? Do we strip the entire lot again, dig the basement, back fill the basement and now we are either long on dirt and have to haul some off, or short dirt and haul dirt in. This pile of top soil we striped off the lot to build the house where do we put it. Most lots are very, very tight no room in the front yard to stock pile it, no room on the sides so the only place to put it is in the rear yard where is most typically the drainage way, now you block swale areas with piles of dirt that are more susceptible to erosion and may back water up into neighboring sodded yards. Ok so now the house has been backfilled and the yard is set to grade minus the top soil dirt. So as the house continues in construction the dirt around the foundation settles 2' which is pretty common now this top soil dirt has to be placed around the foundation. So what was maybe 4" top soil being spread across the yard is now only 2" because the rest had to get used to fill around the foundation. How do you deal with this issue in the winter when the ground is frozen and all you can do is rip frost to get the basement in and backfill.

As much as this sound easy on paper I can tell you with certainty that reality is nearly impossible. I was just watching our finish grade contractor this week doing his job and he had to move a 3" of dirt here, 1' another place and fill between two houses with over 2' of dirt. That designed grading plan is only a plan. The only real certainty about grade on a lot is that it is going to change once the house is built because you have to grade to make it work. Typically the only elevations that remain from the original grading plan are the two front lot pins, and the rear yard lot pins. About the only thing that a grading plan does for a home builder is tell you where the water has to go. With all the difficulties of mixed builders working next to each other, different house types set at different elevations possibly to make a driveways work, windows without wells, M.O.E's, M.P. E's walkout basements, the list goes on and on. I encourage whoever is in trusted with making this final ruling to come spend a couple of days in the field at the raw land development stage seeing what has to happen to make buildable lots. Then spend a couple of days with our final grade contractor that has been doing this job for 40 years and you will see very quickly this is not something we can just rubber stamp and say do this. The costs can and will far exceed any possible benefits.

1. **Developers and builders are already heavily regulated when it comes to storm water runoff requirements. These are expensive and time consuming requirements that have been followed for years with great success, not just in Iowa but around the country.**
2. **The federal rule requires that a builder or developer “unless infeasible, preserve topsoil.” There appears to be a misconception that builders/developers routinely strip the site of topsoil and then sell it or ship it off to other sites. This simply isn’t true. It is HBA’s understanding that, unless the soil cannot physically remain on the site (such as when doing building development in a downtown), topsoil is retained within the plat and used where it will serve the best purpose for the development.**
3. **The federal rule does not, in any way, address the issue of how many inches of topsoil is required at any particular location. It simply says “unless infeasible, preserve topsoil.” A requirement that compels the builder/developer to maintain a certain number of inches at a particular location goes well beyond the federal requirement.**
4. **The 4” requirement is extremely difficult and costly to satisfy. When the 4” requirement was implemented last year, HBA estimated that the additional cost of compliance would be about \$300 - \$400 per lot. After a year of implementation, we have discovered that the actual cost of the requirement is more than 10 times that original estimate – and in some places as high as \$5,000 per lot. Since all of the topsoil is left on site, the additional cost of dictating exactly where the topsoil gets placed is an unnecessary impediment to affordable housing. This is especially true at a time that the industry is trying to get back on its feet.**

Jim Miller

Director of Operations
Jerrys Homes, Inc
10430 New York Ave, Suite C
Urbandale, Iowa 50322
Phone:515-278-5992

Fax:515-278-0661
jmiller@jerryshomes.com
www.jerryshomes.com

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Schnieders, Adam [DNR]

From: Jamie Buresh [Jamie@bureshconstruction.com]
Sent: Wednesday, May 21, 2014 4:58 PM
To: Schnieders, Adam [DNR]
Subject: Rule Requiring 4" topsoil

Dear Mr. Schnieders,

I am writing on behalf of Jim Buresh Construction Company of Cedar Rapids, Iowa, regarding the E-80 group's consideration of the rule requiring 4" of topsoil at every development site. This rule has turned out to be unworkable and Jim Buresh Construction Co. would like to see the 4" language struck from the rule and replaced with language taken directly from the federal rule which requires that a builder or developer "unless unfeasible, preserve topsoil." Insertion of the federal language is the reasonable alternative that satisfies all requirements imposed by the law while protecting the environment at a cost that will allow affordable housing in Iowa.

Developers and builders are already heavily regulated when it comes to storm water runoff requirements. These are expensive and time consuming requirements that have been followed for years with great success, not just in Iowa but around the country. The 4" requirement is extremely difficult and costly to satisfy. When the 4" requirement was implemented last year, HBA estimated that the additional cost of compliance would be about \$300 - \$400 per lot. After a year of implementation, it was discovered that the actual cost of the requirement is more than 10 times that original estimate – and in some places as high as \$5,000 per lot. Since all of the topsoil is left on site, the additional cost of dictating exactly where the topsoil gets placed is an unnecessary impediment to affordable housing. This is especially true at a time that the industry is trying to get back on its feet.

Jim Buresh Construction Company takes every measure to protect the environment. It is a clear economic advantage to strike the 4" requirement and use the federal rule's language, while all other water run off regulations provide ample protection to our planet. Thank you for your consideration of these comments.

Sincerely,

Jamie J. Buresh, CGB, CGR
Vice President of Operations
Jim Buresh Construction Co.
1630 42nd Street NE
Cedar Rapids, IA 52402
(319) 393-7516
jamie@bureshconstruction.com

Schnieders, Adam [DNR]

From: Robinson, Janis [JanisR@iowarealty.com]
Sent: Wednesday, May 21, 2014 7:42 PM
To: Schnieders, Adam [DNR]
Subject: 4 inch topsoil requirement

Dear Mr. Schnieders,

Please note I AM AGAINST the 4 inch topsoil requirement becoming a law in the state of Iowa. Being a citizen of this great state of Iowa- this law would merely be a punitive way of working with builders and developers to best use topsoil that currently exists on land- which often doesn't even have 4 inches of topsoil to start with since a great part of the state is all clay. In addition, this law is being purely punitive, it has no evidenced based support as being successful in helping with the watershed issues the state is attempting to resolve. I personally have spoken with the Feds on this issue, and they have told me this is not a requirement of theirs and that they know there is no evidence to support justification for such a rule as this.

Thank you for hearing my voice in this matter.

Janis Robinson, MBA
Iowa Realty/Realtor
3424 EP True PKWY
WDM, IA 50265
Cell: 515-707-4770

Download Agent App:
<http://app.iowarealty.com/JanisR>

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Schnieders, Adam [DNR]

From: Jerry Depew [depew@ncn.net]
Sent: Thursday, May 22, 2014 6:55 AM
To: Schnieders, Adam [DNR]
Subject: top soil

I always thought the removal of top soil from construction sites was akin to theft. Not only should the soil be returned after construction, it should never be removed except from the area to be covered by the building itself. I support the DNR rule to keep topsoil ---all of it---in place following construction.

Jerry Depew, Laurens, IA

--
Using Opera's revolutionary e-mail client: <http://www.opera.com/mail/>

Schnieders, Adam [DNR]

From: Amy Foster [afoster@ci.coralville.ia.us]
Sent: Thursday, May 22, 2014 8:36 AM
To: Schnieders, Adam [DNR]; Sauer, Pat (PSauer@iamu.org); Lucy; Griffin, Joe [DNR]
Subject: Comments E80
Attachments: E80.pdf

Adam,

Please find attached comments from the City of Coralville, for the E80 Stakeholder's Group.

Amy Foster, CMS4S, CESSWI
Stormwater Coordinator
City of Coralville
1512 7th St.
P.O. Box 5127
Coralville, IA 52241
319-248-1720

May 22, 2014

E80 Stakeholders,

The City of Coralville is in favor of keeping the current topsoil GP#2 requirement. Coralville, like many other communities is experiencing impaired water quality in our streams and extreme localized flooding during normal rain events (less than 1.25"). This is caused by the addition of impervious surfaces and the reduction of hydrologically functional landscapes. Topsoil, specially the A and B horizons of the soil is the most important element in retaining hydrologically functional landscapes.

Most of developments within Coralville have been stripped of all topsoil. The residents that live in these developments experience extreme localized flooding and are unable to grow trees, vegetable gardens or yards that aren't heavily dependent on fertilization and irrigation. The mass stripping of topsoil in developments has created living situations that do no reflect the quality of life that we would wish for our residents.

In regards to the addition of impervious surfaces, the City of Coralville has created a post construction ordinance to address the mitigation of additional impervious surfaces. Currently the City requires that that a developer or builder adds 4" of topsoil to their lot or development, or prove that there wasn't any topsoil to put back on the site. If this rule changes to state "preserve topsoil", we will have to require that all of the topsoil remain on site; this will be problematic for developments that have an excess amount of topsoil. In the next few years, Coralville will have a few sections of town that will be developed for residential purposes. These areas have been farmed using conservation tillage. These areas might very well have a foot or more of topsoil. It will be hard to develop these areas when all (not 4") of topsoil must remain on site.

Over this past winter the City of Coralville lost a large stock pile of topsoil that was supposed to remain onsite. Builders and developers in Coralville sell and export topsoil to other developments. When that happens it hurts the new homeowners in that development and anyone in the drainage path of that development. With all the environmental advances that have been made in this area, it is hard to believe that it would be legal to strip and sell our precious Iowa soils. Iowa has an agricultural community that is working very hard to preserve the topsoil that we have left, to protect or water resources and produce crops. We would expect the building community to be held to the same standards.

Sincerely,

Amy Foster, Stormwater Coordinator

City of Coralville

Schnieders, Adam [DNR]

From: Tracy Warner [twarner@city.ames.ia.us]
Sent: Thursday, May 22, 2014 9:08 AM
To: Schnieders, Adam [DNR]
Cc: City Ames; Jake Moore
Subject: General Permit No 2 Topsoil Public Comment

Adam,

The City of Ames is a permitted MS4 community, which is currently under our new NPDES permit No. 85-03-0-03 that was issued on April 1, 2014. Thank you for the opportunity to provide input on General Permit 2. The existing rule (4 inches of topsoil) as part of General Permit 2 provides consistency and guided expectation throughout the state to all municipalities enforcing the rule, to developers/design professionals as they plan the development, and to contractors as they implement the rule. If the rule were to change to simply state "preserve topsoil" there may be numerous interpretations throughout the state and from municipality to municipality (even if within the same urbanized area such as Johnston, Clive, West Des Moines, etc.). Ames often works with contractors and homebuilders that are from the Des Moines area and we frequently hear "well that is how it is done in Ankeny (Des Moines, etc.)". If the rule were to change, this would further strengthen that challenge. If there are areas of the state where much more than 4 inches of topsoil are present, a municipality always has the option to locally require more topsoil than the 4 inches.

The definition of preserve states "maintain (something) in its original or existing state". I interpret that to mean that there could be no more mass grading, that only where something structurally needs the support (e.g. roadway subgrade, building foundation) is where the site may be allowed to be graded (topsoil removed).

While we would have to give this more discussion to determine for sure (depending what language the group comes up with) (and if they would even be allowed to grade and then re-spread), Ames will require a technical soil assessment to be done so that we know how much topsoil is on the site if we did allow grading to ensure that the same amount is replaced in all vegetated areas. This could include each individual home lot in addition to various locations in the overall subdivision areas (open space, stormwater treatment train areas, etc.). The cost could then increase for the developers during the site design (so they may be saving money by not placing 4 inches of topsoil, however there would be additional work during design and then also potentially re-placing topsoil if it was there).

Topsoil is an area where the City of Ames has recognized challenges. When it is not placed on sites, including our own roadway construction sites, the vegetation re-establishment is not successful. Sod and/or seeding is not sustainable. If sod is placed and watered, it will look good for the first year (maybe two if we are lucky). After that, the compacted clay or even uncompacted clay backfill does not appear to provide the nutrients that the vegetation needs in order to survive. Individual homeowners with compacted clay, but lack of topsoil, end up with

spotty lawns, end up using more water, additional seeding, and fertilizer to attempt to keep the grass established, and overall end up with a lawn that they have to invest a lot of time and money if they want it to survive. Ultimately, more runoff ends up leaving these lots instead of getting infiltrated back into our groundwater system (aquifer). While the runoff is controlled from leaving the subdivision quicker through detention practices, it does not provide for a sustainable vegetative establishment and possible groundwater recharge. As you can imagine, when a resident's lawn dies because of something that we had influence over, we end up with very unhappy citizens. As you may already know, stormwater and flooding is a very important topic with Ames businesses and residents.

The Ames Construction Site Erosion Control Ordinance requires them to identify measures and procedures to reasonably minimize site soil compaction and provide soil quality restoration, in areas to be vegetated.

Our newly adopted Post Construction SWM Ordinance requires to minimize mass grading of sites to preserve natural features and drainageways as well as protection of open space and impervious cover minimization. This ordinance also requires a soil management plan be provided that includes a site map that identifies areas where soils and vegetation will not be disturbed and shows where topsoil will be stripped and stockpiled. It shall include, if used, a description of soil health (quality) improvement methods such as tilling, ripping, and amending with materials such as compost and topsoil. It shall also include a technical assessment of soils that identifies the soil series and site limitations based on soils data provided in the Web Soil Survey for Story County hosted by NRCS. Soil borings shall be included when necessary to confirm suitable site conditions for placement of buildings with basements and related structures, especially in areas with hydric soils and shallow depth to groundwater. Existing soil conditions should be considered when designing the site layout. If a stormwater BMP depends on the properties of soils, the assessment shall include the necessary information such as, but not limited to: organic content and percolation/infiltration rates. The number and location of required soil borings and/or soil test sites shall be determined based on what is needed to determine the suitability and distribution of soil types present at the location of the BMP. This information shall be used to provide a summary of the associated risks and potential for adequate drainage related to infiltration practices, groundwater mounding, and basement flooding. Consultation with a Certified Professional Soil Scientist or Soil Classifier may be necessary or required.

Please let me know if you have any questions. I unfortunately am double scheduled for May 29th so I will be unable to make it to the public hearing.

Tracy L Warner
Municipal Engineer
City of Ames Public Works

Schnieders, Adam [DNR]

From: Albright, Christopher [chrisalbright@iowarealty.com]
Sent: Thursday, May 22, 2014 12:57 PM
To: Schnieders, Adam [DNR]
Subject: 4" top soil

The discussion of the 4" top soil has been a topic for sometime. I have asked buyers their opinion of this over the past 2 years and have found only 1 person that I talked to thought this was an acceptable solution.

I would suggest that the 4" top soil language be removed!

Thank You. Your business is very important to me.

Chris Albright
Iowa Realty
165 Jordan Creek Pkwy Suite 155
West Des Moines, IA 50266
(515) 321-3989 Phone
(515) 453-6801 Fax

<http://www.newhomegeeks.com>
<http://www.chrisalbright.iowarealty.com>

Here is a link to download my free mobile home search app: <http://app.iowarealty.com/chrisalbright>

REALTOR

Licensed to sell real estate in the state of Iowa

Schnieders, Adam [DNR]

From: Inman, Jack [jackinman@bhhsfirstrealty.com]
Sent: Thursday, May 22, 2014 2:20 PM
To: Schnieders, Adam [DNR]

Adam,

Your law will hurt all of the real estate developers and builders and will be a tremendous burden to enforce. Your erosion control mandates and now this! It's become very hard to build because of your over regulation now, without adding this new impediment.

Jack Inman
Broker-Associate
Berkshire Hathaway - First Realty
515-238-0447
Jackinman@bhhsfirstrealty.com
www.iowahomesites.com
Licensed to sell Real Estate in Iowa



BERKSHIRE HATHAWAY
HomeServices
First Realty

Schnieders, Adam [DNR]

From: ericquiner@gmail.com on behalf of Eric Quiner [ericquiner@iowarealty.com]
Sent: Thursday, May 22, 2014 3:23 PM
To: Schnieders, Adam [DNR]
Subject: 4 " Soil Rule

Hello Adam,

My name is Eric Quiner and I am a Realtor with Iowa Realty. I have caught wind that your organization is in the process of proposing a rule that would require additional inches of soil to be placed on to home sites. I would urge you to reconsider this decision. The costs are already rising at incredible rates for homeowners today because of construction costs as it is. Also I am sure you know this more than myself that we are sitting in some of the entire worlds best soil types. Please let freedom of choice and liberty reign. Please don't underestimate the power of the consumer's ability to reject a product that is not satisfactory. Please help promote the economy.

Thanks for your time.

--

Eric Quiner

Realtor/Assistant Manager
Iowa Realty Waukee Office
80 SE Laurel
Waukee, Iowa 50263

C 515.710.5468
P 515.453.5935
F 515.453.6788

Licensed to sell Real Estate in Iowa

Schnieders, Adam [DNR]

From: Knapp, BJ [bjknapp@iowarealty.com]
Sent: Thursday, May 22, 2014 3:28 PM
To: Schnieders, Adam [DNR]
Subject: 4" requirement

To Whom it may concern-

At a time when the housing industry is still in recovery mode this 4" requirement of top soil is an obstacle that is too costly and unnecessary. This not only affects the developers and home builders but more importantly the home buyer. As a home owner myself I can promise you that my lawn is in great shape and the top soil is sufficient. Please take the time to consider the ill effects this requirement would have on all aspects of development and new home construction.

Thank you,

BJ Knapp
Iowa Realty
1516 Valley West Drive
West Des Moines, IA 50266
(515)453-6916

Schnieders, Adam [DNR]

From: Karl Johnson [kaajohnson@gmail.com]
Sent: Thursday, May 22, 2014 3:39 PM
To: Schnieders, Adam [DNR]
Subject: Top Soil Rule

Hi Adam!

I wanted to share with you that I live in a new development and my experience is that is that the developers are already spreading their topsoil throughout the developed lots. I believe that the 4 inch topsoil rule is an unnecessary requirement and should be struck and replaced with the federal guidelines.

Thanks,

Karl Johnson
2302 SW 18th Street
Ankeny, IA 50023

Schnieders, Adam [DNR]

From: Jerry Bussanmas [jerry@jerrybus.com]
Sent: Thursday, May 22, 2014 4:01 PM
To: Schnieders, Adam [DNR]
Subject: top soil

Adam,
I am a home builder in Des Moines Iowa. I would like to express my concerns about the requirements coming into law regarding top soil.

First of all what is the definition of topsoil? Why is it necessary for a residential yard that is only growing grass?

This seems to be a huge waste of our homeowners resources. Do you realize that it is only the actual homeowner that this law is adversely effecting. This law serves to prevent more people from realizing the dream of owning a home. As I see it most potential home owners are already struggling to afford the homes being built today and this law makes that harder.

The added cost of trucking and the negative environmental impact that it causes only make things worse.

Regulation of this nature will be hard to evenly enforce and even harder to verify. Inspecting dirt should not be a priority for the already over worked and under compensated City and State officials.

I hope my opinion is of help, I'm sure you have many headed your way.

Thanks for your consideration

Jerry Bussanmas
Home Builder
16105 Maple Drive
Urb. Iowa 50323

Schnieders, Adam [DNR]

From: Chris Tursi [christophertursi@gmail.com]
Sent: Thursday, May 22, 2014 4:11 PM
To: Schnieders, Adam [DNR]
Subject: 4" Top Soil Requirement

Adam-

This requirement is putting strain on already over regulated home builders and developers. The dollars saved can provide more Iowans a chance to own the home of there dreams. Additionally, those costs could be used by builders to build more desirable products, enriching neighborhoods in all areas.

Please consider sticking this from the language.

Sincerely,

Chris Tursi



Chris Tursi
Iowa Realty
Jordan Grove Office
3424 E.P. True Parkway
West Des Moines, IA 50265
515.453.5219 Office
515.770.4796 Mobile
ChrisTursi@IowaRealty.com
Licensed to sell real estate in the state of Iowa

Schnieders, Adam [DNR]

From: Rick Dietz [rsdietz@yahoo.com]
Sent: Thursday, May 22, 2014 10:23 PM
To: Schnieders, Adam [DNR]
Subject: [L2SPAM] TOPSOIL PRESERVATION

Importance: Low

Mr Schnieders:

I understand that public input is being sought regarding the topsoil requirement within the the NPDES General Permit #2. 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 I'm sure you are aware, current construction practices very often include removing the topsoil from the construction site or development before construction begins. And with rare exception, in Ames at least, the subsoil that remains becomes so severely compacted over the course of construction that one would have difficulty excavating even a small hole by hand. It would not be unusual in my work to use a pick to loosen the soil before digging.

When properties are brought to final grade, in preparation for sod, you would find highly compacted soils including 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
5782 Felber St
Ames

Schnieders, Adam [DNR]

From: Cliff McClure [cliff.mcclure@mchsi.com]
Sent: Friday, May 23, 2014 9:37 AM
To: Schnieders, Adam [DNR]
Cc: 'Creighton Cox'
Subject: Top soil requirements.

Adam

I am opposed to any code or rule changes that would mandate topsoil requirements in new construction.

The cost of new construction has increased dramatically within the past 18 months, preventing people from purchasing new homes. More and more I am hearing people say they have decided to purchase an existing house because they can't afford new construction. In the past 18 months we have seen increases in labor, materials, and building permits. In the coming months we are going to have additional code changes that will increase prices.

Please vote no for any changes related to topsoil requirements in new construction.

Cliff McClure
Meadowbrook Builders
PO Box 607
Ankeny, IA 50021
515-979-0022
Cliff.mcclure@mchsi.com
www.meadowbrookbuildersllc.com

Schnieders, Adam [DNR]

From: Zane Muntz [zane@yourdesigncrew.com]
Sent: Friday, May 23, 2014 11:15 AM
To: Schnieders, Adam [DNR]
Subject: 4" topsoil requirement proposal feedback

Dear Adam,

While I may not be able to attend the Public Hearing Notice & Plan on May 29th in regards to the 4" topsoil requirement proposed, I thought I could offer some thoughts here.

As a builder, we are already heavily regulated when it comes to storm water runoff requirements. These are expensive and time consuming requirements that have [for the most part] been followed for years with great success. In addition, the federal rule already requires "unless infeasible, preserve topsoil", so there appears to be a misconception that we routinely strip the site of topsoil. I know for me, this simply isn't true. Unless the soil cannot physically remain on the site, topsoil is retained within the plat and used where it will serve the best purpose for the project.

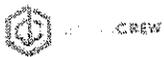
Also, my understanding is the federal rule does not, in any way, address the issue of how many inches of topsoil is required at any particular location. It simply says "unless infeasible, preserve topsoil." A requirement that compels us to maintain a certain number of inches at a particular location goes well beyond the federal requirement. While I may not have much data to suggest otherwise personally, it would seem the 4" requirement could be difficult and costly to satisfy. Since all of the topsoil is left on site, the additional cost of dictating exactly where the topsoil gets placed could be an unnecessary impediment to cost effective housing for clients. This is especially true at a time that we in the industry are trying to get back on our feet.

Also, as a realtor I know any potential added cost of regulation would make homes less affordable for all.

In conclusion, my opinion at this time is the 4" requirement should not be maintained and the federal language seems to be a more reasonable alternative to satisfy all requirements imposed by the law while protecting the environment at a cost that allows more cost effective builds.

Cheers!

[z]



[zane]muntz - architect+builder+realtor

[website](#) | [facebook](#) | [twitter](#) | [515.650.0155](#)



Schnieders, Adam [DNR]

From: Akers, John [johnrealtor@iowarealty.com]
Sent: Friday, May 23, 2014 2:29 PM
To: Schnieders, Adam [DNR]
Subject: Re: Topsoil management requirements

Mr. Schnieders: I am writing today regarding the DNR rule requiring 4" of topsoil at residential development sites. This rule places an additional cost for each lot/home which decreases the number of buyers that qualify for home ownership. Initial estimates of the cost of placement of 4" of topsoil (\$300 - \$400) were low and at times the actual cost has been as much as \$4,000 - \$5,000 per lot. This adversely affects the home building/selling industry in Iowa. I ask that the federal guidelines be used in lieu of the current DNR regulations. These federal rules, used as an alternative, satisfy all requirements imposed while at the same time protects the environment at a reasonable cost. Thank you.

John

John W. Akers, CRS, e-PRO
Mailto: johnrealtor@iowarealty.com
Realtor 515.778.8628
Iowa Realty - South Regional Office
200 Army Post Rd, Ste 60
Des Moines, Iowa 50315
Licensed in Iowa
www.JohnAkers.IowaRealty.com

Click here for my new mobile ap: <http://app.iowarealty.com/johnrealtor>



This is a solicitation. If you prefer not to receive future messages from this sender, please send a 'reply' message with "REMOVE" in the subject line.

Schnieders, Adam [DNR]

From: Jon Lipovac [jontrinityhomes@gmail.com]
Sent: Friday, May 23, 2014 5:10 PM
To: Schnieders, Adam [DNR]
Subject: TopSoil Preservation
Attachments: img194.jpg

Hello Adam,

Please consider my opposition to this mandate.

Thank you,

Jon Lipovac, President

TRINITY HOMES

4499 NW 169TH STREET

CLIVE, IA 50825

(C)515-771-8556

WWW.TRINITYHOMESOFIOWA.COM

Friday, May 23, 2014



To Whom it may concern,

Regarding topsoil preservation requirements in the National Pollutant Discharge Elimination System General Permit No 2 for Storm Water Discharges Associated with Construction Activities.

I have found this new requirement, although a good idea in theory, to be a much more expensive endeavor than originally expected. At a time when profit margins have shrunk exponentially over the last 3 years due to material, land, and labor increases, it's another expense that has pushed the risk vs. reward equation too far. When most builders I've spoken with have seen, as I have, margins anywhere from 5%-9% even before these new costs. Not to mention the new 2012 Energy Code being enforced shortly.

I do believe builders in general could do a better job separating decent dirt from clay for top grading, but to require a verified 4" of top soil (black dirt) is just another mandated cost that drives the inflationary costs of new construction.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Jon Lipovac". The signature is stylized with long, sweeping strokes.

Jon Lipovac, President
Trinity Homes

Schnieders, Adam [DNR]

From: Hetty Hall [hettyhall@gmail.com]
Sent: Saturday, May 24, 2014 11:38 AM
To: Schnieders, Adam [DNR]
Subject: proposed rule on topsoil on new housing lots

A requirement for a reasonable amount of topsoil on all new housing lots is an excellent proposal and long overdue. There are many rules and inspections for housing construction, but no attention is paid to the lot (the yard). Trying to reconstruct some kind of soil on a scalped lot can be extremely costly to the new home owner, while soil erosion affects not just the home owner but the neighborhood, the town, and the county. There needs to be a minimum standard both to protect the home owners and the ecosystem.

Hetty Hall
2761 Lake View Dr NE
Solon, IA 52333

Schnieders, Adam [DNR]

From: Knox, Tina [tinaknox@bhhsfirstrealty.com]
Sent: Saturday, May 24, 2014 12:49 PM
To: Schnieders, Adam [DNR]
Subject: 4 inch top soil

Adam

I believe we need to discontinue with the 4 inch rule on soil that has been put in place this last year.

The cost to home buyers and builders and how it affect everyone down the line. It is not worth it.

Best Regards
Tina Knox, Realtor
515.707.7491
BHHS First Realty
Licenced in the state of Iowa
Download FREE app. go to BHHS First

Schnieders, Adam [DNR]

From: tdelfs2838@aol.com
Sent: Sunday, May 25, 2014 10:17 AM
To: Schnieders, Adam [DNR]
Subject: Fwd: Topsoil Mandate

-----Original Message-----

From: tdelfs2838 <tdelfs2838@aol.com>
To: adam.schnieders <adam.schnieders@dnr.iowa.gov>
Sent: Sun, May 25, 2014 9:41 am
Subject: Topsoil Mandate

Dear Sir,

I am aware of a public meeting that will be held May 29, 2014 regarding the 4" topsoil mandate for housing developments. I can not attend but would like to share my thoughts on the issue. I do not agree with the idea of taking off topsoil and bringing it back after development. It is very costly. In most cases it is not really feasible to remove and replace without a great hindrance to the job. Implementation of this mandate only causes more burdensome regulation causing developers consider not pursuing development at all. I would strongly suggest that this mandate be repealed or at minimum allow the developer to use their best judgement regarding placement/displacement of topsoil. Thank you.

Sincerely,

Willie Delfs, GMB CGP CAPS
President, Able Homebuilders
Sioux City, IA

Schnieders, Adam [DNR]

From: Dave Adickes [dave@midwest-cc.com]
Sent: Sunday, May 25, 2014 10:11 PM
To: Schnieders, Adam [DNR]
Subject: Topsoil Appeal

Adam,

Please pass this on to those involved with the decision for the topsoil appeal.

I won't make it an essay, just a rough short list.

- I operate a small company, 1-3 custom homes a year along with various other large scale projects.
- 45 – 55 line items are in a typical custom home budget, everyone of them affects a client's investment and decision to work with a builder.
- With-in those line items regulations are in place for storm water run-off.
- Topsoil is commonly left on-site and used as top soil again.
- A 4" requirement is a costly line item involving trucking, grading, fuel, logistics, etc.
- Each home built in Iowa adds positively to the economy: a wide variety of businesses, suppliers, vendors, etc. The local dollar is revolved multiple times in the communities. (see the second point, stronger line items in just one category affect so many individuals).

I'm not a fan of sending an email to someone I don't know without shaking their hand. If you will be in attendance on Thursday at the Wallace Building for the meeting, I will see you there.

Hope all is well, take care-
Dave

Dave Adickes - CGP, CAPS
Midwest Contracting & Construction, LLC
(515) 664-7194
dave@midwest-cc.com
www.midwest-cc.com
-Focused Building-

Schnieders, Adam [DNR]

From: randy dostal [allamericanlc@hotmail.com]
Sent: Monday, May 26, 2014 2:21 PM
To: Schnieders, Adam [DNR]; jayiverson@hbaiowa.org; TERESA ROBINSON; drewr@jerryshomes.com; Brandy Zimmerman; PAUL BRUNDELL; MIKE FARR; BARB HOSS; todd richardson; MARILYN BUCHER; JIM DOSTAL
Subject: FW: Might want to share this with CR

Adam,

I am writing you in regard to the possible implementation of a 4" topsoil rule which could be a part of future General Permit No.2 and development requirements.

As a builder/developer, I see no reason to amend the federal rules and make them "more" stringent. Most topsoil is used on site, in most developments. The SWPP protocols that developers must abide by maintain that runoff "not to leave the site".

The cost of this 4" concept will be "very" expensive per lot cost.

The biggest question is, if the site did not have 4" of topsoil prior to disturbance, where will the developer find the soil to put down on the lot? I do not believe there is enough topsoil to make the 4" a reality. Please do not implement the 4" concept

On another note:

I have had some research done and see a "much" bigger issue to tackle.....the loss of critical farm soil. Please see attached document.

The 6000-7000 square mile "dead" zone in the Gulf Of Mexico is a much more prominent issue than the small amounts of run off from development sites.

I believe THIS is a much more critical issue and a MAJOR source of top soil loss in our state.

Again - please do not implement the 4" topsoil rule

Randy Dostal
Thomas Dostal Developers Inc.

From: jdostal@cr.k12.ia.us
To: allamericanlc@hotmail.com
Subject: Might want to share this with CR
Date: Thu, 22 May 2014 19:12:51 +0000

http://www.americanthinker.com/2014/05/the_magical_world_of_climate_change_in_iowa.html

Schnieders, Adam [DNR]

From: Steve Gustafson [iowagus@hotmail.com]
Sent: Tuesday, May 27, 2014 6:49 AM
To: Schnieders, Adam [DNR]
Subject: Topsoil Preservation Requirements in NPDES General Permit #2

Good morning Mr. Schnieders,

Regarding the Workgroup proceedings for the review of the subject topsoil requirements, I would like to recommend that the current standards regulations remain as they are.

While I have read the opinions of some of the Workgroup members on the difficulty and cost to comply with the regulation, many developers seem to have little difficulty when they must move the topsoil in order to sell it. In addition, having a Workgroup dominated by developers will likely not produce an outcome benefitting Iowa.

I have seen the effects of too much runoff on streams, and my community alone has spent hundreds of thousands of dollars on streambank erosion restoration projects. While the topsoil regulation in itself is not the sole answer, it is one more tool that communities can use to help re-balance an unbalanced hydrogeologic system.

Thank You,

Steve Gustafson
Bettendorf, Iowa