

Message

From: Hoelscher, Doug [doug.hoelscher@iowa.gov]
Sent: 2/8/2017 5:52:47 PM
To: Munoz, Charles [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=ae303b61fc23433e89c844d7842c9626-Munoz, Char]
CC: Stephanie Groen [stephanie.groen@iowa.gov]; Kayla Lyon [kayla.lyon@iowa.gov]
Subject: Fwd: Request to Reverse Obama Administration's Last Minute Disapproval of Iowa's Antidegradation Water Quality Rules
Attachments: EPA to IDNR Letter 1-19-17_no_attachments.pdf; Iowa Antideg submission to EPA Region 7 - cover letter.pdf; Antideg Memo on EPA disapproval.docx

Hi Charles,

Thank you for your time via phone this morning. Quick followup to our conversation:

1)If the new Administrator is confirmed in near future, we are interested in him joining a meeting of some Midwestern governors on Friday, Feb. 24 in the 2:00 to 3:00 pm EST hour to discuss the state-federal partnership, the current status of the Midwestern agriculture economy, and the importance of renewable energy to the Midwestern economy.

2)Below is the forwarded email regarding the antidegradation issue we discussed. Quick reversal of this last minute, flawed Obama Administration decision would be appreciated.

3)The following link includes some information on the State of Iowa's concerns with the previous Administrations WOTUS rule. <https://governor.iowa.gov/2015/11/governor-branstad-joins-lawsuit-opposing-epa%E2%80%99s-waters-of-the-us-wotus-rule>

Thanks again and congratulations on your role in the new Administration.

Sincerely,
Doug

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

From: Hoelscher, Doug <doug.hoelscher@iowa.gov>
Date: Sun, Jan 29, 2017 at 11:04 AM
Subject: Request to Reverse Obama Administration's Last Minute Disapproval of Iowa's Antidegradation Water Quality Rules
To: "William H. Kirkland" <Ex. 6>, charlesdmunoz; Ex. 6 Stephanie Groen <stephanie.groen@iowa.gov>, Michael Boussetot <michael.boussetot@iowa.gov>, Kayla Lyon <kayla.lyon@iowa.gov>, Charles Gipp <chuck.gipp@iowa.gov>, "Bruce Trautman [DNR]" <bruce.trautman@iowa.gov>, Jon Tack <jon.tack@dnr.iowa.gov>, Lawrence Johnson Jr <larry.johnson@iowa.gov>, Colin Smith <colin.smith@iowa.gov>

Dear William and Charles,

We have not yet met, but I am part of the team of Gov. Branstad and Lt. Governor Reynolds -- representing state of Iowa leaders on state-federal issues. Please point me to any additional folks in the Trump-Pence

Administration that should also receive this information. We will also plan to send similar note to the acting career individuals of the relevant EPA division and regional office.

On January 19, 2017, **during the waning hours of the Obama administration, the US Environmental Protection Agency took action to overturn Iowa's legally adopted rules relating to the implementation requirements for the antidegradation provisions of the Clean Water Act.** This rushed, political, and legally flawed action was taken by EPA Region 7 in coordination with the Standards and Health Protection Division of the Office of Science and Technology in the Office of Water at EPA Headquarters. This was another example of Federal overreach by the Obama Administration in the administration of water quality initiatives by the states -- with the most well-known being their Waters of the US rule. State of Iowa leaders remain committed to advancing water quality initiatives throughout the state, in fact water quality was a major focus of Gov. Branstad's recent Condition of the State Address (relevant speech excerpt inserted at the end of this email). **Iowa leaders seek reversal of the outgoing Administration's action to return the proper balance in the state federal-federal partnership and to empower the state in the administration of water quality initiatives.**

Communities are required to protect Iowa waters for all assigned uses. The rules at issue can force more expensive technologies or options in certain situations. Thus, these provisions control when an Iowa community will be mandated to expend more taxpayer dollars than would otherwise be required to fully protect Iowa's lakes and rivers.

Existing EPA rules do not clearly define when Iowa citizens will be forced to pay more or how much more they will be forced to spend. This left small towns and businesses subject to great uncertainty, excessive costs, and the threat of litigation. One small Iowa community is facing a lawsuit attempting to add millions of dollars of cost to a project which would already meet all existing environmental requirements.

In response to this dire situation, the communities and businesses of Iowa appealed to the Iowa Department of Natural Resources to adopt new rules to provide regulatory certainty and transparency. The Iowa DNR responded by adopting new antidegradation rules through an open and collaborative process. The rules passed reviews by Iowa's Environmental Protection Commission and gained bipartisan support in the review of the Legislature's Administrative Review Commission where it received bipartisan support. These rules provide clarity to the undefined portions of the EPA regulations.

EPA's disapproval of these rules must be reversed. The EPA denial is based upon alleged inconsistency with the undefined term "economically viable". **EPA has failed to define that term through any open, public, or legal process -- without doing so, EPA cannot arbitrarily disregard the determination of the people of Iowa** in regard to what is reasonable for Iowan's to expend when going above and beyond the requirements necessary to protect Iowa's waters.

EPA's disapproval of Iowa's 2016 revision to the state antidegradation water quality rules must be immediately reversed and approval of the rule issued expeditiously. Additionally, we also request formal review of EPA's Water Quality Standards review process to return it to compliance with existing statutory deadlines and requirements and ensure that the review process has not evolved beyond what was originally intended by the Clean Water Act.

Attached are the following documents:

1. EPA's disapproval letter.
2. Iowa's submission letter.
3. Related memo outlining flaws in EPA's decision.

For further legal perspective, feel free to contact Mr. Jon Tack, Legal Counsel, Iowa Department of Natural Resources (515-577-9225) or Mr. Larry Johnson, Legal Counsel, Office of the Governor (515-725-3506).

Sincerely,

Doug Hoelscher & Stephanie Groen

State-Federal Relations

Office of the Governor

202-624-5442

Water Quality Excerpt from Governor Branstad's 2017 Condition of State Speech:

"Last year, I called on the Legislature to send me a water-quality improvement bill.

I was pleased to see bipartisan progress made on this front with the House passing House File 2541 last session.

This bill was approved by the Agriculture, Ways and Means and Appropriations Committees and passed the House with 65 votes.

This bill provided for a long-term, dedicated and growing source of revenue to help implement projects to improve habitat and water quality directed by the Iowa Nutrient Reduction Strategy.

The bill also provided funding for community conservation practices and improvements to wastewater and drinking water facilities.

By leading on this issue, together we have the opportunity to modernize Iowa's agricultural infrastructure, create jobs in rural Iowa and promote collaboration between urban and rural communities.

I believe our discussions should begin with the House-passed bill from last session.

I hope we can work together to perfect and improve the legislation that will provide a long-term, dedicated and growing source of revenue for water-quality improvements."

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Doug Hoelscher | Director of State-Federal Relations

Office of the Governor, State of Iowa

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