



IOWA LEADERS STILL NOT PROTECTING WATER QUALITY

By Neila Seaman, Director, Sierra Club Iowa Chapter

The Des Moines Water Works recently reported historic levels of nitrates in the Raccoon and the Des Moines Rivers. Both rivers are drinking water sources for more than 500,000 central Iowans. As a result of the high nitrate levels, the water works was forced to resort to its \$4 million nitrate filtration system, to the tune of \$5,000 to \$10,000 a day. It's the first time since 2007 Des Moines Water Works has had to use the system. As the cost of detoxifying the water increases, those costs unjustly impact all of us, particularly the residents who are low-income and poor. Purchasing bottled water is not a good solution because it is more expensive than tap water.

Nitrates enter surface waters through fertilizer run-off and agricultural tile drainage systems and can cause serious illness in humans. According to the Louisiana Universities Marine Consortium, Iowa contributes 11 percent of the nitrates that flow into the Gulf of Mexico causing hypoxia (more commonly known as the "dead zone").ⁱ The Consortium reports that about 70 percent of the nitrates directly come from agricultural runoff from nine states.ⁱⁱ



Spreading anhydrous ammonia and liquid manure as fertilizer on farm fields is the primary source of the nitrates. It would seem that now is the best time to aggressively attack finding a solution to the nitrate problem. But apparently, it isn't.

Responding to sharp criticism from the U.S. Environmental Protection Agency (EPA) that the Department of Natural Resources' (DNR) inspection and enforcement fail to meet minimum federal requirements, DNR responded in July 2012 that it needed an additional 13 employees and associated funding to appropriately inspect the thousands of medium and large concentrated animal feeding operations (CAFOs) in Iowa. The Governor recommended five new inspectors in his budget proposal. The Senate passed a bill that would have provided 13 new inspectors. The House went along with the Governor. On May 16, legislators from both chambers finally agreed to fund seven new inspectors.

The next day, IPTV aired *Iowa Press*,ⁱⁱⁱ in which DNR Director Chuck Gipp and Des Moines Water Works General Manager Bill Stowe appeared as guests. A reporter noted that federal regulators have threatened to take over DNR's water quality program if DNR doesn't put in place the staff required to make the inspections. Gipp was asked if he could assure Iowans the federal regulators wouldn't take over Iowa's CAFO program?

Gipp avoided answering the reporter's question. However, he did discuss how the need for more inspectors was the result of a petition filed by three environmental groups (Sierra Club Iowa Chapter, Iowa Citizens for Community Improvement and Environmental Integrity Project). He said that the petition claimed DNR's National Pollution Discharge Elimination System permit program is insufficient. He said of the 31 allegations originally brought in 2007, EPA determined that 26 of them had no merit or were already taken care of by the department.

That's not exactly true.

There were a few allegations that EPA said were not of concern but not necessarily without merit. Most of the other allegations were addressed by state legislation and rulemaking in response to the petition. The few that were not addressed were the most significant in controlling pollution from CAFOs. Those issues were addressed in an informal investigation by the EPA review last summer and are supposed to be resolved by a work plan that DNR was supposed to be implementing by February but has not yet signed the document.

Ultimately, Gipp responded to the reporter's question about federal regulators taking over DNR's program by saying, "Originally our staff came up with a number of \$1.3 million.^{iv} We determined the staff would be sufficient by having five and be able to get it done. So that's where the number and the differences came from." How's that for a non-answer?

In the meantime, Des Moines is walking a fine line between compliance and noncompliance with the federal Clean Water Act. Other rivers, including the Cedar, Boone, Turkey, Nodaway and Iowa Rivers, are also reporting high nitrate levels.^v And no matter what agricultural interests say, these nitrates are coming from agriculture.

There are two sources of water pollution. Point sources are cities, towns and industries that treat their wastewater before it's piped into a receiving water resource. They are heavily regulated. Non-point sources are primarily agricultural runoff from fertilizer and manure and there are basically no regulations on those sources. The point sources and non-point sources pointing their fingers at each other as the problem has created a huge logjam that has spanned decades. As a result, the point sources are now highly regulated and the non-point sources remain unregulated.

Despite his title, it is often difficult to know if Gipp represents the natural resources or the agriculture department. He sometimes sounds like he represents the Iowa Farm Bureau (IFB).

"Because nitrogen's soluble, it carries those nitrates out in that water, whether it comes through tile lines or run-off... [We] had a dry year last year, and therefore the yields weren't as great with that crop, and it left nitrates that normally would have been taken up into the crop that's harvested. And because of that, there's more nitrogen to leach out. So that's why you have the spikes you see today," said Gipp on *Iowa Press*.

That statement sounds oddly familiar.

In a guest editorial published in *The Des Moines Register* on May 13, Rick Robinson, the IFB's environmental policy adviser, attributed the high nitrate levels to "[w]eather patterns of extreme drought and extreme rainfall..."^{vi}

"The simple truth is, there's not one regulation that would have prevented the current spike in nitrates from the Raccoon River watershed, short of outlawing crop production in Iowa," wrote Robinson. That's oddly similar to what Gipp said on *Iowa Press*.

Robinson's editorial praised Des Moines Water Works for not having to turn on its nitrate filtering facility in six years. He has clearly missed the point. Des Moines customers should not have to pay for a world-class nitrate filtering system because the agriculture industry is allowed to do almost anything it wants upstream.

Gipp's stunning answer to another *Iowa Press* question reflects an attitude that exacerbates the point source/non-point source conflict. The question: Do you think the taxpayers should bear that burden of things coming from upstream? The answer: "Well, somebody's got to bear that, and there are a lot of things we do in society that everybody helps resolve."

Gipp then introduced the Iowa Nutrient Reduction Strategy (INRS) into the discussion.

The Iowa Nutrient Reduction Strategy was assembled by the Iowa Department of Agriculture and Land Stewardship (IDALS), DNR and Iowa State University at the behest of the EPA's Office of Water. The purpose of the "strategy" is to reduce the amount of Nitrogen and Phosphorus that floats through the Mississippi River watershed into the Gulf of Mexico and contributes to the hypoxia there.

It took two years of working on the 197-page "strategy" and it recommends "...targeted voluntary conservation measures, in conjunction with research, development and demonstration of new approaches." The "strategy" has identified five categories of action items.

Setting Priorities. Small watershed pilot projects and nutrient trading are included in this priority. According to the "strategy," "Iowa has been working for decades to protect and improve water quality, with positive small watershed results." Why would we need more pilot projects if Iowa has experienced positive results in small watersheds? Nutrient trading just enables continued pollution.

Documenting Progress. That should have been done since 1998 when EPA first recommended that states adopt numeric nutrient criteria (which Iowa never did and continues to resist). Iowa has received \$3.3 billion from the federal government just since 1995 to reduce erosion and runoff.^{vii} Progress should have already been documented.



Research and Technology. Recommendations include new technologies and creative solutions, private and public funding for science and technology and Gulf hypoxia zone research. We don't need any more research. It's very clear that Iowa contributes to the hypoxia that causes a large part of the Gulf of Mexico to die.

Strengthen Outreach, Education, Collaboration. One of the INRS objectives is a farmer recognition program. Rather than rewarding farmers for doing the right thing – like we do school children – we should be working harder to get the bad actors on the right track. Another objective is "achieve market-driven solutions." Does that mean if there is a market for more corn requiring more fertilizer, it's okay to continue polluting?

Funding. The strategy recommends "mak[ing] most effective use of funding resources including maximizing benefits per amount expended."

DNR Director Gipp affirmed the "strategy's" philosophy on *Iowa Press* when he said that all of the pollution generators need to be working together to solve the problem. DNR staff did write the strategy as it pertains to point sources; but exactly how much input Gipp had in preparing the non-point source (non-regulated agricultural pollution) "strategy" is unclear. Sierra Club obtained documents through the Iowa Open Records Act that indicate discussion on whether or not to invite Gipp to attend a strategy session at the Iowa Farm Bureau office. It was decided he would be invited, but those in attendance could vote on whether he would be able to stay or asked to leave.

The INRS suggested bestowing oversight and implementation to the Water Resources Coordinating Council (WRCC), comprised of 19 state and federal agencies, in consultation with the nongovernmental Watershed Planning Advisory Council. Legislators, however, had other ideas. In its agriculture and natural resources budget bill, the Legislature created the Nutrient Research Council – not Nutrient Reduction Council – that will be housed at Iowa State University. The Council will consist of ISU's Dean of Agriculture, ISU's Extension Service, the University of Iowa hydroscience department at the school of engineering, the University of Northern Iowa, the state association of private colleges and universities, the IDALS Secretary, the IDALS Soil Conservation Administrator and the DNR director or their designees.

No environmental representatives or stakeholders will be provided an opportunity to sit on the Council. Not even a member from the Leopold Center for Sustainable Agriculture.

It is unclear whether the agriculture-heavy, legislative mandate for the Nutrient Research Council was due to increased legislator



concern about the nitrates produced by agriculture over the regulated point source community or if they were duped by entities more interested in controlling the Council than actually making improvements to Iowa's water quality.

Iowa's answer to reducing nutrients in the Mississippi River watershed is to keep doing what we've been doing. It's insulting to Iowans who expect their state-funded entities to protect our water quality to arrive at such an inane solution to a serious problem. It's terribly unfortunate that Iowa places so little value on water quality that it feigns its way through a document as important as a nutrient reduction strategy.

Agriculture certainly plays an important role in Iowa's economy. The issue is, however, at what cost to the majority of Iowans who are not involved in agriculture. If it takes all of us collaborating with each other to ensure our water is clean, when does that begin? Legislators, the Governor, rule makers and industry leaders need to ensure Iowa's laws and regulations harshly punish those who pollute our waters. Iowa's leaders have avoided the problem for decades. Now, that it's necessary to sustain our quality of life, it's going to be left to taxpayers, ratepayers and consumers to pick up the tab.

Iowa leaders recently spent a small fortune attracting Google and Facebook to build facilities in this state. One of the deciding factors for Facebook was the amount of renewable energy available here. It would be interesting to hear what Mark Zuckerberg and his fellow Facebook executives will say when they find out their water bills will be sky high because of nitrates in the water.

ⁱ Beeman, Perry, "DEAD ZONE: Runoff from Midwest Farms Plagues Gulf," Louisiana Universities Marine Consortium, November 3, 2012. Retrieved from <http://www.gulphypoxia.net/news/default.asp?XMLFilename=201211151505.xml>

ⁱⁱ *ibid.*

ⁱⁱⁱ "Water Quality in Iowa" *Iowa Press*, May 16, 2013. Retrieved from <http://www.iptv.org/iowapress/episode.cfm/4031/video>

^{iv} The \$1.3 million would have funded 13 new CAFO inspectors. See SF435 at <http://coolice.legis.iowa.gov/Cool-ICE/default.asp?Category=billinfo&Service=Billbook&menu=false&hbill=SF435&ga=85>

^v Current Conditions for Iowa: Water Quality, U.S. Geological Survey, May 22, 2013. Retrieved from <http://waterdata.usgs.gov/ia/nwis/current/?type=quality&group%20Key=basin%20cdhttp://www.msn.com/>

^{vi} Robinson, Rick, "State rules wouldn't fix nitrates," *The Des Moines Register*, Guest Opinion, May 13, 2013. Retrieved from http://www.desmoinesregister.com/article/20130514/OPINION01/305140036/Iowa-View-State-rules-wouldn-t-fix-nitrates?Opinion_

^{vii} Beeman, *op. cit.*