

Schnieders, Adam [DNR]

From: Gary Lalone [gary@stormlakeunited.com]
Sent: Tuesday, May 27, 2014 10:50 AM
To: Schnieders, Adam [DNR]
Subject: 4 inches of top soil

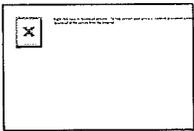
Adam

It would seem to me we have bigger fish to fish for..We lose far more top soil due to poor farming habits than construction site 4 inch rule. It was pathetic to see soil loss the last 2 inch rain because farmers are close to farming the ditch. (fences that have been taken down) waterways that have been removed, dirty water was running wild.

--

Gary Lalone
Executive Director
Storm Lake United
119 W 6th Street
Storm Lake, IA 50588

gary@stormlakeunited.com
www.VisitStormLake.com



Schnieders, Adam [DNR]

From: David Krug [dkrug@southslope.net]
Sent: Tuesday, May 27, 2014 11:58 AM
To: Schnieders, Adam [DNR]
Subject: Attention: EO 80 group storm water runoff comments

Importance: High

Adam,

I would like to submit comments regarding the EO 80 stakeholders' group that will be reviewing the requirement that 4 inches of topsoil be on or returned to construction sites to aid in storm water retention.

I STRONGLY SUPPORT KEEPING THIS RULE IN PLACE.

I live in North Liberty, Iowa and often see what happens when the soil is of poor quality in a location where new homes and businesses have been built. I have seen the resulting street flooding and have also seen homes that have experienced damage due to run-off water flooding the basements. Nearly every new subdivision in the area is built by removing the topsoil and all material that was growing and holding the soil in place and then the area is severely compacted by the construction equipment and general activity related to that work. Most often, sod is then dropped on top of this very poor surface and expected to grow and to adequately hold the rainwater that then falls upon it. Having a well prepared growing surface that will absorb and hold the rainfall is essential and the 4" topsoil rule should be kept in place and strongly enforced. We have a multitude of storm water retention basins and ponds and I too often see them filling with excessively muddy storm water run-off. I have been watching as a new basin in my area fills with silt from a new subdivision due to the failure to keep the rainfall in place. It is a frustrating situation and I am sure it happens far too often in far too many places.

I watched the reconstruction of Jones Boulevard in my neighborhood last year. I question if the 4" rule was followed properly in some of the areas involved. If I had been more aware of the requirement I would have raised questions as to how the soil was brought back in along sidewalks and along the areas from sidewalks to the curb line of the rebuilt street. Some areas appeared to be done reasonably well, others, not so much. For sure, it appears that there are problems as the seeding done this past season in the most recent construction area and earlier along the north section of the project has struggled and shows early stress under drought conditions. That tells me that the underlying soil structure is very poor.

Developers, those involved in the construction of subdivisions and businesses and homeowners need to recognize that we most certainly need to keep as much of the rainfall as possible at the location it falls upon. There is a cost to that, of course, but spread out over the entire development, it cannot be so much as to adversely affect the ability to have a cost-effective development. There is a high cost involved with having flooding and degraded water quality. Each of us should be willing to do our part to to protect our water and soil resources. If that means that we pay up front for properly prepared soil structure in a development, so be it.

Again, I strongly urge that the rule be kept in place.

Thank you.

David A Krug
55 Turner Circle
North Liberty IA 52317

Schnieders, Adam [DNR]

From: Chip Classon [ChipC@jerryshomes.com]
Sent: Tuesday, May 27, 2014 4:16 PM
To: Schnieders, Adam [DNR]
Subject: FW: Concerning the 4" requirement of top Soil

Adam,

This email was forwarded to our office but I did not see it in the latest batch of comments. I just wanted to make sure Mr. Mealey's comments were included in the process. I apologize if it was included and I overlooked it when reading the emails.

Thanks,

Chip

From: Jim Miller
Sent: Tuesday, May 27, 2014 4:09 PM
To: Chip Classon
Subject: FW: Concerning the 4" requirement of top Soil

From: Don Mealey [<mailto:dmealey416@aol.com>]
Sent: Monday, May 26, 2014 8:02 PM
To: adam.schienders@dnr.iowa.gov
Cc: Jim Miller
Subject: Concerning the 4" requirement of top Soil

Adam,

My name is Don Mealey and my family and I have graded in the Greater Des Moines area for over 50 years. I personally have done final grading for 43 consecutive years for residential homes. In that time I've only had 3 homeowners that have requested and could afford the money spent on applying 4 inches or more top soil on their yards, once done their yards were neither greener or have less storm water runoff than those that did not. People in Iowa are blessed to have some of the best top soil in the world to grow agriculture crops, but as you look across this great country of ours all soils are not equal in color and fertility with that said, you can grow grass on all types of soils.

In the past the DNR has done a wonderful job mandating the use of silt fence, silt socks and retention areas. This has contributed greatly to the control of soil erosion which enhances the water quality in the state of Iowa with a limited amount of regulation and cost to the home builders in this state. The instillation of the of the products listed above are very easy to install and maintain with the desired results accomplished.

Now on the other hand, to try and place 4 inches of top soil, which keep in mind can be any color, it isn't always black (depending on what region you are in) Southern Iowa is going to have less black soil than northern Iowa. Remember this law would effect the entire state as the glacier moved down from Minnesota black dirt was not distributed on an equal basis. The application of 4 inches assuming it would be black top soil around a residential home and having it certified inspected before sodding would become a logistical and financial nightmare. I personally could benefit in the overwhelming cost of this 4" mandate. I speak out highly against it

because of all of the un-needed headaches and back logs it would cause, I am not one to cut corners. I have made a reputation on giving the customers the best affordable yards that are out there.

This 4" mandate in my opinion, would not enhance water quality or control storm water runoff in any shape of form. It would only increase the price substantially of a new home, reducing the number of people that could qualify for a mortgage.

Thank You,
Don Mealey
Finish Grading
Norwalk, Iowa
515-229-0889

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Schnieders, Adam [DNR]

From: Clare Lindahl [clare.lindahl@cdiowa.org]
Sent: Tuesday, May 27, 2014 5:55 PM
To: Schnieders, Adam [DNR]
Subject: CDI input on topsoil
Attachments: Letter_topsoil.docx

Dear Adam,

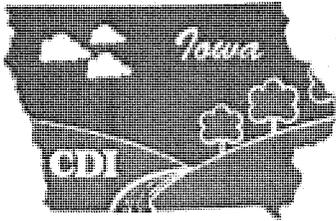
Please find a letter from the CDI Board regarding the 4" topsoil review.

Respectfully,

Clare Lindahl

Executive Director
Conservation Districts of Iowa
945 SW Ankeny Road, Ste. A
Ankeny, Iowa 50023
515.289.8300
clare.lindahl@cdiowa.org
www.cdiowa.org

Support Soil Conservation & Clean Water in Iowa!
Become a Friend of CDI!



Conservation Districts of Iowa
945 SW Ankeny Road, Ste. A
Ankeny, Iowa 50023
515.289.8300
www.cdiowa.org

May 28, 2014

Dear Iowa Department of Natural Resources:

On behalf of the Conservation Districts of Iowa Board of Directors, this letter is submitted to express our support of keeping the 4" topsoil rule in Iowa's General Permit Number 2.

CDI represents the 500 elected Soil and Water Conservation District Commissioners of Iowa. It is our mission to inform, educate and lead Iowans through our local soil and water conservation districts to conserve our natural resources. Soil is Iowa's most valuable resource. Soil conservation is necessary in town as well as in the agricultural fields.

Our Soil and Water Conservation Districts with urban areas in their jurisdiction have dealt with the consequences of topsoil removal time and time again. Failure to reapply topsoil after construction causes rainwater to shed off lawns carrying pollutants into our local water bodies. Flooding and streambank erosion is another consequence of this practice as our local water bodies become overwhelmed by the increase in stormwater runoff. These issues create a strain on our state's natural and financial resources.

We have seen the costs associated with the return of 4" of topsoil quoted as \$1,200, \$2,500 and \$5,000 per lot. In comparison to the costs of impaired water quality and flooding in our state, we feel keeping this rule in place is economically feasible for the state of Iowa and invaluable to our environment.

Respectfully,

Jane Weber, President
Conservation Districts of Iowa

Schnieders, Adam [DNR]

From: Dave Johnson [dave@gocrg.com]
Sent: Tuesday, May 27, 2014 9:16 PM
To: Schnieders, Adam [DNR]
Subject: Topsoil Preservation Requirements

To whom it may concern;

It is my understanding that the Department of Natural Resources (DNR) has implemented a program requiring four inches of topsoil. I know topsoil is a hot topic in this state where agriculture is a huge business. Every time a parcel of land is converted from farm use to housing it aggravates a segment of the population that is against change. Is growing corn and soy beans more important than growing kids. We can have both.

What does requiring four inches of topsoil to grow grass have to do with a residential development? Granted topsoil is needed for newly laid sod to take hold but setting a requirement with penalties seems a little too much. What's next regulating what constitutes topsoil... Clarion loam and Nicollet loam ok but Mystic silt loam is not good enough to be considered topsoil? How are you going to regulate it?

Let's not regulate something beyond what is necessary... let's stick with the federal recommendation to preserve topsoil. Adding additional costs and potential penalties to the construction of new homes does not make sense to me. I don't think there is any intention on the part of the developer or home builder to try and destroy topsoil. It is to the developer and builders benefit to spread the topsoil properly so the newly laid grass will grow but policing to this extent doesn't make sense to me. A new home costs enough as it is without this recently (2012) enacted state regulation.

Thanks for your consideration,

Dave Johnson
Commercial Realty Group

Schnieders, Adam [DNR]

From: Brown, Susan [susanbrown@iowarealty.com]
Sent: Wednesday, May 28, 2014 8:48 AM
To: Schnieders, Adam [DNR]
Subject: Top Soil Rule

Adam, I am a homeowner and realtor in the West Des Moines area and wish to express concern about the DNR ruling regarding 4" topsoil on all new construction. I work in new construction as well as resale residential sales and have since 2008. It has been exciting to see the recovery of the home purchasing market and rebirth of new construction in our community! In my experience, the builders I've seen and work with do preserve top soil whenever feasible. And, existing homes do not have issues with topsoil. The additional expense and new development logistical issues that the 4" topsoil rule causes are unreasonable and result in unnecessary transaction costs. DNR has taken significant strides to protect our environment and have great soil and water oversight on new construction sites, however, this rule goes too far.

Please consider taking the rule back to the Federal requirement in the interest of keeping the new development of our community at a reasonable market cost.

Thank you!

Susan Brown GRI,CNE
Iowa Realty
80 SE Laurel
Waukee, IA 50263

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Schnieders, Adam [DNR]

From: Cari Johnson [johnson_cari@yahoo.com]
Sent: Wednesday, May 28, 2014 9:08 AM
To: Schnieders, Adam [DNR]
Subject: 4" topsoil rule

Adam Schnieders,

I have become aware that the DNR is looking into the 4" of topsoil rule for developments.

Just a little background on myself. I recently graduated college, found a job, and moved back to Iowa. Although I have not bought a house yet, I am hoping to do so in the near future.

Every regulation that is on builders seems to raise the prices of houses. The more regulations that are on builders makes me become more and more fearful that that my dream of owning my own home becomes farther away. I have a nice job and I'm responsible with my spending, but unnecessary regulations may put the price of owning my own home just out of my reach.

I have friends that have considered moving here for the first time for job possibilities. I also have many friends that have grown up in Iowa their whole life and are now deciding where they will be going after college. I know the cost of living, including purchasing a house, will influence their decision on where they will be living. Many of them would be much more likely to stay/move to Iowa if it is easier for them to afford a house.

I would like to see the Iowa requirement for topsoil be the same as the federal requirement. As long as the builders are able to retain as much as the original topsoil as possible it should be best for everyone. By builders not having more costs, there are less unnecessary costs to be passed onto us buyers. That will help me and others in my similar situation to afford a home in Iowa.

- Cari Johnson

Schnieders, Adam [DNR]

From: Cornelison, Dan @ Hubbell Realty [dan.cornelison@hubbellrealty.com]
Sent: Wednesday, May 28, 2014 9:29 AM
To: Schnieders, Adam [DNR]
Subject: Please Abandon the 4" Rule

Dear Mr. Schnieders,

I encourage you to abandon the 4" rule in favor of adopting the federal requirement. The federal requirement 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.

Home construction in Iowa is a significant job creator, a great community builder increasing real estate tax revenues to our municipalities and funding schools, and generally helps Iowa Grow! Please take into consideration that another \$4,000 to \$5,000 per house to comply with a rule that will drive little of any benefit is simply not worth the risk that would occur to our Iowa communities and families if the current strong housing construction boom is strangled by more regulation and cost.

Regards,

Dan Cornelison

Vice President & General Counsel

HUBBELL REALTY COMPANY

6900 Westown Parkway, West Des Moines, IA 50266

O: 515 280 2051 | M: 515 480 7857 | F: 515 280 2000

Dan.Cornelison@hubbellrealty.com



Schnieders, Adam [DNR]

From: Seth Moulton [moulton.seth@gmail.com]
Sent: Wednesday, May 28, 2014 9:40 AM
To: Schnieders, Adam [DNR]
Subject: 4" top soil rule

My name is Seth Moulton, owner of Classic Builders, Inc. out of Ankeny IA.

I am writing this email concerning the issue of topsoil replacement on lots. I build and develop lots throughout the Des Moines area. With the new rules put into place I have been going through this now since last fall. In developments Centennial Point Plat 3 and Centennial West plats 1 and 2. In the beginning estimates were to be around \$1000 in expense to move topsoil and the replace during development. This number climbed quickly to over \$2000 per lot in expense. Now when we have built houses on the lots we were looking at around \$300-\$400 in expense to replace topsoil prior to sodding of the lot. This number was drastically missed due to extensive work that goes into this process. For example, we are having to send out excavator out to in most cases strip 3"-4" of dirt off top of lot from the backfill process. Then having to pay to move black dirt that was scrapped at time of digging of the home to fill in the shortfall. Time on avg we have spent on this is 5 hrs or dirt time with our excavator(\$150 per hour) and any where from 6-8hrs or bobcat time for final grade to be set (\$750,\$1000) in expense. This is not figuring in almost every house that the topsoil has dry after first spreading. In this we have had to budget all of our homes to go up in pricing. This is another way that I feel consumers are being hit with inflated pricing due to regulation.

Our pricing due to this is scheduled to go up another \$2500 on homes on June 1st. This is to make sure that we are covered and are not losing money due to this regulation.

In regards to topsoil being removed from property. I will use an example of Centennial Plat 4 grading. We had 3000 yards of topsoil left over from the grading at plats 1,2,3. With this we had to make a choice of what to do with the massive stock pile of dirt. The expense to remove dirt from land was far greater than expense to just spreading into grading of plat 4. As a developer I have zero interest of taking good dirt(top soil) and removing it from site to sell else where.

We have had to put up with several regulations that are at an expense to us and that eventually get passed on the consumer. This is also referring to controlling of lots with silt fence or sock. I spend on average \$1400 per lot to control dirt. Last year my company built 156 homes. Do that math on that. Every house we build I figure out what my expense is for fencing and that cost is directly reflected in the price the consumer pays. This rule should be done away with and in the end all it is ultimately hurting is the consumer.

--

Seth Moulton
Cell: 515-371-6235
Office: 515-965-7876
Fax: 515-965-7881
Moulton & Associates Realtors
1910 SW Plaza Shops Ln
Ankeny, Iowa 50023
Licensed in State of Iowa

Schnieders, Adam [DNR]

From: Ben Harrington [bharrington@harrington-homes.com]
Sent: Wednesday, May 28, 2014 9:57 AM
To: Schnieders, Adam [DNR]
Subject: The 4" rule

As someone who for the past 30 years has dealt with no good soil on the lot, it would be great to have it. BUT, this is not the way to do it.

Recently on 156th street they stocked the topsoil and spread it after the entire infrastructure was in. Great. The problem is how does the builder deal with it?

The excavator is going to come in, dig a hole and bingo, all the money spent on stockpiling and re-spreading is wasted. That's at best impractical and worse, just stupid.

If the site is big enough let it be stockpiled until the builder is done and needs it. If the site is not big enough, forget it. Why waste the money. The people who want the topsoil bad enough have paid me to bring it in.

Ben Harrington
Harrington Homes, Ltd
515-202-0375

Schnieders, Adam [DNR]

From: Patrick Fox [patrick@ahhomesiowa.com]
Sent: Wednesday, May 28, 2014 10:19 AM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil Requirement
Attachments: DNR Letter 5.28.14.pdf

Importance: High

Adam,

Please find the attached letter regarding the E-80 Stateholder Group Public Hearing.

Thanks,

Pat

Patrick Fox
American Heritage Homes, LLC
1980 NW 94th St.
Suite C
Clive, IA 50325
515-778-3699
www.ahhomesiowa.com



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Schnieders, Adam [DNR]

From: Drake, Jennifer @ Hubbell Realty [jennifer.drake@hubbellrealty.com]
Sent: Wednesday, May 28, 2014 10:22 AM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil Rule Comments

Importance: High

Dear Mr. Schneiders,

I am writing you today to request that the rule requiring 4" of topsoil at every development site be abandoned. This rule has turned out to be unworkable, extremely costly and should be replaced with language taken directly from the federal rules.

As you are aware, developers and builders are already heavily regulated with storm water runoff requirements and are required to have a Surface Water Pollution Prevention Plan in place for every site. Developers are then required to comply with the plan. The 4 inch rule actually works against existing conservation efforts by destroying soil preservation and prairie planted areas.

The new rule to stockpile topsoil, instead of re-spreading, as was done in previous practices, creates more erosion and site problems. Further, developers already preserve topsoil and respread it in proper areas. It is not developer's practice to export topsoil.

It should be noted that the 4" rule adds between \$2,000 and \$5,000 in added cost per home, depending on the area and community. This cost is borne by homebuilders, which is then passed on to consumers.

For all of the above reasons, it is important that the 4" topsoil rule be abandoned and replaced with the federal rules.

Thank you for your consideration. Please feel free to contact me should you have any questions.

Jennifer L. Drake

Associate General Counsel

HUBBELL REALTY COMPANY

6900 Westown Parkway, West Des Moines, IA 50266
O: 515 280 2057 | M: 515 991 2595 | F: 515 280 2057
jennifer.drake@hubbellrealty.com



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Schnieders, Adam [DNR]

From: Tollakson, Rick @ Hubbell Realty [rick.tollakson@hubbellrealty.com]
Sent: Wednesday, May 28, 2014 10:22 AM
To: Schnieders, Adam [DNR]
Cc: Pietruszynski, Joe @ Hubbell Realty; 'ccox@desmoineshomebuilders.com'
Subject: 4" Topsoil Rule

Adam,

It is my understanding that the IDNR is soliciting input on the 4" topsoil rule. I want you to know that our firm, Hubbell Realty Company as well as myself are opposed to this rule. Hubbell has taken a strong leadership role in developing conservation communities in central Iowa. We understand what good soil conservation is about. We know what works and at the same time we know what does not. This rule does not have a positive impact on soil conservation. This rule will spend huge resources on an area that has no benefit to our environment. If the IDNR wants to improve water quality, reduce storm water runoff and help maintain the precious top soil that we have then put your emphasis in creating a development environment that encourages conservation development. We have created conservation communities that dedicate between 30% - 50% of the development to open space that is planted with a variety of prairie species that naturally reduce storm water runoff from our developments and create more top soil. We do work very hard to minimize the disruption of the soil, not only because it dramatically increases the soil runoff but because it is expensive. We work hard to preserve topsoil where we can, refer back to my statement that our conservation developments have 30% to 50% of undisturbed open space. The IDNR as well as the EPA would be better served to encourage this type of development instead of focusing on rules that add expensive regulation and require extensive movement of soils that we know dramatically increase erosion and consequently a negative impact on water quality. Iowa should be a leader in conservation. The 4" top soil rule is just an unneeded expensive regulation that has a negative impact on our environment.

Rick Tollakson

Rick Tollakson
President & CEO

HUBBELL REALTY COMPANY
6900 Westown Parkway, West Des Moines, IA 50266
O: 515.280.2047 | M: 515.865.3005 | F: 515.280.2000
rick@hubbellrealty.com



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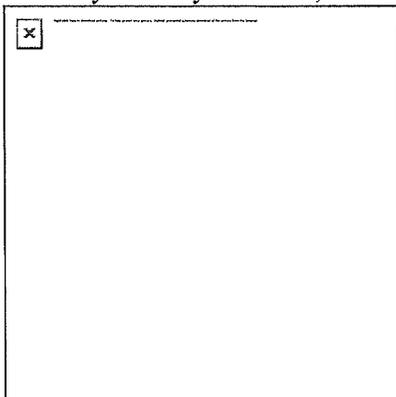
Schnieders, Adam [DNR]

From: Barry Elings [barry@remodelingsolutionsbyelings.com]
Sent: Wednesday, May 28, 2014 10:40 AM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil Requirement

The federal rule requires that a builder or developer “unless infeasible, preserve topsoil.” EPA’s proposal appropriately recognizes that compliance may be “infeasible” in certain cases when site-specific conditions pose technically impossible or cost-prohibitive hurdles. I am opposed to any strict, one size fits all, specific 4" compliance limit ...It is impossible to achieve the exact same result on all jobsites. The science of storm water control, especially at construction sites, is still evolving and technologies that work well on one site might perform differently on others.

Is an industry that accounts for less than 1% of the water quality issues really worth this kind of time and effort? Are we actually going to get an improvement in water quality equal to the price tag on new construction that this requirement would bring?

Thank you for your time,



Barry Elings, CGR, CAPS
515.278.1343
Remodeling Solutions

Schnieders, Adam [DNR]

From: Capp, Krista @ Hubbell Realty [krista.capp@hubbellrealty.com]
Sent: Wednesday, May 28, 2014 10:41 AM
To: Schnieders, Adam [DNR]
Subject: National Pollutant Discharge Elimination System (NPDES) General Permit No. 2 for Storm Water Discharges Associated with Construction Activities

Hello Adam,

It is my understanding that the IDNR is soliciting input on the 4" topsoil rule. I want you to know that our firm, Hubbell Realty Company and I are opposed to this rule. Hubbell has taken a strong leadership role in developing conservation communities in central Iowa. We understand what good soil conservation is about. Hubbell knows what works and at the same time we know what does not. This rule does not have a positive impact on soil conservation. This rule will waste huge resources on an area that has no benefit to our environment. If the IDNR wants to improve water quality, reduce storm water runoff and help maintain the precious top soil that we have. Then put your emphasis in creating a development environment that encourages conservation development. We have created conservation communities that dedicate between 30% - 50% of the development to open space that is planted with a variety of prairie species that naturally reduce and clean storm water runoff from our developments and create more top soil. We work very hard to minimize the disruption of the soil, not only because it dramatically increases the soil runoff, but because it is expensive to replace. We work hard to preserve topsoil where we can, refer back to my statement that our conservation developments have 30% to 50% of undisturbed open space. The IDNR as well as the EPA would be better served to encourage the type of development that Hubbell is already doing instead of focusing on rules that add expensive regulation and require extensive movement of soils that we know dramatically increase erosion and consequently will have a negative impact on water quality. Iowa should be a leader in conservation. The 4" top soil rule is just an unnecessary and expensive regulation that will have a negative impact on our environment. Isn't that the opposite of what you and the IDNR are all about?

Sincerely,

Krista A. Capp

Senior Vice President, Real Estate Management

HUBBELL REALTY COMPANY

6900 Westown Parkway, West Des Moines, IA 50266

O: 515 280 2039 | F: 515 280 2039

Krista@hubbellrealty.com



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Schnieders, Adam [DNR]

From: Saddoris, Kris @ Hubbell Realty [kris.saddoris@hubbellrealty.com]
Sent: Wednesday, May 28, 2014 10:49 AM
To: Schnieders, Adam [DNR]
Subject: RE: Public Comment - Topsoil rule

Mr. Schnieders – I work in the development division of Hubbell Realty, a Des Moines based company that works in the Greater Des Moines area, as far out as Ames and Grinnell.

I would like to provide some comment regarding the proposed topsoil rule. In my job, I work to provide affordable housing in communities throughout the central Iowa area. As such, it's important to me that we carefully review any rules that would impact our ability continue to provide entry level housing. Our review of this proposed regulation shows that it will add several thousand dollars of cost to each home, when it appears that the impetus behind the rule is already been addressed in the existing federal rule. We would suggest the federal rule/language be the directive, without further regulation or cost. As you are aware, developers currently do not export topsoil – it is retained and re-spread.

I would recommend that the DNR carefully weigh the expected benefit of this additional regulation against the unnecessary impact it will have to every builders' ability to continue to provide affordable housing in our state. As someone who works with new homeowners and seniors every day, I can attest to the critical need that Iowa has to keep our housing costs reasonable. Those costs are what keep Iowans in our state, as well as help us attract new residents. Just this morning I had coffee with a gentleman from New York City who moved to Des Moines almost exclusively due to our reasonable housing cost.

I would recommend that the 4" requirement not be maintained and that the federal language can be utilized to meet your intent.

Thank you for the ability to provide input.

Kris Saddoris

Vice President, Development

HUBBELL DEVELOPMENT SERVICES

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O: 515 280 2078 | M: 515 229 8098 | F: 515 280 2000
Kris.Saddoris@hubbellrealty.com



Schnieders, Adam [DNR]

From: Jaeger, Beth @ Hubbell Realty [beth.jaeger@hubbellrealty.com]
Sent: Wednesday, May 28, 2014 10:50 AM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil Rule Comment

Please consider this email my public comment on the 4" topsoil rule. I don't quite understand why this has to be a rule. It should be a mandate, no more, no less. This additional regulation comes with significant additional cost, far more than the federal rule. In this day and age when providing affordable housing is such a challenge, this rule will make it more difficult. It adds between \$2,000 and \$5,000 in added costs per home, depending on the area and community. Not to mention that the 4" rule works against our conservation efforts currently in place by destroying soil preservation and prairie planted areas. We should be re-spreading the topsoil, not stockpiling it, which creates more erosion and site problems. Absolute regulations require further governmental scrutiny, the cost of which the homebuilders have to bear. This rule is very expensive and negatively impacts so many aspects of our community and businesses.

Beth Jaeger, SPHR
Vice President, Human Resources
Hubbell Realty Company
6900 Westown Parkway
West Des Moines, Iowa 50266

Schnieders, Adam [DNR]

From: Justin Washburn [justin@vistarei.com]
Sent: Wednesday, May 28, 2014 10:53 AM
To: Schnieders, Adam [DNR]
Cc: Justin Washburn; ccox@desmoineshomebuilders.com; Colin King
Subject: 4" top soil requirement

Adam,

I'm writing to you regarding the 4" top soil preservation requirement which the executive order 80 stake holder group has been having ongoing discussions on. I am in opposition of the 4" requirement for many reasons. First, as a developer I am already heavily regulated by strict storm water runoff requirements in every development. We abide by these rules and install protective measures established by local, state and federal laws. These already established requirements are achieving the desired results and increasing the requirements is a direct financial impact on the end consumer of a developed lot and are unnecessary. Second, it is my understanding that the federal rule states a developer shall preserve as much top soil onsite as possible unless infeasible. Therefore a requirement for a specific amount goes well beyond the already existing federal requirement which we are already abiding by. Third, it is my understanding that the impact development has on soil run off and water quality is miniscule when compared to undeveloped land which borders our streams, rivers and lakes around the state. Continued regulation and requirements on the development industry leads to increased costs which get passed thru to the consumer and makes it more difficult for a family to purchase a home. It is unnecessary to have a 4" top soil requirement. The Federal Language which already exists is suitable and common sense.

Thank you for your time.

Justin

[Click here to view one of Des Moines' beautiful golf course communities - The Ridge at Echo Valley Country Club!](#)

Justin Washburn
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Schnieders, Adam [DNR]

From: Tom Stevens [tstevens@tsconst.com]
Sent: Wednesday, May 28, 2014 10:08 AM
To: Schnieders, Adam [DNR]
Subject: I oppose the 4inch topsoil rule

Adam,

I oppose the 4inch topsoil rule.

I as a small homebuilding company and an industry in whole are just trying to get back on our feet. You are trying to change the federal rule that has been followed for years with success. The federal rule does not say anyway how many inches of top soil are required. We are already heavily regulated and the additional cost of 4inch topsoil does not help with affordable housing adding \$4,000 to \$6,000 per home.

Tom Stevens
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T S Construction



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Schnieders, Adam [DNR]

From: Flint, Rachel @ Hubbell Realty [rachel.flint@hubbellhomes.com]
Sent: Wednesday, May 28, 2014 11:00 AM
To: Schnieders, Adam [DNR]
Subject: 4 Inch Rule

Adam,

On behalf of Hubbell Homes, I would like to let you know that we are opposed to the proposed 4 inch topsoil rule. While our market is starting to recover, we are nowhere close to where we should be coming out of the recession. According to the National Association of Homebuilders, a healthy market is where building permits are at one half of one percent of the metropolitan area. That would mean our marketplace, consisting of roughly 500,000 residents, should be at 3500 building permits. We aren't there yet. What is holding homebuyers and homebuilders back? Increased costs. Our average home price in 2012 was \$194,000. In 2013, our average selling price rose to \$226,900. As costs keep increasing, fewer people are able to purchase new homes. The market is not stabilized. Appraisals are difficult in a rising cost market, which again impacts the home buyer and their ability to close on their home.

So why would the IDNR introduce more regulation above federal mandates? This new rule would add between \$2,000 to \$5,000 per home, depending on the area and the community. While that number may seem insignificant to some, it is staggering to those who are struggling to save enough for a down payment. The American dream of home ownership is dying, and unnecessary costs like this are a major contributing factor.

How many other states are doing this? Do those states have conservation communities like we do here in Des Moines? This 4 inch rule would actually work against those conservation efforts by destroying soil preservation and prairie planted areas. Our company has created a number of conservations communities throughout the metro that dedicate between 30-50% to open prairie spaces. It is planted with native prairie grasses to naturally reduce storm water runoff that occurs both within and outside our communities. This helps to preserve topsoil. The extensive movement of soil that is proposed in this rule will actually increase erosion and negatively impact our water quality, something we all are working hard to protect.

I think this proposed rule is an unnecessary mistake, and will significantly impact our fragile market in a negative way.

Rachel Flint

Vice President

HUBBELL HOMES

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rachel.flint@hubbellhomes.com



We Give You MORE!

Schnieders, Adam [DNR]

From: Amy Kay [Amy.Kay@cedarfalls.com]
Sent: Wednesday, May 28, 2014 11:06 AM
To: Schnieders, Adam [DNR]
Cc: PSauer@iamu.org
Subject: Topsoil Preservation Requirement Comments - Cedar Falls

Adam,
Sorry for the delay.

Please see my comments in regard to the GP#2 4" topsoil requirement, and the concerns of our municipality:

In regard to concerns expressed by developers that the 4" rule is proving too costly to developers and home buyers:

1. Yes, costs will be incurred by insuring that 4" of topsoil is placed on lots upon final grading, however costs are currently incurred by homeowners who have to continually fertilize, aerate and water a lawn that may have had sod placed on compacted clay with low or no organic matter. Providing a functioning lawn should be expected. Having topsoil under sod should be expected.
2. Currently, in our community, several builders do not insure that topsoil is spread to support new sod leading to problems with drainage and vegetation development (or retention). The inclusion of the 4" topsoil rule from the State level is beneficial to us.
3. If developers were providing enough topsoil to support a new lawn to begin with we find it hard to believe that there would be much of a cost difference with providing a measured 4" of topsoil.
4. Let us not forget that the 4" topsoil rule has the goal of improving our water quality and reducing the amount of runoff generated by subdivisions. The cost for the current system of 'build and repair the stormwater management infrastructure later' is borne by everyone.

In regard to other comments that we have seen or heard in regard to the ruling:

5. For spreading topsoil for temporary seed, stripping it and then reapplying topsoil at final stabilization: It is difficult to get temporary seed to grow on compacted clay. If the topsoil is not respread after mass grading, how will the developer fulfill their stabilization requirements? I could see planting temp. seed on a lesser amount of topsoil and disking in mulch after mass grading for stabilization. Then the rest of the topsoil could be kept in a designated area (rear of the lot for instance), but that will also incur costs.
6. For detention ponds meeting stormwater requirements: Detention ponds do not meet stabilization requirements. Many detention areas were not designed to be wet detention. Dry detention is not intended to provide water quality treatment – they are for quantity. Detention pond calculations do not account for lawns that hydrologically perform like paved surfaces. They assume that the green space will have some infiltration capacity. Currently many residential yards may not have any infiltration capacity with the way many lawns are completed.
7. After speaking with our engineers and building inspectors, there is a consensus that the vague language 'preserve topsoil' would be impossible to enforce. If the inclusion of that language would push the definition and enforcement of 'preserving topsoil' to local control the state would end up with a jumble of separate regulations. A statewide defined rule will simplify and clarify an industry standard across the board.
8. We have already held meetings with local landscapers who are excited about this ruling. They know that the traditional system is not working.

Thank you for your time.
Please let me know if any clarification is needed.

Best,

Amy Kay | Engineering Technician II | City of Cedar Falls | CSM, CPESC, ICCSPPI
220 Clay Street, Cedar Falls, Iowa 50613 | o.319-243-2708 | c.319-404-5425 | f.319-268-5197

Amy.kay@cedarfalls.com

'The water downstream will not be clear if the water upstream is muddied' — Korean proverb

Schnieders, Adam [DNR]

From: Bergman, John @ Hubbell Realty [john.bergman@hubbellrealty.com]
Sent: Wednesday, May 28, 2014 11:21 AM
To: Schnieders, Adam [DNR]
Subject: Executive Order (EO) 80

Adam,

It is my understanding that the IDNR is soliciting input on the 4" topsoil rule. I want you to know that our firm, Hubbell Realty Company as well as myself are opposed to this rule.

Hubbell has a strong history of beneficial development and has taken a strong leadership role in developing conservation communities in central Iowa. As an organization we understand what good soil conservation is about. We know what works and at the same time we know what does not.

This rule does not have a positive impact on soil conservation. This rule creates a burden of cost on developers and home buyers but has little positive impact on water quality. One positive way to improve water quality, reduce storm water runoff and help maintain the precious top is to create a development environment that encourages conservation development. Hubbell has created conservation communities that dedicate between 30% - 50% of the development to open space that is planted with a variety of prairie species that naturally reduce storm water runoff from those developments and create more top soil. Hubbell works very hard to minimize the disruption of the soil, not only because it dramatically increases the soil runoff but because it is expensive.

In managing conservation communities we work hard to maintain the open space and the prairie species. We are piloting a program using resources from Iowa State University to build best practices in maintaining the plantings in the conservation communities. The IDNR as well as the EPA would be better served to encourage this type of development instead of focusing on rules that add expensive regulation and require extensive movement of soils that increase erosion and consequently a negative impact on water quality. Iowa should be a leader in conservation. The 4" top soil rule is just an unneeded expensive regulation that has a negative impact on our environment.

John

John A. Bergman, CPM

Vice President-Real Estate Management

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Schnieders, Adam [DNR]

From: Jake Happe [Jake.Happe@happehomes.com]
Sent: Wednesday, May 28, 2014 11:37 AM
To: Schnieders, Adam [DNR]
Subject: Top Soil Requirements

Mr. Schnieders,

Please note I speak for my whole company. As I'm sure you have gotten plenty of emails regarding the "Top Soil" topic, we at Happe Companies feel that the Federal Rule is how the top soil should be regulated. From the development side through the home building process we do everything within our power to preserve top soil and contain any run off from each property as well as lot/development stabilization.

I have been in the industry for over 11 years and not once have I gotten a call for a yard that has not survived. We pour massive amounts of capital every year into the stabilization of raw ground through the development and then again throughout the homebuilding process. I am all for the process that we currently have in place and feel that the Federal Rule is sufficient to preserve top soil.

Best Regards,

Jake Happe

Chairman, President & CEO Happe Companies

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Schnieders, Adam [DNR]

From: nicole.mcgl@gmail.com on behalf of nicole mcglathlin [nicole@nicolemcgl.com]
Sent: Wednesday, May 28, 2014 12:49 PM
To: Schnieders, Adam [DNR]
Subject: 4" topsoil rule

In regards to the 4" topsoil rule it is my request that you review my comments below in concern with the rule in place.

As a builder we try to bring a quality product to our consumers. Many things come to factor on this but the overall cost of building a home is obviously one of the greatest concern.

We as builders and developers are already heavily regulated when it comes to storm water runoff requirements, these requirements are expensive and they are causing us to drive lot prices up. The average add for this rule on lots is roughly \$500 to \$5000 a lot depending on the area. So not only is this a concern for the builder but it is affecting the marketability and ownership a buyer should have. In turn this affects our local economy and growth for a rule I feel could be better defined. Thus reducing the unnecessary additive costs this rule is causing.

On the technical side the federal rule requires that a builder or developer "unless infeasible, preserve topsoil." 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. This I feel can be resolved in a better way, I would like to see the 4" language struck from the rule and replaced with language taken directly from the federal rule.

Thank you in advance for you time and consideration on this matter.

Nicole McGlothlin
Sundance Homes
P.O. Box 13245
Des Moines, IA 50310

Schnieders, Adam [DNR]

From: Weller, Matthew @ Hubbell Realty [matt.weller@hubbellrealty.com]
Sent: Wednesday, May 28, 2014 12:58 PM
To: Schnieders, Adam [DNR]
Subject: Proposed 4" Topsoil Requirement

Adam,

I have been informed that a new rule is under consideration in regard to topsoil requirements for new development/construction. Being a part of the Hubbell Construction Services team, I understand the need and concern to promote soil conservation. As a whole, Hubbell Realty Company puts a focused effort on designing developments that encourage conservation of the soil and promote open space. I appreciate the underlying motive behind the proposed 4" topsoil rule, but feel that the sweeping, unfocused scope of this rule would not have a positive impact on future development, nor achieve the intended goal.

Sincerely,

Matt Weller

Assistant Project Manager

HUBBELL CONSTRUCTION SERVICES

6900 Westown Parkway, West Des Moines, IA 50266

O: 515 280 2041 | F: 515 280 2027

matt.weller@hubbellrealty.com



Schnieders, Adam [DNR]

From: billknapp@ironwoodiowa.com
Sent: Wednesday, May 28, 2014 1:05 PM
To: Schnieders, Adam [DNR]
Cc: Creighton Cox (CCox@desmoineshomebuilders.com); cfbecker@belinlaw.com
Subject: 4 Inch Topsoil Requirement

Importance: High

Mr. Schnieders,

I have been following this issue regarding the "4 Inches of topsoil" requirement. From our perspective the rule is all but impossible to live up to, as well as adding a significant cost to each home we build. We have gone to great lengths in adhering to the current storm water runoff requirements, which is not necessarily an easy task and also carries a significant cost. However, it seems to be working well and I think it would be a disadvantage to introduce this new rule which will be nearly impossible to perform. We always do our best to maintain the topsoil on our building sites, but it is hard to understand how the precise thickness can be maintained or enforced.

Along with many of the other home builders affected by this, I would sincerely ask you to consider amending this rule to match the language found in the federal rule.

Thank you for your time and consideration.

Sincerely,
Bill Knapp III

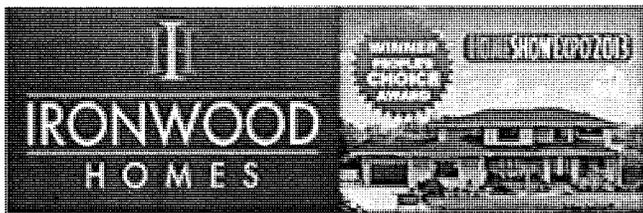
Bill Knapp III

Ironwood Homes, Inc.

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Please Visit Us At: www.IronwoodIowa.com



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Schnieders, Adam [DNR]

From: Dean Roghair [DRoghair@civildesignadvantage.com]
Sent: Wednesday, May 28, 2014 2:05 PM
To: Schnieders, Adam [DNR]
Subject: 4-inch Topsoil Requirement

Adam-

I understand there is a public hearing on the 4" topsoil preservation requirement. This has become a difficult item to administer, so I support deleting the 4" requirement and allow builders/developers to simply preserve the topsoil on-site, unless infeasible (as in a tight commercial setting). I work with developers and homebuilders nearly every day and I do not recall any of them selling topsoil or hauling topsoil off-site unless they have no choice due to site constraints. In some cases, it may actually be more beneficial to place more topsoil in downstream basins or buffers to increase infiltration before it leaves the site, in lieu of requiring 4" everywhere.

Thank you.

Dean Roghair, P.E., LEED® AP
CIVIL DESIGN ADVANTAGE, LLC
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DeanR@CDA-eng.com www.CDA-eng.com

Schnieders, Adam [DNR]

From: Jeffrey D Grubb [3ghomes@gmail.com]
Sent: Wednesday, May 28, 2014 2:06 PM
To: Schnieders, Adam [DNR]
Subject: 4"topsoil requirement

Adam,

I want to be part of the discussion regarding the 4" topsoil requirement that is under consideration by the Iowa Environmental Protection Commission and the DNR. I have been involved in building new homes and developing residential lots in the Des Moines Metro area since 1978. When I heard of the potential that all new homes would be required to provide 4" of top soil just before sodding I had to think about how feasible it really was to get this done. Not very. And the additional cost could be outrageous which of course I will pass on to the buyer.. If I am in the middle of the block and no one has built on either side of me how will I keep my grade and 4" topsoil in place when people move in. Am I going to have to provide 4" forms around the property to keep it in place so it doesn't slosh onto the adjacent lot. I guess we will have to add mowing instructions to our walkthrough list for the home owner to follow so they don't disturb the edges.

Another regulation that to me does not make sense. We are over regulated already. Let's just keep pushing people away from their American Dream by adding more and more regulations. This one is over the top. I will be at the Public hearing tomorrow to listen to others as well as provide my opinions.

Thanks,
Jeff

--

Jeffrey D Grubb
President

3 G Homes L.L.C.

11591 N W 107th Ct.
Granger, Iowa
50109
515-208-5227

Schnieders, Adam [DNR]

From: Riesberg, Sarah @ Hubbell Realty [sarah.riesberg@hubbellrealty.com]
Sent: Wednesday, May 28, 2014 2:07 PM
To: Schnieders, Adam [DNR]
Subject: Topsoil preservation requirements

Hello Adam,

Thank you for the important work you do for the DNR and the state of Iowa. Concerning the upcoming public hearing regarding topsoil preservation requirements, I would like to appeal to finding the best solution for our environment.

To paraphrase from Rick Tollakson, President & CEO of Hubbell Realty Company, we at Hubbell have created conservation communities that dedicate between 30% - 50% of development space to a variety of prairie species that **naturally reduce storm water runoff** and create more top soil. We work very hard to minimize the disruption of the soil, not only because it dramatically increases the soil runoff but because it is expensive. The IDNR as well as the EPA would be better served to **encourage this type of development** instead of focusing on rules that add expensive regulation and require **extensive movement of soils**—which we all know dramatically increase erosion and consequently a negative impact on water quality. Iowa should be a leader in conservation. The 4" top soil rule is just an unneeded expensive regulation that has a negative impact on our environment.

There is a way to conserve our topsoil, and I think encouraging developers to push more loose dirt around so as to meet a new requirement is not that way. Encourage developers and homeowners to use Nature's techniques for regulation such as prairie grass, instead of a new regulation that costs more than it preserves.

Thank you!

Sarah Riesberg
Office Assistant

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HUBBELL LAND DEVELOPMENT
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sarah.riesberg@hubbellrealty.com



Schnieders, Adam [DNR]

From: Aimee Staudt [Aimee.Staudt@knappproperties.com]
Sent: Wednesday, May 28, 2014 2:14 PM
To: Schnieders, Adam [DNR]
Subject: TOPSOIL PRESERVATION REQUIREMENTS FOR CONSTRUCTION TO BE ADDRESSED IN PUBLIC HEARING MAY 29

Sensitivity: Private

We are writing to express opposition to the current implementation of the topsoil preservation efforts for the National Pollutant Discharge Elimination System (NPDES) General Permit No. 2 for Storm Water Discharges Associated with Construction Activities. Current requirements have proven to be extremely cumbersome, inefficient, and expensive to meet. Many Cities are requiring that the developer will need to show that the four inches of top soil exists at the time of the final plat or that the stockpile contains enough to provide four inches to each lot (in both instances, the site must be at final grade), and the builder will have to show that the four inches exists at the time of the Certificate of Occupancy of a completed home. These Cities also have a requirement of final grade at time of final plat approval (before lots can be sold to builders). When the rule is enforced in this manner, the developer either needs to build out the site to final elevation with clay or she/he needs to move the top soil back to the property. The property owner needs to either scrape off and dispose of four inches of clay and replace it with four inches of stockpiled topsoil or he/she needs to scrape off the top soil from each lot, dig the basement (with the spoils being removed from the site) and re-spread the four inches on the lot. Ultimately, the topsoil is moved multiple times, resulting in overall shrinkage of topsoil, which in direct conflict to the spirit of the topsoil preservation efforts. In addition, the cost to complete these multiple moves is adding several thousand dollars to each new home constructed, directly contributing to the rise in housing costs, particularly for entry level homes.

The HBA of Iowa has recommended alternative language that is similar to that being used in other States: "Unless infeasible, preserve topsoil" shall mean that, unless infeasible, topsoil from any areas of the site where the surface of the ground for the permitted construction activities is disturbed, shall remain within the area covered by the applicable General Permit No. 2." We support this alternative language and would ask that it be implemented into the rule.

Aimee Staudt
Vice President and Director of Development
Knapp Properties, Inc.
5000 Westown Parkway, Suite 400
West Des Moines, IA 50266
(515) 223-4000
ams@knappproperties.com

Schnieders, Adam [DNR]

From: Endriss, Russell @ Hubbell Realty [russell.endriss@hubbellrealty.com]
Sent: Wednesday, May 28, 2014 2:21 PM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil Rule

Adam,

It is my understanding that the IDNR is soliciting input on the 4" topsoil rule. Hubbell Realty Company develops, manages and maintains multiple conservation communities in the Des Moines metro. Prairies within these communities are planted with native flowers and grasses, providing improved stormwater conveyance, distribution of the water flow and natural filtration of pollutants. With the increased focus on conservation trends, Hubbell saw an opportunity to bring together key leaders and expert academic professionals to benefit students from ISU's Department of Landscape Architecture. All parties have a vested interest in finding solutions to ecological challenges, the efficient use of natural resources and the sustainability of native Iowa prairie. The proposed rule will not have a positive impact on soil conservation. The rule will spend large amount of resources on an area that has no benefit to our environment. If the IDNR wants to improve water quality, reduce storm water runoff and help maintain the precious top soil that we have then put your emphasis in creating a development environment that encourages conservation development. The IDNR as well as the EPA would be better served to encourage this type of development instead of focusing on rules that add expensive regulation and require extensive movement of soils that we know dramatically increase erosion and consequently a negative impact on water quality. Iowa should be a leader in conservation. The 4" top soil rule is just an unnecessary and expensive regulation that has a negative impact on our environment.

Russell Endriss
Senior Financial Analyst
HUBBELL REALTY COMPANY
6900 Westown Parkway, West Des Moines, IA 50266
O: 515 280 2035 | F: 515 280 2035
Russell.Endriss@hubbellrealty.com



Schnieders, Adam [DNR]

From: Bob Lippold [blippold1@live.com]
Sent: Wednesday, May 28, 2014 2:27 PM
To: Schnieders, Adam [DNR]
Subject: Topsoil Preservation

To Adam Schnieders

I am owner of Keystone Homes, Inc and I would like to state my opinion of the topsoil preservation and the costs that would result. This measure is very punitive to the home building business, which is a key component of the national economy and certainly here in Iowa. I feel that this measure would curtail many buyers from entering into new residential construction by increasing the cost to build. Thus a domino effect with the demand for new construction. This measure penalizes the developers and builders who play by book and don't strip good topsoil for their developments. To me there should be a better way of monitoring new developments and not penalize most of those who are ethical, which are most developers.

Thank you for your consideration at this time and trust you will review my views on this matter.

Bob Lippold
Keystone Homes, Inc
1645 NW 102nd St
Clive, IA 50325
515-240-1179

Schnieders, Adam [DNR]

From: Chance Chesnut [chance@hubergrading.com]
Sent: Wednesday, May 28, 2014 2:30 PM
To: Schnieders, Adam [DNR]
Subject: Topsoil Preservation Requirements - AGAINST

Adam,

I just wanted to voice my opinion as an individual and a contractor AGAINST the 4" topsoil requirements. The current rule adds anywhere from \$1,000 to \$5,000 per lot depending on the situation. There are more cost effective ways to reach the goals that this rule are intended for.

Sincerely,

Chance Chesnut, Operations Manager

Huber Grading Inc.

2531 NE 97th Place

Ankeny, IA 50021

www.hubergrading.com

Office (515) 957-8888

Cell (515) 720-5080

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Schnieders, Adam [DNR]

From: Melissa Hills [hills@ceclac.com]
Sent: Wednesday, May 28, 2014 2:38 PM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil Requirement

Mr. Schnieders:

I would like to weigh in on the 4" topsoil requirement. I think the DNR should change the language to match the federal rule of preserving topsoil where feasible. In my experience, developers and builders have done a good job of this without applying a numeric requirement. The application of this numeric requirement is problematic for both developers and the city's that are in charge of enforcing it. In order to prove that the 4" requirement is met the soils have to be tested prior to construction of infrastructure, after construction of infrastructure and after home building on each individual lot. This is a costly endeavor for the developers and home builders. The city also has to have adequate staffing to observe and enforce this requirement. The cities I have talked to say that they don't currently have anyone available to do this.

In summary, I would recommend that the DNR consider replacing the language requiring 4" of topsoil with the less restrictive language adopted in the federal regulation.

Kind Regards,

Melissa M. Hills, P.E.

CIVIL ENGINEERING CONSULTANTS, INC.
2400 86th Street, Suite 12
Des Moines, IA 50322
Phone: 515-276-4884
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hills@ceclac.com
website: www.ceclac.com

Schnieders, Adam [DNR]

From: Josh Moulton [moulton.josh@gmail.com]
Sent: Wednesday, May 28, 2014 2:51 PM
To: Schnieders, Adam [DNR]
Subject: 4" top soil rule

I vote against the 4" top soil rule, not only are costs outrageous which are passed along to homeowners but there is a real problem with us as builders signing off on a state generated form that we insure that 4" of top soil is covering the entire lot. I personally do not want to be responsible down the road if one of my lots were to be audited and a homeowner or Mother Nature has changed the landscape of the lot.

Thank you,

Sent from my iPhone

Schnieders, Adam [DNR]

From: Heath Moulton [heathandsarah@gmail.com]
Sent: Wednesday, May 28, 2014 2:57 PM
To: Schnieders, Adam [DNR]
Subject: top soil requirement

I vote against the 4" top soil rule, not only are costs outrageous which are passed along to homeowners but there is a real problem with us as builders signing off on a state generated form that we insure that 4" of top soil is covering the entire lot. I would be in favor of requiring developers to keep all top soil generated from developments on site, but not inspected per home built.

--

Heath Moulton, Broker
Moulton and Associates
Licensed in Iowa
1910 SW Plaza Shops Lane
Ankeny, IA 50023
515-210-3345 Cell
515-965-7876 Office
515-965-7881 Fax
www.weselliowa.com

Schnieders, Adam [DNR]

From: ortonhomes@yahoo.com
Sent: Wednesday, May 28, 2014 3:02 PM
To: Schnieders, Adam [DNR]; brooks@ortonhomes.com
Subject: 4inch topsoil

It is for the following reasons we disagree with the topsoil recommendation:

- 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.**

Thanks
Rob Orton
President Orton Homes

Schnieders, Adam [DNR]

From: Scott Temple [scott@vistarei.com]
Sent: Wednesday, May 28, 2014 3:03 PM
To: Schnieders, Adam [DNR]
Cc: ccox@desmoineshomebuilders.com
Subject: 4" top soil requirement

Dear Adam,

I'm writing to you in regards to the 4" top soil requirements. Let it be known that I am in opposition of the 4" requirement for many reasons:

1. Already heavily regulated when it comes to storm water regulations, have followed these regulations for years with success.
2. Maintaining the 4" requirement at a particular location goes well beyond the federal requirement.
3. The financial impact on the 4" requirement is unnecessary and will have to be passed to the home buyer causing concern for affordable housing and undo costs.

Thank you for your consideration.

Scott L. Temple
Vista Real Estate and Investment Corp
2400 86th St, Suite 24
Urbandale, IA 50322
Office 515-276-3456
Fax 515-276-2337
Cell 515-202-3173

Schnieders, Adam [DNR]

From: Aaron Moulton [aaron.kyle.moulton@gmail.com]
Sent: Wednesday, May 28, 2014 3:09 PM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil Rule

I vote against the 4" top soil rule, not only are costs outrageous, which are passed along to homeowners, but there is a real problem with us as builders signing off on a state generated form that we insure that 4" of top soil is covering the entire lot. I would be in favor of requiring developers to keep all top soil generated from developments on site, but not inspected per home built.

Also - I'm in charge of selling homes for Classic Builders, the largest single family builder in the state. This rule regarding top soil will hurt home sales because we will have to further raise our home prices to cover this cost. The average lot price has jumped up over \$20,000 in the last 3-4 years. Its very hard to find a home site to build on now in the Des Moines Metro under \$50,000. Our average lot price this year is going to surpass \$60,000 for the first time.

Other questions are raised with this rule. What if the lot is 5 acres, does this lot require 4 inches of top soil covering the entire 5 acres? What if some of the lot it partially covered with trees? What if part of the lot is in a ditch area? What if part of the lot is natural wet land? What if part of the lot is rocky (as you might find in Southern Iowa)? What happens if this rule is passed and only 3.75" of top soil is put down in an area of the yard? Is the builder then at risk for making a false statement on a government form? How do you verify, after the sod is laid, that the builder laid the 4" of top soil down and that it didn't naturally erode away in the first large downpour?

I'd rather see a "best effort" to return the top soil to the land - as the policy.

--

Aaron Moulton

Moulton & Associates, REALTORS
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1910 SW Plaza Shops Lane
Ankeny, IA 50023

Licensed REALTOR in the state of Iowa
(515) 249-8777 cell
(515) 965-7876 office

www.moultonrealtors.com
aaron.kyle.moulton@gmail.com

Schnieders, Adam [DNR]

From: Rollie Clarkson [remodeling@mchsi.com]
Sent: Wednesday, May 28, 2014 3:09 PM
To: Schnieders, Adam [DNR]
Subject: top soil concerns

Dear Mr. Schnieders,

I am writing this email to you as a concerned citizen, a life long resident of Iowa and a worried member of HBA of Greater Des Moines. Over the past couple of years I have sat in many meetings where builders and developers have expressed concern over the possibility of our industry having to adhere to this requirement regarding top soil. Our association and the people in our industry are very concerned about issues like conservation and protecting our environment. We are equally concerned about regulations and requirements that hinder our ability to provide affordable housing for our customers.

One can argue the cost per lot of this regulation till they are blue in the face. I know one fact that is inarguable, it always cost more than we think it will. Whether it's a building project or just trying to do a little repair around the house, it's always more than we anticipated. We need to do all we can to keep housing costs down while not putting the environment at risk. Give us something that is workable and does not add unreasonable cost that we have to pass on to the homeowner. I would strongly ask that you do not pursue using the "4" top soil requirement language" but rather use the language taken from the federal rule.

Thank you for your time and help on this matter.

Rollie Clarkson
Remodeling Contractors
PO Box 235
Johnston, IA 50131
515-334-9914

Schnieders, Adam [DNR]

From: paul@greenebuildersllc.com
Sent: Wednesday, May 28, 2014 3:13 PM
To: Schnieders, Adam [DNR]
Subject: 4" tpo soil requirment

I am building in south east DesMoines in a development that has been around for several years that does not have 4" of top soil and to add that extra expense would make it difficult to market. I think the state should follow the federal requirements . Thanks for your consideration. .
Paul Carstensen

Schnieders, Adam [DNR]

From: Dave Harmeyer [dave@vistarei.com]
Sent: Wednesday, May 28, 2014 3:14 PM
To: Schnieders, Adam [DNR]
Cc: Creighton Cox (CCox@desmoineshomebuilders.com)
Subject: 4" top soil requirement

Dear Adam,

The reason for my email is in reference to the 4" top soil requirements. As a developer we are already regulated when it comes to storm water run off requirements and maintain protective measures as established by local and state laws. Increasing the requirements will have a negative financial impact on the consumer and is unnecessary. The federal law says "unless infeasible, preserve topsoil", to require a set amount of top soil goes beyond what the federal government is asking for which is what we are abiding by. We maintain as much top soil at the development site as possible. I feel the 4" requirement should not be maintained and that the federal language satisfies all requirements while still maintaining affordable housing in Iowa.

Thank you,

Dave Harmeyer
Vista Real Estate and Investment Corp.
2400 86th St, Suite 24
Des Moines, IA 50322
dave@vistarei.com
Office 515-276-3456
Fax 515-276-2337
Mobile 515-554-4151

Schnieders, Adam [DNR]

From: Josh Is Classic Builder Account [jjensen.builder@gmail.com]
Sent: Wednesday, May 28, 2014 3:40 PM
To: Schnieders, Adam [DNR]
Subject: Top soil

I vote against the 4" top soil rule, not only are costs outrageous which are passed along to homeowners but there is a real problem with us as builders signing off on a state generated form that we insure that 4" of top soil is covering the entire lot. I would be in favor of requiring developers to keep all top soil generated from developments on site, but not inspected per home built.

Josh Jensen
Classic Builders

Schnieders, Adam [DNR]

From: Courtney [crbl99@yahoo.com]
Sent: Wednesday, May 28, 2014 3:48 PM
To: Schnieders, Adam [DNR]
Subject: topsoil requirements

The 4" requirement is extremely costly for developers. As a first time homeowner I understand this will increase the price of a home making it more expensive for me to purchase a new home. Home prices have already gone up substantially in the past few years. This is just an additional cost to home builders that is going to be passed onto the homeowner. 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.

Courtney

Schnieders, Adam [DNR]

From: Kevin Johnson [kjohnson@accuratedevelopment.com]
Sent: Wednesday, May 28, 2014 4:04 PM
To: Schnieders, Adam [DNR]
Subject: 4" topsoil requirement

Adam,

I am sending this letter to voice my support of changing the topsoil requirement back to the federal standard and taking out the additional language of 4 inches required.

I was in the original meetings with Joe Griffin of the DNR and I like him supported the additional language to be in the requirement. I have changed my opinion after seeing how difficult and expensive this is to achieve and think it should be removed. After meeting the new requirement on several homes I have found the cost is well above \$4,000.00 per home which gets passed on to the home owner. This becomes a very large expense with very little to no benefit.

As a member of the Home Builders Association I feel the biggest responsibility of the Association is home affordability. After being in the industry for 23 years I know every requirement that is put onto us as home builders / developers gets passed on to home buyers. This will hurt first time home buyers and young people the most. With new entry level homes reaching the \$200,000.00 price tag home ownership is getting farther out of reach for more people. Please take this into consideration.

Kevin Johnson, President
Accurate Development
kjohnson@accuratedevelopment.com

Schnieders, Adam [DNR]

From: Portsche, Ken @ Hubbell Homes [ken.portsche@hubbellhomes.com]
Sent: Wednesday, May 28, 2014 4:26 PM
To: Schnieders, Adam [DNR]
Subject: FW: 4 Inch Rule

Importance: High

Adam,

On behalf of Hubbell Homes, I would like to let you know that we are opposed to the proposed 4 inch topsoil rule. Here are just a few bullet points that cause us great concern.

- The federal rule should be the mandate – nothing more.
- The 4-inch rule introduces more regulation at significant cost, above and beyond the federal rule.
- The rule is making it difficult to provide affordable housing
- The rule adds between \$2,000 to \$5,000 in added costs per home, depending on the area and community.
- The 4-inch rule works against our conservation efforts in effect today by destroying soil preservation and prairie planted areas.
- Stockpiling, instead of re-spreading it like we used to do, creates more erosion and site problems.
- Absolute regulations require further governmental scrutiny. That cost is born by homebuilders and taxpayers.
- Developers already preserve top soil and re-spread it in proper areas. Developers do not export topsoil.

I think this proposed rule is an unnecessary mistake, and will significantly impact our fragile market in a negative way.

Sincerely,

Ken P. Portsche

Director of Customer Care

HUBBELL HOMES

6900 Westown Parkway, West Des Moines, IA 50266
O: 515 727 8920 | M: 515 202 4647 | F: 515 727 8920
ken.portsche@hubbellhomes.com

Schnieders, Adam [DNR]

From: Mike Fontana [fontana.j.mike@gmail.com]
Sent: Wednesday, May 28, 2014 4:29 PM
To: Schnieders, Adam [DNR]

I vote against the 4" top soil rule, not only are costs outrageous which are passed along to homeowners but there is a real problem with us as builders signing off on a state generated form that we insure that 4" of top soil is covering the entire lot. I would be in favor of requiring developers to keep all top soil generated from developments on site, but not inspected per home built.

Sent from my iPhone

Schnieders, Adam [DNR]

From: Ted R [tedr@albaughllc.com]
Sent: Wednesday, May 28, 2014 4:23 PM
To: Schnieders, Adam [DNR]
Subject: Topsoil language

Adam,

I have been involved in residential and commercial development for nearly 40 years, as a surveyor, contractor & developer. The stripping and re-spreading of topsoil has been an industry standard for most if not all of that time. The newest federal directive to "preserve topsoil" is an adequate and reasonable requirement for developers and builders...and one that is already in practice, where feasible and/or applicable. To elevate the language to a determined and measured depth is, in my opinion, unnecessary and over-reaching.

Best Regards.
Ted Rapp
Ankeny, Iowa

Sent from my iPhone

Schnieders, Adam [DNR]

From: David Halbrook [DHalbrook@halbrookexcavating.com]
Sent: Wednesday, May 28, 2014 4:47 PM
To: Schnieders, Adam [DNR]
Subject: May 29th Public Hearing
Attachments: doc20140528155956.pdf

Adam,

Please see the attached letter regarding the Executive Order (EO) 80 Stakeholder Group hearing tomorrow.

Thank you,

David Halbrook
Executive Vice President / LEED AP
Halbrook Excavating



4807 SE Rio Ct. | Ankney, IA

May 28, 2014

RE: Executive Order (EO) 80 Stakeholder group.

To whom it may concern:

Having been in the grading and underground utility business for almost 20 years we have seen many changes come and go that effect the way we do business. The current "Four Inch Rule", requiring increased regulation in regards to topsoil preservation is becoming more and more burdensome. Every effort is made to preserve topsoil from the initial grading of a project to the final backfill. Unlike the federal requirement, the current state requirement is subjective and places unnecessary regulation on everyone from contractors to developers. Projects are taking longer, more fuel is burnt, and more labor hours are spent. The end result is we have incurred a higher cost of excavation / backfill and that cost is passed directly on to the customer. Our concern is simple. Higher costs will lead to fewer projects. Please reconsider keeping the rule in place.

Thank you,

A handwritten signature in black ink, consisting of a series of horizontal strokes and a vertical stroke, positioned below the "Thank you," text.

Schnieders, Adam [DNR]

From: Chris Pickard [pickard.tc@gmail.com]
Sent: Wednesday, May 28, 2014 4:49 PM
To: Schnieders, Adam [DNR]
Subject: 4" topsoil rule

I vote against the 4" top soil rule, not only are costs outrageous which are passed along to homeowners but there is a real problem with us as builders signing off on a state generated form that we insure that 4" of top soil is covering the entire lot. I would be in favor of requiring developers to keep all top soil generated from developments on site, but not inspected per home built.

Chris Pickard
Classic Builders

Schnieders, Adam [DNR]

From: lisajskipton@aol.com
Sent: Wednesday, May 28, 2014 4:50 PM
To: Schnieders, Adam [DNR]
Subject: Top soil requirement

Hello Adam:

This e-mail is in regards to the topsoil requirement. I am in favor of going back to the federal standard, and eliminating the added language which now has a 4 inch requirement.

The four inch requirement is difficult to achieve, as well as being a significant additional expense. It costs a minimum of \$4,000 to meet the requirement. This cost is passed directly on to the home owner. This added cost can be the difference of an entry level home buyer being able to qualify for a loan or not.

Please take this into consideration and help homebuilders in Iowa make housing more affordable for those that need it most, first time home buyers and young families trying to make ends meet.

Thank you,

Lisa Skipton
Controller
Accurate Development, Inc.

Schnieders, Adam [DNR]

From: Nick Follmuth [n.follmuth@gmail.com]
Sent: Wednesday, May 28, 2014 5:14 PM
To: Schnieders, Adam [DNR]
Subject: Top soil

I vote against the 4" top soil rule, not only are costs outrageous which are passed along to homeowners but there is a real problem with us as builders signing off on a state generated form that we insure that 4" of top soil is covering the entire lot. I would be in favor of requiring developers to keep all top soil generated from developments on site, but not inspected per home built.

Nick Follmuth
Classic Builders

Schnieders, Adam [DNR]

From: Paul Dekker [PDekker@urbandale.org]
Sent: Wednesday, May 28, 2014 5:37 PM
To: Schnieders, Adam [DNR]
Subject: Comment on Topsoil Preservation Requirements for Construction (Executive Order (EO) 80 Stakeholder Group)

Importance: High

Please accept this email as a formal submittal of a comment on the topsoil preservation requirements for construction activities, to be filed with the Executive Order (EO) 80 Stakeholder Group and made part of the record at the public hearing that is to be held at 10 a.m. on May 29, 2014 at the Wallace State Office Building auditorium. Specifically, the announced purpose of the public hearing is to hear and consider alternatives to the four inches of topsoil requirement in the National Pollutant Discharge Elimination System (NPDES) General Permit No. 2 for Storm Water Discharges Associated with Construction Activities, said rule to be in effect until October 1, 2017. Among concerns that have been expressed relative to said rule, are that the costs and impacts of the topsoil preservation requirements are greater than anticipated when implemented in 2012, said costs being borne by developers and home buyers.

The credentials of the commenter, Mr. Paul D. Dekker, include more than 35 years of service as Director of Community Development for the City of Urbandale, and more than 40 years of total service in the urban planning profession, the other 5 years having been served with the City of Des Moines Planning and Zoning Department, and with the former Central Iowa Regional Association of Local Governments (CIRALG), a precursor to but with much broader functionality than the current Des Moines Area Metropolitan Planning Organization (DMAMPO). Mr. Dekker has a B.S. degree in Landscape Architecture from Iowa State University.

During Mr. Dekker's service as the Director of Community Development for the City of Urbandale, more than 10,500 dwelling units have been constructed with commensurate population growth of approximately 25,000 persons, along with construction of nearly all of the current nonresidential development now located in Urbandale. Urbandale's Corporate Limits have expanded by more than 12.6 square miles during Mr. Dekker's tenure, to a total of 22.87 square miles.

It is Mr. Dekker's understanding that the topsoil preservation requirement arises from a State interpretation/application of a Federal regulation, as opposed to being a Federally-mandated requirement. Financial impact is indicated to be a significant consideration as to whether this requirement is to be imposed until its expiration in 2017.

The purported benefit to be derived from the rule's imposition does not appear to have been clearly expressed or determined. Mr. Dekker suggests that the true cost of the rule, without a clearly defined benefit that allows the calculation of a cost to benefit ratio, is an incalculable cost that creates an undue burden on all who are impacted by the rule. All who acquire property that is developed under the auspices of this rule are clearly impacted: the impact also spreads less directly to the public as a whole, by adding costs for

enforcement of the rule by City and State staff, and in the form of additional overhead and similar costs that are passed on to consumers and the general public.

Topsoil preservation clearly does not in itself provide a clear benefit to public health, safety, or general welfare as those terms are commonly used, or to preserve property values. If such benefits were clearly provided, a cost: benefit ratio might be incalculably favorable.

In absence of any such clear benefits, some less tangible public benefit must be identified, such as the somewhat immeasurable mitigation of climate change or environmental degradation. Such less tangible benefits also do not appear to be provided by the subject rule, OR could be met to a greater degree at a lower cost than is imposed by the subject rule.

Accordingly, Mr. Dekker encourages a finding that the requirements for topsoil prevention be rescinded in their entirety, or alternatively that in lieu thereof a requirement for soil amendments be set forth and adopted.

In support of such recommendations of findings, Mr. Dekker notes that substantial grading is necessary and required for all developments. The first step in all grading activity is to “clear and grub” the site to separate and remove all vegetative and organic material, i.e. “topsoil,” since such organic materials cannot be incorporated into any fill operations since it could substantially compromise the integrity, and thereby the bearing strength, of such areas.

Accordingly, it may appear that the stockpiling of such “topsoil” materials during the initial grading is a simple operation, along with the subsequent re-spreading such stockpiled materials upon the completion of other grading operations.

However, that is not in fact the case. Such organic “topsoil” materials cannot be placed prior to paving of streets, since they will not provide a proper sub-base for the paving, and thereby any such re-spread of “topsoil” needs to occur after the paving has been completed. Paving is among the last of development activities to occur: water “stop boxes”, subsurface drainage systems (aka “French” and “Dutch” drains), sanitary sewer manholes, storm sewer intakes, and other infrastructure appurtenances are all substantially in place by the time that paving can occur. Clearly, earth-moving equipment cannot drive over such appurtenances to spread “topsoil”. Such equipment also cannot drive over newly completed street paving, which usually will not reach acceptable strength for at least one week, and because tracked earth-moving equipment would cause damage to the paving surface. Temporary “dirt courses” thereby must be provided across the new paving to allow earth-moving equipment to cross from one block of development to another, to move material from the “topsoil stockpile”, and smaller earth-moving equipment must be used to spread to the “topsoil” around all of the infrastructure appurtenances (water valves, manholes et.al) without damaging them or altering the intended final grades.

Topsoil cannot be effectively spread prior to the installation of sewers and water mains, or paving of streets, as a “mid-stream” construction activity rather than the “final stage” spreading operation described above. The installation of storm and sanitary sewers, water mains, and subsurface drain systems necessitates considerable disruption of the area, in the excavation and temporary storage of excavated materials from trenches, and subsequent backfilling and compaction of trenches. Therefore, if “topsoil” is spread upon

completion of "overlot" grading and prior to construction of the developments' infrastructure, it will end up being incorporated into the excavation/backfill/excess dirt that is removed from the site, if any.

Finally, even if the topsoil is successfully spread and an ideal outcome is achieved, Mr. Dekker questions whether any net benefits can be derived, even under the most optimal conditions.

Mr. Dekker points out that upon completion of grading activities, fill sections usually have a higher degree of compaction than native soils, by requirement of standard specifications to ensure engineering integrity. In addition, a professional agronomist would point out that the simple re-spreading of topsoil does NOT recreate or re-establish the soil horizons and structure that are present in native soils.

Therefore, Mr. Dekker suggests a finding that the topsoil requirement is not only difficult to implement and that it imposes a substantial and unnecessary cost, but also provides little if any benefit, tangible or intangible.

Mr. Dekker further suggests that IF the intent of the rule is to achieve "better soils" that will allow precipitation to percolate into the soils at a greater rate, thereby replenishing shallow aquifers to some small degree and to also reduce storm runoff in some small degree, in most cases it would be far better to require that agricultural lime, or perhaps gypsum to achieve a more favorable result, be spread on the completed grade at a rate that's determined to be appropriate on the basis of soil testing. As noted previously, upon completion of grading activities most completed development projects DO have highly compacted soils, predominately clay soils, as an "end result", which in Iowa are also by nature likely to be on the acidic side. The post-development soils do not have any soil structure (called peds) and do not have soil horizons. Most completed developments have very few earth worms present as a result, and many tree and shrub species, and groundcovers including blue grass sod, will "struggle" somewhat for a long time. The acidity subsequently may be compounded by the spreading of lawn fertilizers.

Mr. Dekker notes that the soil compaction from grading activities is not the primary problem, but rather it is the inability of air to penetrate the ground, with soil acidity as a secondary issue for the most part. A "necessity for health" that is commonly overlooked, is that there "needs to be air in dirt". The ability of air to penetrate the soil is vital to almost all life, including vegetation (plant roots), earthworms, and soil microorganisms.

Mr. Dekker notes that an agronomist would point out that agricultural lime/gypsum will go a LONG way towards fixing all of those environmental issues. It also is inexpensive with respect to both material costs and the cost of application. In much of Iowa, an application rate of one to two tons/acre is sufficient, because each ton will raise the soil pH by about ½ point. However, the specific application rate in any given location should be determined by simple soil testing.

If applied in the appropriate quantity, lime/gypsum will neutralize the acidity of the soil, and will cause small clay particles to "clump" and form soil peds. The formation of soil peds allows air to infiltrate the soil, along with precipitation, and with the corresponding penetration of plant roots to naturally interject organic material into the soil, and to support worm and other "soil life" that can't tolerate the acidity and that most all need air.

All of that results in the incorporation of organic material into the top layer of soil, thereby naturally recreating—top soil!! Not instantly, but with a little time and MUCH more effectively than just spreading a layer of topsoil.

Mr. Dekker notes that many experts would say that lime and gypsum are the same thing, and they are for the most part. However, some sources state that gypsum is better job because it also ties up aluminum within the soil and causes it to leach out of the top soil layers, and down into the subsoil layers where it isn't as harmful. Aluminum has some toxicity, so leaching it out is supposed to be helpful to “soil health”. Gypsum is a bit more expensive than lime, so its importance/benefit should be confirmed with respect to its added cost. Again, an agronomist should be able to affirm or refute the benefits of gypsum versus lime.

To conclude, Mr. Dekker suggests that requiring lime or gypsum to be spread as part of grading operations, with the amount to be determined by soil testing, be substituted for the current topsoil preservation requirements, IF some such measure is necessitated by Federal rule or mandate. Mr. Dekker suggests that such requirement can be implemented at a much lower cost, and be much more beneficial from an environmental standpoint.

Additional information on soil structure and “function” is readily available from both hard copy and on-line sources, including the following Wikipedia links:
http://en.wikipedia.org/wiki/Soil_pH , <http://en.wikipedia.org/wiki/Ped> , and http://en.wikipedia.org/wiki/Soil_horizon .

Best regards,

Paul Dekker
Director of Community Development

City of Urbandale
3600 86th Street
Urbandale, IA 50322-4057

515-331-6721 (phone)
515-276-3927 (fax)
www.urbandale.org

Schnieders, Adam [DNR]

From: Clark, Jill @ Hubbell Homes [jill.clark@hubbellhomes.com]
Sent: Wednesday, May 28, 2014 5:47 PM
To: Schnieders, Adam [DNR]
Subject: EO80 Group

I would like to add my input on the 4" topsoil rule for new construction. I am opposed to the rule as it will add between \$2,000 to \$5,000 per single family home depending on the area and community. It will make it difficult to provide affordable housing.

Hubbell has developed conservation communities in central Iowa. This rule does not have a positive impact on soil conservation – destroying soil preservation and prairie planted areas. Stockpiling, instead of re-spreading it like we used to do, creates more erosion and site problems.

Jill Clark
Sales and Operations Coordinator
Hubbell Homes
6900 Westown Parkway, West Des Moines, Iowa 50266
O: 515-727-8924 / F: 515-276-2520
jill.clark@hubbellhomes.com



Schnieders, Adam [DNR]

From: Ron Scott [ronbev1965@q.com]
Sent: Wednesday, May 28, 2014 6:55 PM
To: Schnieders, Adam [DNR]
Subject: 4" topsoil

It is my understanding that Iowa DNR is accepting public comments regarding the rule requiring builders and developers to provide 4" of topsoil at every development site. It is also my understanding that a federal rule exists which requires a builder or developer to preserve topsoil.

Why would DNR consider a rule that obviously would raise prices of new homes at a time when that industry is attempting a comeback from a very difficult period? I am a senior citizen who owns a townhome in an area that was developed 13 years ago. Our lawns are lush green and our topsoil is entirely sufficient.

I'm concerned for my children and grandchildren who will be in the market for a home in the future and this rule will, of course, make all homes less affordable. This regulation will have a definite negative impact on young families attempting to become home owners.

I urge you to stick to the federal regulation which has been more than adequate to this point. Let's not raise prices!

Ron Scott
1965 SE Ashleaf Circle
Waukee

Schnieders, Adam [DNR]

From: Jim Work [jim.byers.classicbuilders@gmail.com]
Sent: Wednesday, May 28, 2014 7:23 PM
To: Schnieders, Adam [DNR]

I vote against the 4" top soil rule, not only are costs outrageous which are passed along to homeowners but there is a real problem with us as builders signing off on a state generated form that we insure that 4" of top soil is covering the entire lot. I would be in favor of requiring developers to keep all top soil generated from developments on site, but not inspected per home built.

Sent from my iPhone

Schnieders, Adam [DNR]

From: Eric Grubb [eric@newblooddevelopment.com]
Sent: Wednesday, May 28, 2014 7:51 PM
To: Schnieders, Adam [DNR]
Subject: 4" topsoil rule

Adam

I am writing you today opposing the 4" topsoil rule and in support of the revision back to the Federal interpretation of the language, which calls to 'preserve topsoil'. As a developer, a homebuilder, and a homeowner, I feel I am able to put myself in each of those shoes and look at the issue from solely that perspective. As a developer of nearly 300 single family lots over the past 8 years, I can assure you, both prior to the implementation of the '4" rule' and after, no topsoil has ever left one of our development sites. That topsoil, once stripped to construct the structural base for the future streets and homes, has to go somewhere. The very definition of economically unfeasible is trucking any of that topsoil off site. There is a myth that developers hate topsoil and will do anything to sell it or otherwise get it off site when that couldn't be further from common sense or the truth. I can honestly say I have never heard of a developer selling or otherwise trucking topsoil off a property unless there is absolutely, physically no place for it to go. That topsoil, prior to the 4" rule, typically found its way back to detention basins, overland flowage easements, berms (where all the trees and shrubs were planted), and 9 times out of 10, there was still plenty to get spread back across the entire site. Sometimes that was 3", sometimes that was 6", but in the swales and detention ponds where most of the water was pooling or flowing, perhaps there was 4" or perhaps there was 12". Bottom line is topsoil never left the site and it was usually placed where it made the most sense. Now, care has to be taken not to put too much in basins and swales where it should go for fear of not having enough to spread across every square inch of the site.

As a homebuilder, this is where the burden of logistics of implementing this rule truly fall. To clarify that, the homebuilder has to spend the time and the energy to coordinate his construction site very carefully, but the financial burden will always ultimately fall on the buyer of that home. For the builder to have to scrape the topsoil off an 8000 square foot lot and stockpile it, dig a basement, stockpile the basement dirt, backfill the basement at least twice due to settling, pour sidewalks, driveways, patios, and backfill that concrete with something to prevent erosion, and then somehow come back in after all that and spread a perfectly black layer of uncontaminated topsoil back over the site is truly a difficult undertaking. Not that it can't be done, but like anything difficult, it costs a lot of time and money. There are many figures floating around as to what this rule costs to implement, but in my opinion if it's a dollar more than the most efficient way for a builder to build a home in the fashion that a buyer truly WANTS it, it diminishes the affordability of that home. Those few thousands of dollars (or whatever number you use), will be the tipping point for whether or not someone can afford that house. If a buyer wants a lush green yard and has the ability to pay for it, all they need to do is ask the builder. If not, there will be plenty of topsoil in the swales and detention basins downstream.

As a homeowner/ homebuyer and a tax paying 'free' American, I appreciate the opportunity to make decisions of my own free will. If I desire concrete board siding instead of vinyl and can afford it, I will elect (and pay for) to put up concrete board siding. If I want 10 trees throughout my yard instead of 1 and can afford it, I will elect to plant those trees. If I want a lush green yard with 2 feet of topsoil and can afford it, I will do that as well. But if I am a first time homebuyer with a young family and am stretching to buy my first piece of the American dream with basic finishes, 1000 square feet, and my own (maybe not perfect) yard, I sure wouldn't want rules like these to make or break my ability to purchase a home.

In conclusion, with all the detention ponds and swales we are engineering and putting in where currently 100% of the water surface drains through dirt fields to streams and rivers, the fact that removing any topsoil from a site makes no sense, and wanting to provide a high quality product for builders and homeowners alike in an already competitive industry, we don't need 'rules' that are difficult to implement, abide by, and enforce to get topsoil where it makes sense to go. We also don't need to hamstring a very important job and economic value creator like homebuilding with expensive and purchasing power destroying requirements with little and unproven results. And finally, let's continue to allow ourselves the ability and freedom to decide for ourselves what it is we truly want, need, and ultimately can afford when building or purchasing a home.

Thanks for your time

Eric J. Grubb, ccim

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Licensed Real Estate Broker in the State of Iowa

Schnieders, Adam [DNR]

From: Toni Sanger [toni.sanger09@gmail.com]
Sent: Wednesday, May 28, 2014 8:43 PM
To: Schnieders, Adam [DNR]
Subject: 4" requirement should not be maintained

I do not believe this should be continued

Schnieders, Adam [DNR]

From: Kim and Jeremy KROLL [cyhawkkroll2@msn.com]
Sent: Wednesday, May 28, 2014 8:46 PM
To: Schnieders, Adam [DNR]
Subject: 4 inch topsoil requirement

Dear Mr Schnieders,

It's has been brought to my attention that a new requirement of 4 inches of topsoil at every development sight is under review. As a current home owner I ask that this not get past. We have a beautiful lawn at our 13 year old home and have never had top soil issues. Adding the extra cost of additional topsoil would have been difficult for my husband and I to get into the home we are in.

Thank you for your consideration.
Kimberly Kroll

Sent from my iPhone

Schnieders, Adam [DNR]

From: Brad Stuber [brad.stuber@gmail.com]
Sent: Wednesday, May 28, 2014 9:10 PM
To: Schnieders, Adam [DNR]
Subject: Removal of 4" Top Soil Requirement

Adam,
Please remove the portion that requires 4" top soil requirement.
Thanks
Brad

Schnieders, Adam [DNR]

From: Jeff Pezzetti [jeff@jperosion.com]
Sent: Wednesday, May 28, 2014 9:38 PM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil requirement

Adam

I wanted to let you know a few of my concerns regarding the 4" rule.

1. Who is going to define what topsoil is.
2. If infiltration is the goal no matter the depth of the topsoil layer we can't get infiltration in compacted clay or the high water table often encountered in our area.
3. The cost looks too far outweigh the benefit.
4. We do not have an issue growing stabilization crop or sod like many areas of the country do making this an unnecessary cost to the end user.

I believe our monies and efforts could be better utilized in the design and planning of the projects rather than chasing an issue that doesn't seem apply to our area or provide a cost benefit of the end user.

Thanks

Jeff Pezzetti
Pezzetti Erosion Control
5700 University Avenue, Ste 220
West Des Moines, IA 50266
E-Mail: jeff@jperosion.com
Office: 515-327-6001
Cell: 515-249-8211
Fax: 515-327-6010

Schnieders, Adam [DNR]

From: Scott Burgess [saburgess1@q.com]
Sent: Wednesday, May 28, 2014 9:43 PM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil

Mr. Schnieders,

My name is Scott Burgess and I have been doing contract work for developers for the last 10 years. Primarily in the area of erosion control, but also landscaping and waterway/pond maintenance. While sitting in a room, this 4" rule sounds like a good idea, in practice it is extremely costly in time, equipment and manpower. Having the topsoil initially removed with scrapers and stacked somewhere on site works great. To put it back in a uniform 4" layer, a person needs a loader, a dump truck or two and smaller skid loaders. This seems to be the most accurate way to establish the 4 inches without causing too much compaction. This however gets very costly with the machines, manpower and even fuel. If one adds in weather this time of year, rain can easily cost a developer a couple of weeks in delays. I was told early on that the cost of this process was going to be \$3,000 per lot. The most recent numbers I have heard are running closer to \$5,000 per lot.

With most people wanting to have more affordable housing available, this certainly undermines that. Hopefully we can go back to establishing the topsoil at the end of construction. The more the topsoil gets moved, the more it gets contaminated with other soil types, possible trash and the spreading weeds and their spores. The stripping and stacking in the beginning and reapplying at the end keeps all of this to a minimum.

Thank you for your time in this manner. If you need to contact me for any reason, you may do so

Scott Burgess
saburgess1@q.com
515-975-9096

Schnieders, Adam [DNR]

From: Sarah Hoover [hooversem@gmail.com]
Sent: Wednesday, May 28, 2014 10:05 PM
To: Schnieders, Adam [DNR]
Subject: 4" top soil requirement

I am writing in regards to the 4" top soil requirement for builders and developers. In a time when builders are trying to recover from a down market, additional regulations add cost to the builder. This cost is passed directly on to the home buyer. Increased costs due to over regulation, can cause homes to become to expensive for many potential buyers.

Builders should preserve the top soil during construction, and they can do so by following the federal rules. But by assigning a 4" rule with no leeway is not feasible. There are many factors that can come in to play, that the builder has no control over, that can cause them to be out of compliance. Weather, rain, natural settling can cause a top soil layer that was 4" to shrink to under 4". If and when the builder is fined, that will passed along to the next homeowners to recoup the costs.

With the increased costs of living, like gas and groceries, additional costs that could be avoided put the goal of buying a home out of reach.

If we want the dream of owning a home to become a reality, then the state should be working with the builders to see how they can help preserve the sites and environment, without unnecessarily adding costs through unnecessary regulations.

Sarah Hoover

Schnieders, Adam [DNR]

From: Russell Johnson [rqj0812@centurylink.net]
Sent: Wednesday, May 28, 2014 10:39 PM
To: Schnieders, Adam [DNR]
Subject: 4" Top Soil Requirement

I'm righting this letter in regards to the requirement of the 4" of top soil at every development site. I am OPPOSED to this rule. For many many reasons. Some are as follows.

- 1). We already spread top soil on all of our home sites. Some more than 4" and some less. But at least a minimum of 2" + The soil that comes with the sod (Usually another 1"). We spread the soil that is available to us depending on the lot & location.
- 2). Regulating 4" is just absurd to say the least. Will there be core samples taken?
- 3). We already have a huge expense in erosion control & soil / water run off measures. Each one of these takes time & money, which adds to the cost of the homes.
- 4). Sites with little top soil & distant locations could add even more substantial costs to final home prices.
- 5). Sod does NOT need just top soil to grow. It will root into clay and seek out water to survive. Top soil holds water & can cause sod to develop shallow roots which will require more watering to sustain itself. In this case... more is not necessarily better.
- 6). Mostly... COST! This will HAVE TO be added into the price of a home, which is already skyrocketing. At what point do rules, codes & mandate expenses make homes too costly to afford?

Thank you for your time & consideration

Russ Johnson
Construction Manager
Accurate Development Inc.

Schnieders, Adam [DNR]

From: Jane Alexander [soijafa@yahoo.com]
Sent: Wednesday, May 28, 2014 10:58 PM
To: Schnieders, Adam [DNR]
Subject: NPDES for Construction

Dear Mr. Schnieders,

Leaving 4 inches of topsoil in place in construction projects would seem to me to be a minimum requirement. Iowa is losing topsoil at a great rate every year, very visibly in farm areas where it is allowed to wash or blow, but also in construction where it is carried away. What are the costs of water pollution caused by runoff?

I have no direct stake in earth moving activities, but I am always aware of how my farming techniques affect the soil and I think developers should have the same concerns.

Thank you for considering my comments on the proposed rule on storm water discharge in construction activities.

Sincerely,
Jane Alexander
502 S. Vine St.
Jefferson, IA 50129

Sent from my iPad

Schnieders, Adam [DNR]

From: Johnson, Brenda [brendajohnson@iowarealty.com]
Sent: Wednesday, May 28, 2014 11:23 PM
To: Schnieders, Adam [DNR]
Subject: top soil

I have been a Des Moines area Realtor for approximately 16 years, surviving the real estate "shut down". The market is currently rebounding even though new construction prices are sky rocketing. Every expense incurred by a builder is passed onto the consumer.

Our home builders are one of the heaviest regulated business on controlling ground water. It has now come to my attention that while our federal government requires developers to preserve top soil, the Iowa DNR is wanting to require 4".

At a time when the housing market is rebounding, do we REALLY want to add another un-needed cost to Iowan's trying to purchase the American Dream? No, I don't think so! We need to foster this industry instead of hindering it.

Brenda Johnson, CRS, GRI
New Construction Specialists
Iowa Realty/Jordan Grove
3424 EP True Pkwy
West DEs Moines
Licensed to sell Real Estate
in the State of Iowa
515-778-0800

Schnieders, Adam [DNR]

From: Chris Burkhardt [ChrisB@underltd.com]
Sent: Thursday, May 29, 2014 6:50 AM
To: Schnieders, Adam [DNR]
Subject: 4" Topsoil Requirement

Hi Adam,

I am writing in regards to the 4" top soil requirements. Considering the high cost of this requirement that is passed down to the consumer and that looks to be over the federal requirements it is our opinion that it should be changed. It seems that more regulations are coming all the time in many ways of our industry that need to be passed along to our consumers whether it is a private owner/homeowner or city municipality or state or federal body. Any excessive requirements that could be abandoned would help overall. Thank you for your time.

Thank you,

Chris Burkhardt
The Underground Company, Ltd.
12245 Dakota Street
Carlisle, Iowa 50047
Phone: 515-282-8455
Fax: 515-282-8465
Direct: 515-323-3185
Cell: 515-490-3185



Schnieders, Adam [DNR]

From: Danielle Bower [dlbower51708@gmail.com]
Sent: Thursday, May 29, 2014 8:18 AM
To: Schnieders, Adam [DNR]
Subject: top soil

Hi Adam,

I do not approve of the 4" top soil mandate on new construction lots. This is going to make affordable homes more costly, and could be a detriment to home sales.

please use the federal language for the top soil mandate, that still protects the environment.

Thank you,
Danielle

Schnieders, Adam [DNR]

From: pammackeytaylor@aol.com
Sent: Thursday, May 29, 2014 9:47 AM
To: Schnieders, Adam [DNR]
Subject: comments on 4-inch topsoil rule
Attachments: topsoil rule.pdf

Please see attached the comments from the Sierra Club Iowa Chapter concerning the topsoil rule.

Pam Mackey Taylor



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IOWA CHAPTER

May 29, 2014
Adam Schnieders
Via E-mail adam.schnieders@dnr.iowa.gov

RE: 4-inch topsoil rule

Dear Mr. Schnieders

The Iowa Chapter of the Sierra Club supports retaining the 4-inch topsoil rule, which requires developers to return four inches of topsoil to a construction site unless it is infeasible.

This rule is significant in returning building sites to a condition where the yards can retain some of the storm water on the property, rather than allowing it to rush into rivers and streams. When storm water is retained on the property, flood risks are lessened.

Homeowners across the state have purchased properties where the topsoil was not restored to the yards after construction and where the sod was placed directly on clay. Those homeowners have difficulty growing grass, maintaining gardens and flower beds, and establishing trees on their lots.

To make matters worse, the tendency of a homeowner who has a yard with no topsoil is to apply significant quantities of fertilizer in the hope that fertilizer will help remedy the problems. The fertilizer will just wash off the property during the next rain storm or during lawn watering. This adds nutrients to the storm water and the receiving water body, leading to poor water quality.

Developers may complain about the cost of returning topsoil to a yard at the end of the construction work. However that cost can be added to the purchase price of a home. That additional cost would be included in the homeowner's loan. If the developers contend that they cannot afford to comply with regulations requiring restoring four inches of topsoil to a construction site, then they should come forward with proof to support it. It is always cheaper to cut corners.

After the property has been purchased, a homeowner faces significant challenges after they find that the developer has not restored topsoil to the yard. Projects to restore topsoil can become costly as loads of dirt must be purchased and delivered to the home, as heavy equipment needs to be brought in to place the soil on the lot, as new sod must be purchased or lawns are seeded. Loans are more

difficult to obtain on these smaller projects. Even though a homeowner might attempt to expend their own labor on the project, restoring topsoil will require a significant outlay of funds. Consequently many homeowners never bother to restore the topsoil.

The topsoil rule as it is now implemented is the result of a compromise. This rule places a requirement for the topsoil to be the same height as concrete sidewalks and driveways. In many places in Iowa, more than four inches of topsoil are present on the land.

Retaining topsoil is another requirement for a builder, not unlike those rules and regulations related to electrical, plumbing, HVAC, and zoning. Those regulations protect the homeowners and the community.

We are all responsible for clean water. Iowans expect their water to be clean. It is reasonable to have rules and regulations that require developers to restore the topsoil to a construction site.

The Sierra Club respectfully asks that the 4-inch topsoil rule be retained, as it is currently written.

Sincerely,

/s/ Pamela Mackey Taylor

Pam Mackey Taylor
Conservation Chair

Schnieders, Adam [DNR]

From: Kathy [r-kcrouse@q.com]
Sent: Thursday, May 29, 2014 5:46 PM
To: Schnieders, Adam [DNR]
Subject: Our home builder

Good afternoon,

I am writing to request no additional controls be put in place for Iowa home builders as it would increase prices substantially to build in Iowa.

Our builder, Accurate Development chooses to protect the environment, not because he's required to, but because it's the right thing to do. Increasing controls will hurt the business of not only Accurate Development, but for all builders in our state.

Please consider this when looking at options and during discussions regarding 4" of topsoil.

Thank you for your time.

Kathy Crouse

Sent from my U.S. Cellular® Smartphone

Schnieders, Adam [DNR]

From: Michael Myer [Mike_and_Joyce@msn.com]
Sent: Monday, June 02, 2014 7:57 PM
To: Schnieders, Adam [DNR]
Subject: 4 inch topsoil rule

Hi, I got your email address from a Gazette column by Todd Dorman that was in the paper a couple of weeks ago. This proposed rule makes sense. We have the same problem with compacted soil and water runoff in our development here in Coralville. It was disturbing to read in his column yesterday that the developers and home builders appear to have won out on this issue. I hope that there will be some way to encourage builders to replace the topsoil (our greatest asset) in the future. It looks like for now there will be no rule requiring this, however. The argument about the increased cost does not sound like a major factor when they are building McMansions. I hope the DNR does not give up on this issue. Joyce Myer

Schnieders, Adam [DNR]

From: Paul Davisson [pdavisson2325@hotmail.com]
Sent: Tuesday, June 03, 2014 7:59 PM
To: Schnieders, Adam [DNR]
Subject: RE: Topsoil

It looks like the contractors are going to have it their way, no one listens to the ordinary citizen!!!!!!

From: Adam.Schnieders@dnr.iowa.gov
To: pdavisson2325@hotmail.com
Date: Mon, 12 May 2014 09:40:54 -0500
Subject: RE: Topsoil

Paul,

Thank you for your email. 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: Paul Davisson [<mailto: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: Dave Milburn [dave@bbsgiowa.com]
Sent: Friday, June 06, 2014 1:29 PM
To: Schnieders, Adam [DNR]
Subject: Iowa topsoil rule regarding home sites

Dear Mr Schnieders,

Our lakes and streams are badly polluted and need dramatic cleanup. I strongly support your efforts regarding air, soil and water quality.

Please replace current DNR rules for 4" of topsoil on homesites to the federal language. The current language adds substantial cost to each new house without the intended benefit. I believe the federal standard is effective. We can be competitive with other states without sacrificing environmental quality with this change.

Thank you,

Dave Milburn
dave@bbsgiowa.com
515-240-4672