



## ACTION ALERT:

# Protect Local Control of Stormwater Management & Streams

## Contact Your Local Representatives

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Senate file 455 was approved by the Senate on 3/15/23.

<https://www.legis.iowa.gov/legislation/BillBook?ga=90&ba=SF455>

Next steps could be introduction in the House. This legislation potentially impedes upon the importance of holding paramount the safety, health, and welfare of all Iowans and the environment! It would limit the ability/tools for local governments to comply with existing regulations (such as the Clean Water Act, NPDES for MS4s, and others), as well as support other state initiatives (such as nutrient reduction, mitigating for impact on impaired waters). It could impact local requirements for stormwater management design in your communities. More specifically on topsoil management on construction projects, rate control on the design of detention and retention basins and other stormwater practices for flood control and water quality management, and pass through of stormwater through developments.

Managing stormwater and soil quality is an important responsibility of state and local governments to protect the safety of people and infrastructure. They must also be concerned about reducing flood risk and mitigating water quality problems. The legislation tries to make a one size fits all approach to stormwater management. We all recognize that there are significant differences between communities across the state in rainfall, hydrology, soils, and demographics. Affordable housing often is located at low elevations in a community that are more susceptible to flooding. Some Iowa communities have had to buy out and relocate residents in these flood prone areas.

**Comments on Topsoil Language:** This would prevent cities and counties from having local requirements. Local developers could simply indicate that is not economically feasible to return any topsoil to a lawn prior to sodding. This leaves homeowners with lawns and trees that won't grow without excessive use of fertilizers and irrigation. It would also result in excess generation of runoff that contributes to local flash flooding, causes eroded streambanks, and carries nutrients that cause water pollution.

### Comments on 5-Year Flow Rate:

- a. The 5-yr existing condition runoff is too high in almost all cases and the bill prevents any flexibility for special cases. It assumes that the existing conditions of Iowa's streams is fine and if flowrates are held at status quo that all will be fine. Look at just about any stream in an Iowa community and you will see highly eroded streambanks that jeopardize homes and infrastructure.
- b. Several communities have detention ordinances more strict than "5-yr existing conditions". If new uphill areas are developed that drain to older downhill infrastructure that was previously sized for more restrictive ordinances, there will be serious drainage and flooding problems.
- c. There are many situations where previous infrastructure wasn't designed / built with the intent for upstream development and as a result new stormwater practices have to be designed to accommodate the sins of the past. Stormwater infrastructure has dramatically advanced in the past 30 years. Several communities have ordinance language to address "downstream limitations", which would be undermined.
- d. It is recommended that the following language be added at the ends of S3074 lines #13 and 25: **"unless [cities / counties] can demonstrate by hydraulic analysis that lower flow rates are necessary in order to protect the public welfare downstream (eg. existing stormwater infrastructure capacity limitation, protection from property damage, addressing existing flooding problems, etc.**

This legislation was introduced and approved in a rapid manner in the Senate with very little debate on the potential impacts that these changes could have on infrastructure, local and downstream flooding, streambank erosion and water quality. The whole bill undermines "Home Rule". Recommendations are to prevent this legislation from being approved in the House. We should take time after this legislative session to further evaluate the safety, economic, and implementation impacts through consultation with cities, Iowa stormwater design professionals, the Iowa Flood Center, University of Iowa, and Iowa State staff and come up with effective solutions for all Iowans and Iowa communities.