



The Iowa Policy Project

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October 17, 2012

Stephen Pollard, Water Enforcement Branch
United States Environmental Protection Agency, Region 7
11201 Renner Blvd
Lenexa, KS 66219

RE: Public comments on Iowa DNR's response to EPA's Water Quality findings

Dear Mr. Pollard:

The Iowa Policy Project is a nonprofit research organization located in Iowa City. We wish to make the following comments about the response by the Iowa Department of Natural Resources to your report of inadequacies in the state NPDES program. We limit our remarks to the question of staffing and funding the agency.

1. The DNR acknowledged that it has given less attention to water quality problems caused by animal feeding operations — see quote below:

“Since 2007, the DNR has had a significant reduction in its animal feeding operations staff. To better meet our responsibilities, the DNR needs both an increase in staffing and to reprioritize workloads.”

While the DNR did not explain to you the extent of the deep reduction in agency field staff they have answered elsewhere.

From a DNR 2011 report on manure on frozen and snow covered ground:

“The scope and complexity of confinement program work increased disproportionately beginning with legislation in the late '90s. With this, public awareness of environmental issues also grew, resulting in a significant increase in local demand for education, compliance assistance and compliance assurance. To address these needs, animal feeding operations field staffing gradually increased to a high of 23 by SFY 2004. In SFY 2008, four staff people were shifted into a newly established open feedlots program. Then in the fall of 2009, as General Fund expenditures declined, confinement staffing was reduced again. This reduced staff numbers from 19 to 11.5. Further reductions leave the total of field staff for confinement work at 8.75 full time

equivalents. This reduction means that the DNR will not be able to maintain an adequate level of compliance and enforcement activity in confinements.”

<http://www.iowadnr.gov/Portals/idnr/uploads/afo/2011%202011%20DNR%20Mature%20on%20Frozen%20Ground%20Report%20FINAL.pdf>

Thus the 2011 DNR report demonstrates that the envisioned 13 staff-person increase would only bring numbers back to approximately the 2004 staffing levels — before the addition of many more confinement operations.

2. Underfunding of water quality programs is not limited to animal agriculture. An IPP report from March 2012 demonstrated an overall decrease in water quality funding of \$5 million over the decade. *Drops in the Bucket: The Erosion of Iowa Water Quality Funding* found that this water-quality funding decline came despite greater needs for water protection and public willingness to fund it.
<http://www.iowapolicyproject.org/2012docs/120301-water.pdf>
3. Given this underfunding by the Iowa Legislature, there appears to be no basis for the agency’s belief that it will get approval for 13 more staff members. First, the request must be made in the Governor’s proposed budget that will be drawn up in January of next year. Second, the Legislature must agree to this increase without endangering other water quality programs.
4. EPA should help the agency in bargaining with a legislature that has shown itself to be less concerned with water quality protection than tax cuts. EPA should tell the DNR that if it fails to get a proposed increase in staff in the Governor’s budget and also to have the request authorized by the General Assembly, there will be consequences. These must be severe consequences commensurate with the funding being sought — that is, EPA should establish a minimum number of staff additions that will be required. Absent that it should state that it will withdraw the authorized NPDES program from DNR. There is no question that if EPA simply accepts the agency’s agreement to try to do better, water quality will not improve in this state.

Thank you for your attention to improving the quality of water in our state.

Sincerely,

David Osterberg, Executive Director