

## Comments Needed on Coal Plant Air Permit

The Iowa Department of Natural Resources recently posted a draft air permit for Interstate Power & Light/Alliant Energy's proposed Marshalltown coal-fired power plant.

Only two public comment meetings will be held for the purpose of receiving written and oral comments.

### The public hearings will be held on:

- March 16, 2009 at the Iowa Veterans Home (Whitehill Chapel, 1501 Summit Street, Marshalltown, Iowa). There will be two separate sessions in which the public can make oral or written comments. The sessions will run from 2:30 pm to 5 pm and 6:30 pm to 9 pm.

- March 17, 2009 at the Meskwaki Tribal Center (346 Meskwaki Road, Tama, IA 52339). There will be two separate sessions in which the public can make oral or written comments. The sessions will run from 3 pm to 5 pm and 7 pm to 9 pm.

Comments at the public meetings will be limited to five minutes each. Take a hard copy of your comments to be included in the public record.

Comments not given at one of the public meetings may be submitted in writing and must be submitted before 4:30 PM on the last day of the public comment period which is from February 16, 2009 to March 20, 2009. Please direct all comments to Christopher Roling at the Iowa DNR. You may send a letter or an email. If you'd like to send copies to DNR Director Rich Leopold and to Governor Chet Culver, their contact information is also included below.

Mail: Christopher A. Roling, PE  
Air Quality Bureau  
Iowa Department of Natural Resources  
7900 Hickman Rd, Suite 1  
Urbandale, IA 50322  
E-Mail: [chris.roling@dnr.iowa.gov](mailto:chris.roling@dnr.iowa.gov)

cc: Mr. Richard Leopold, Director  
Iowa Department of Natural Resources  
Henry Wallace State Office Building  
502 East 9th Street  
Des Moines, IA 50319  
[richard.leopold@dnr.iowa.gov](mailto:richard.leopold@dnr.iowa.gov)

cc: The Honorable Chet Culver  
Governor of the State of Iowa  
Iowa State Capitol  
Des Moines, IA 50319  
[chet.culver@iowa.gov](mailto:chet.culver@iowa.gov)

## Fine Particulate Matter (PM 2.5) Should Be Regulated

Particulate matter (PM) is a type of air pollution that contains small particles, aerosols and liquid droplets.

Particulate matter 2.5 (PM 2.5) are small particles that can be inhaled and lodge deep inside the lungs. Inhaling these particles can trigger heart attacks, strokes or cardiac arrhythmia (irregular heartbeat).

PM 2.5 exacerbates asthma.

More than 24,000 premature deaths are caused each year by fine particle pollution from coal-fired power plants.

Studies have shown that over 500,000 children live within 30 miles of Iowa coal plants.

An estimated 64 million Americans already breathe in too much air pollution that contains PM2.5 and have health problems because of it. Those most at risk are children and the elderly. Signs of breathing in too much particle pollution are coughing, eye and throat irritation, wheezing, difficulty breathing and tightness of chest.

The costs for care, medications, and potentially shortened life spans are borne by the individuals affected by these illnesses, their families, and by the taxpayers who fund Medicare and Medicaid. These costs, which can be quite high for each individual affected, are not included in the cost of the power plant. These costs are neither borne by the ratepayers as a group nor by the owners of the power plant.

The power plant will be operating for 40 to 50 years, spewing pollution every single hour of the day for the entire life of the plant.

Particulate pollution is a major cause of reduced visibility when it is in the air.

When particulate pollution settles on the ground, it can cause acidity in water, lower nutrition in soil and destroy forests and crops.

Particulate pollution can damage many buildings with stains it leaves behind.

## Draft Air Permit for Marshalltown Coal Plant Lacks Key Provisions

Des Moines, IA, February 12, 2009: Today the Iowa Department of Natural Resources (DNR) released a draft air permit for Alliant Energy's proposed coal-fired power plant in Marshalltown that fails to protect public health and threatens Iowa's budding clean energy economy. Among other deficiencies, the draft permit does not regulate a dangerous and harmful form of pollution known as fine particulate matter, which can lodge deep inside the lungs and cause serious health problems. The draft permit also lacks any type of limitations on the massive amount of carbon dioxide, the leading greenhouse gas contributing to global warming, that the plant will spew into the atmosphere.

"The Governor and Iowa DNR have ignored multiple calls to protect Iowans' health," said Wally Taylor, Legal Chair for the Sierra Club Iowa Chapter. "Several laws and court decisions compel action on fine particulates and carbon dioxide, but the state has done nothing," added Taylor.

More than 24,000 premature deaths are caused each year by fine particle pollution from coal-fired power plants. Fine particulates can also trigger asthma attacks and other serious respiratory and heart problems, particularly in at-risk populations such as children and older adults. Studies have shown that over 500,000 children live within 30 miles of Iowa coal plants.

"Iowa should be doing everything it can to reduce its existing pollution, not allowing another massive and dirty source of harmful soot and smog," urged Pam Mackey-Taylor, Chair of the Sierra Club Iowa Chapter's Energy Committee.

The draft air permit also gives the proposed coal-fired power plant a free ride by failing to regulate greenhouse gas emissions. "Governor Culver claims he is a champion of renewable energy development, but this draft air permit is nothing more than a gift to the utility and the coal industry," said Taylor. "Governor Culver is sticking his head in the sand and letting Iowa DNR cater to polluters instead of standing up and leading Iowa into a clean energy future," added Taylor.

James Gignac, Midwest Director of the Sierra Club's National Coal Campaign, noted that state leaders from across the country have put the brakes on new coal, including:

- Governor Jennifer Granholm of Michigan who issued a directive that all new coal plant proposals in the state's permitting pipeline would have to justify the need for them and demonstrate that no cleaner alternatives are available to meet that need before any permits could issue;
- Governor Sebelius of Kansas, who vetoed attempts to ram a new coal plant through the state legislature;
- Governor Jim Doyle of Wisconsin, who issued a directive that coal is not an option for state owned heating plants in Madison and stated "We must move away from our dependence on coal";

- Republican Governor Charlie Crist of Florida, who has been an outspoken opponent of new coal plants and saw several proposed plants denied or abandoned under his watch; and

- Governor Mark Sanford of South Carolina, who publicly announced his opposition to a massive new coal plant in his state.

"Governor Culver is lagging behind this growing leadership against new coal and is dragging Iowa with him," said Gignac.

According to the Iowa Department of Economic Development, there is up to \$22 billion in economic development potential in the state from clean energy technologies. Investments in renewable energy and energy efficiency could also add 3,000 new jobs to the state and save consumers about \$1 billion in their energy bills. But the Governor and Iowa DNR are threatening to throw all of these benefits away by not holding new coal plants accountable for their global warming and other harmful pollution. "We should be leveling the playing field and forcing coal plants to internalize their pollution costs instead of foisting those costs on the public," said Neila Seaman, Director of the Sierra Club Iowa Chapter. "Holding coal plants accountable will allow the state's renewable energy sector, especially wind, to continue growing like we know it can," added Seaman.

"We are urging all Iowans concerned about public health and the state's energy future to tell the Governor and Iowa DNR that they are going in the wrong direction with this draft air permit," said Mackey-Taylor.

Public comments will be accepted at one of two public hearings at two different sites – March 16 at the Iowa Veterans Home in Marshalltown and March 17 at the Meskwaki Tribal Center. Written comments will be accepted only until 4:30 p.m. on March 20, 2009.

"An issue this complicated involving a coal-fired power plant that will be with us for generations to come certainly merits more than two sites for public hearings," said Sierra Club's Neila Seaman. "Iowans deserve longer than 30 days to understand the issues and make informed comments."

Contact: Neila Seaman, Sierra Club, Iowa Chapter Director 515-277-8868 or 515-778-5573

### Talking Points for Commenting on the Air Permit can be found on page 2 of the Iowa Sierran.

These talking points can also be found at <http://iowa.sierraclub.org/Energy/AirPermitCommentsTalkingPoints.pdf>. There is also a link at our website address [www.iowa.sierraclub.org](http://www.iowa.sierraclub.org) to take action on the following item:

Tell Governor Chet Culver and DNR Director Richard Leopold that four public hearings in two sites are not enough for Iowans to understand the complicated issues that come with this draft air permit and that 30 days is not enough time for Iowans to submit thoughtful comments.

Sierra Club Iowa Chapter  
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Des Moines, IA 50310

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## From the Chair



My name is Jerry Neff and as the new Chair of the Sierra Club, Iowa Chapter Executive Committee, I want to introduce myself. I've been a Sierra Club member since 1982 and Chair of the Sierra Club's Eagle View Group in the Quad-Cities area for many years. I served on Sierra Club's National Forest Protection Committee from 1999 until 2006, and like John Muir, I spoke for the trees. My home is in the far eastern part of the state in Pleasant Valley which is between Bettendorf and LeClaire and about a half mile from the Mississippi River.

As Chair of the Iowa Chapter, I would like to see our quiet members become visible by raising their voices to friends, the media and their elected officials. Raising environmental awareness is what we are about. Also like everyone else, the Iowa Chapter will have to get by with less funding while at the same time asking our members to increase their donations to the Chapter. With the right spirit and determination we will get through these hard times. As people begin to realize they can get along with less and that life is not all about having more stuff, then just maybe, the environment will benefit.

Finally, I want to thank Pam Mackey-Taylor for her many years of service to the Iowa Chapter as Secretary and Chair. I have the utmost respect and admiration for Pam and her leadership. Following in her footsteps will not be easy but with help from all of you, we will make it work. Pam will be in charge of fundraising at a time when raising money has never been more challenging.

I am excited to be your Chair and look forward to the challenges that lie ahead. If you would like to contact me with questions or comment, please send an email to [iowa.chapter@sierraclub.org](mailto:iowa.chapter@sierraclub.org) and put "To the Chair" in the subject line.

Jerry

## National Sierra Club Election Coming This Spring

The annual election for the Club's Board of Directors is now underway. Those eligible to vote in the national Sierra Club election will receive in the mail (or by Internet if you chose the electronic delivery option) your national Sierra Club ballot. This will include information on the candidates and where you can find additional information on the Club's website.

The Sierra Club is a democratically structured organization at all levels. The Club requires the regular flow of views on policy and priorities from its grassroots membership in order to function well. Yearly participation in elections at all Club levels is a major membership obligation. Your Board of Directors is required to stand for election by the membership. This Board sets Club policy and budgets at the national level and works closely with the Executive Director and staff to operate the Club. Voting for candidates who express your views on how the Club should grow and change is both a privilege and responsibility of membership.

Members frequently state that they don't know the candidates and find it difficult to vote without learning more. You can learn more by asking questions of your group and chapter leadership and other experienced members you know. Visit the Club's election website: <http://www.sierraclub.org/bod/2009election>. This site provides links to additional information about candidates, and their views on a variety of issues facing the Club and the environment.

You should use your own judgment by taking several minutes to read the ballot statement of each candidate. Then make your choice and cast your vote. Even if you receive your election materials in the mail, please go to the user-friendly Internet voting site to save time and postage. If necessary, you will find the paper ballot(s) straightforward and easy to mark and mail.

## Fact Sheet & Talking Points for Air Permit Comments

Before 4:30 p.m. March 20

Thank you in advance for taking the time to contact the Iowa Department of Natural Resources (DNR) to express your concern about the proposed coal plant. The most important thing is that you take the time to write a letter. It doesn't have to be perfect. Your letter will be most effective if you:

- Send the letter directly to the Iowa DNR. The Iowa DNR is required to respond to each individual letter it receives.
- Write the letter in your own words. The Iowa DNR has to take the time to respond to each individual argument it receives.
- Ask the Iowa DNR to take action – to deny the permit, to postpone issuing the permit, and/or to impose a more stringent requirement in the permit.
- Include one or more of the arguments on this in your letter.
- Encourage your friends to write letters to the Iowa DNR.

### Background

In November 2007, Interstate Power & Light/Alliant Energy applied for an air quality permit from the Iowa DNR for its proposed 649-megawatt (MW) coal plant in Marshalltown, Iowa.

If built, the plant would be among the largest single sources of greenhouse gas emissions in Iowa and would emit a variety of other pollutants.

The DNR has issued a draft air-quality permit that does not sufficiently protect Iowa's air quality or public health. Below are brief descriptions of main issues with the permit and arguments that can be made about these shortcomings that you may use in a public comment letter to the DNR.

### Fine Particulate Matter Pollution

Fine particulate matter are tiny molecules of air pollution that can increase asthma, bronchitis and heart attack rates for all people exposed.

The elderly, young children and people with respiratory problems and cardiac problems are most vulnerable.

Commonly known as small particles of soot, the most dangerous particulate matter (PM<sub>2.5</sub>) is emitted through the smoke stack when coal is burned. There is no fine particulate matter monitor in Marshalltown. In its application for a draft air permit, Alliant modeled the impacts of the proposed coal plant on PM<sub>2.5</sub> concentrations in Marshalltown and calculated the amount of PM<sub>2.5</sub> emissions from the plant.

Although federal regulations from the Environmental Protection Agency (EPA), recent court decisions and even DNR's own rules require regulation of PM<sub>2.5</sub>, the DNR has no plans to regulate the pollutant. Rather, the draft permit indicates the DNR will regulate PM<sub>10</sub> – a particulate matter but not as dangerous as PM<sub>2.5</sub> – as a surrogate to PM<sub>2.5</sub>.

If the DNR chooses not to regulate PM<sub>2.5</sub>, Iowans dealing with diseases aggravated by fine particulate matter will find their health care costs increase, an unfortunate and unnecessary consequence.

**TELL THE DNR:** Regulate PM<sub>2.5</sub> in the air permit. The state has insufficient information about the current fine particulate matter concentrations in Marshalltown. The Iowa DNR should require the utility to monitor PM<sub>2.5</sub> concentrations in Marshalltown and Eastern Iowa and not rely on PM<sub>10</sub> data.

### Greenhouse Gas Pollution

Iowa already generates most of its electricity via coal combustion.

Coal-fired power plants produce almost 40 percent of the United States' annual carbon dioxide emissions, making them a major contributor to global warming. In Iowa, the top ten emitters of greenhouse gases are 10 coal plants.

Allowing this coal plant to be built without limiting carbon dioxide emissions would continue this unsustainable trend.

At a time when Governor Culver has been advocating for greenhouse gas reduction and participating in the Midwestern Governors Association Midwest Greenhouse Gas Reduction Accord, the DNR—an agency responsible to the Governor—is obliged to follow through and set permit limits on the greenhouse gases that will be emitted by the Marshalltown coal plant.

**TELL THE DNR:** Deny the coal plant permit because the coal plant will emit too much carbon dioxide, a greenhouse gas that causes global warming.

At the very least, the Iowa DNR should impose limits on the amount of carbon dioxide the coal plant will emit. The draft permit allows the proposed coal plant to emit unlimited amounts of carbon dioxide. To identify appropriate limits, the DNR should examine the "best available control technology" for carbon dioxide.

### Mercury Pollution

Mercury emissions from coal plants can cause the mercury content of fish in local lakes and streams to increase. After mercury is released in the exhaust, it enters the air and then rains down into our streams, lakes, and other waters where it poisons the fish and seafood that eventually make their way to our dinner tables.

Mercury accumulates in fish and the animals and people who eat them, causing brain damage, mental retardation, and other developmental problems in unborn children and infants.<sup>1</sup> It has also been linked to a greater risk of coronary heart disease in men.<sup>2</sup> The mercury problem in the U.S. is so widespread that every year one in six women of childbearing age has mercury levels in her blood high enough to put her baby at risk.<sup>3</sup>

Studies have shown a correlation between fish consumption and ethnic identity, with African-Americans and Latinos topping the list for exposure.<sup>4</sup> One group that may be at particular risk from mercury pollution exposure is American Indians, especially individuals who live on reservations or in communities that depend on fish for subsistence.<sup>5</sup>

The proposed DNR permit requires mercury-reducing technology. However, it is not sufficient to meet the Clean Air Standards required to protect the public health.

**TELL THE DNR:** The coal plant should be required to adopt technology that further maximizes a reduction of mercury emissions in order to protect public health.

<sup>1</sup> Agency for Toxic Substances and Disease Registry, "ToxFAQs for Mercury," April 1999.

<sup>2</sup> American Heart Association, "Mercury, Fish Oils, and Risk of Acute Coronary Events and Cardiovascular Disease, Coronary Heart Disease, and All-Cause Mortality in Men in Eastern Finland," November 11, 2004.

<sup>3</sup> U.S. Environmental Protection Agency, "Methylmercury: Epidemiology Update," presentation by Kathryn Mahaffey, PhD at the National Forum on Contaminants in Fish, San Diego, CA, January 25-28, 2004.

<sup>4</sup> Amy Roe, "Fishing for Identity: Mercury Contamination and Fish Consumption among Indigenous Groups in the United States," *Bulletin of Science, Technology & Society*, Vol. 23, No. 5, October 2003, 368-375.

<sup>5</sup> Id.

The candidates are listed below in the order they will appear on the ballot:

Laurence Gibson (TX) N  
Chris Warshaw (CA) N  
Frank Morris (NY) P  
David A. Scott (OH) N  
Robin Mann (PA) N  
Rafael K. Reyes (CA) N  
Lane E. Boldman (KY) N  
Phil Wheeler (CA) N

N = Nominating Committee candidate,  
P = petition candidate

### 2009 Sierra Club, Iowa Chapter Executive Committee Meeting Schedule

Sunday, March 29 in Davenport at Nahant Marsh

Sunday, May 31 in Loess Hills at David Zhart home

Saturday and Sunday August 29-30 in Okoboji area

Saturday, November 14 in Dubuque area

## IOWA SIERRAN

Editor: Jane R. Clark

Associate Editor: Jo Hudson

The Iowa Sierran is dedicated to informing members and other friends about environmental issues that affect Iowa. It is a forum for the expression of ideas on topics of environmental concern, as well as the voice of the Iowa Chapter of the Sierra Club. Articles with a by-line represent the research and opinions of the authors and not necessarily that of the Sierra Club.

We invite submissions of letters, articles, photographs and illustrations. Letters and articles must be complete, accurate and identified with your name, address and phone number(s).

Please submit by email to [jrclark@radiks.net](mailto:jrclark@radiks.net). The editor reserves the right to edit for clarity, space and libel reasons.

**Deadlines are February 5 for the Spring issue; May 5 for the Summer issue; August 5 for the Autumn issue; and November 5 for the Winter issue.**

A subscription to the Iowa Sierran is included in the cost of Sierra Club membership. For non-members, a subscription is \$5 per year.

## DNR Proposes Rule for Application of Manure on Frozen or Snow-covered Ground

Comments must be submitted to DNR by 5 p.m. on March 27

### Background from Iowa DNR

In winter and early spring there is an increased potential for runoff due to snowmelt or rainfall because water is not able to infiltrate soils that are frozen or snow-covered. Surface application of manure under these conditions can lead to lost nutrients and water quality violations. The risk of runoff is higher for liquid manure. However, runoff from fields where solid manure is applied can also contain dissolved nitrogen and phosphorus.

To reduce the potential impact of runoff on Iowa's water resources, the Iowa Department of Natural Resources has drafted rules that would prohibit surface application of manure on frozen or snow-covered ground under certain conditions. Surface application would be prohibited when the risk of runoff is highest such as late winter just prior to snowmelt, on steeply sloping ground and in areas near tile intakes. Current rules prohibit surface application of manure near streams, wells and other designated areas.

Farms subject to the proposed rule may have to modify manure application practices or increase the amount of manure storage to comply with the rule, if adopted. The rule would also require producers to develop maps showing areas where surface application would be restricted when the ground is frozen or snow-covered. Please see other side for a detailed flow chart of conditions and areas where restrictions would apply.

Iowa's Environmental Protection Commission passed a resolution in June 2008 requesting staff to draft a rule addressing winter manure application. The draft rule is now out for public comment until March 27, 2009. If the commission approves the draft rule for final adoption, the rule would become effective October 1, 2009.

### Rule Basics

- The proposed rules DO NOT APPLY if manure can be injected or incorporated within 24 hours after application.
- The proposed rules limit surface application of manure when the ground is frozen or snow-covered to low risk areas and conditions until Feb. 15.
- From Feb. 15 to April 15 surface application is prohibited if the ground is frozen or snow-covered.
- The proposed rules apply to all open feedlot and confinement animal feeding operations that are required to have a nutrient or manure management plan (NMP or MMP).
- The proposed rules could apply to small operations that cause water quality violations due to application of manure, if enforcement action is initiated.
- Scraped snow and ice from open feedlots are specifically exempted from the proposed rules.
- Frozen ground is defined as ground made impenetrable due to frozen soil moisture. Ephemeral frost, where the ground is frozen in the first 2 inches or less below the surface, is not considered frozen.
- Snow-covered ground is defined as areas with 1 inch or more of snow covering the ground or any area of continuous ice coverage.

## DNR ENCOURAGES RECYCLING OF UNWANTED TELEVISIONS

While the transition to digital television has been delayed until June 12, many stations have made the switch to all-digital programming, leaving Iowans wondering what to do with their unwanted analog televisions.

The Iowa Department of Natural Resources (DNR) is encouraging Iowans to recycle televisions at one of the more than 100 locations statewide.

"We know that many consumers will decide to upgrade their TVs and get rid of their old sets," said Susan Johnson, environmental specialist with the DNR. "By choosing to recycle their TV instead of putting it on the curb where it will end up in a landfill, Iowans can be proactive in keeping hazardous materials out of the environment."

Televisions contain toxic heavy metals, including up to ten pounds of lead each. If disposed of in a landfill, these materials can contaminate land and water resources, posing a potential threat to human health and the environment.

To locate a nearby facility that accepts televisions for recycling, go to [www.iowadnr.gov](http://www.iowadnr.gov) and click on the green "TV Recycling" button.

Recycling fees, if any, vary by facility. Call ahead for hours and cost information.

### Public Comment Invited

The rules are available online at <http://www.iowadnr.gov/afo/newrules.html>

### Oral or written comments can be made at the following public hearings:

- Des Moines, March 16 at 9 a.m.—Wallace State Office Building Auditorium, 502 E. Ninth St.
- Ainsworth, March 16, 6 p.m.—Washington County Conservation Education Center, Marr Park, 2943 Highway 92
- Dedham, March 18, 6 p.m.—Dedham American Legion (Centennial Center), 302 Main St.
- Calmar, March 20, 1 p.m.—Room 115, Dairy Center, 1527 Highway 150 S.
- Orange City, March 23, 6 p.m.—City Hall, 125 Central Ave. S.E.
- Mason City, March 24, 6 p.m.—Lime Creek Nature Center, 3501 Lime Creek Road

### People may also send written comments directly to:

Claire Hrubby, Iowa DNR  
502 E. Ninth St., Des Moines, IA 50319  
or by e-mail to [Claire.Hrubby@dnr.iowa.gov](mailto:Claire.Hrubby@dnr.iowa.gov)

**All comments must be submitted by 5 p.m. on March 27. For more information, call Claire Hrubby at (515) 242-6848 or [Claire.Hrubby@dnr.iowa.gov](mailto:Claire.Hrubby@dnr.iowa.gov)**

\* The DNR proposes an effective date of October 2010 for solid manure from deep-bedded beef operations, allowing surface application from Feb. 15 to April 15 in 2009 if the ground is frozen or snow-covered.

\* Draft - January 2009. Final rule will depend upon public comment and approval by the Environmental Protection Commission

## SIERRA CLUB CONCERNS ABOUT THE PROPOSED RULE ON MANURE ON FROZEN GROUND

The Iowa Environmental Protection Commission (EPC) is considering a draft rule to regulate the application of manure on frozen or snow-covered ground. The Sierra Club, Iowa Chapter has the following concerns or comments about the rule and presented comments at the December EPC meeting.

It is extremely important to regulate such application because manure applied to frozen or snow-covered ground will not be absorbed into the ground or by any crops on the field. Nor can manure be injected into frozen or snow-covered ground. If not absorbed, the manure will run off into surface waters.

We are pleased that this rule will apply to all confinement operations that are required to have a manure management plan or a nutrient management plan and to all open feedlots that are required to have a nutrient management plan.

The rule states that application is prohibited on frozen ground with slopes of 2 percent or greater unless soil conservation practices are in place and the P-Index rating is less than 2. However, the rule does not list what conservation practices are contemplated or considered effective. If there are soil conservation practices that will stop the runoff of manure from frozen ground those practices should be specified in the rule. In addition, the P-Index is essentially a measure of the phosphorous content and erodibility of unfrozen soil. Using the P-Index in this rule gives a false sense of security and should not be used as a factor.

The rule also allows application of manure on frozen ground depending on the slope of the ground. We have not seen any justification for using these particular slope criteria. There are other criteria that should be considered in addition to slope that may justify prohibition of application of manure on frozen ground even if the slope meets the specifications of the rule. For instance, areas of concentrated flow include those smaller swales and gullies that are part of the farmed landscape but are the major conduits of runoff even when the slope of the land is minimal.

The real problem with this rule is that it complicates an issue that should be addressed simply and directly. The rule should prohibit application of manure on frozen or snow-covered ground. There is no reason that an animal feeding operation should have to apply manure to frozen or snow-covered ground.

## LEGISLATIVE UPDATE

The 2009 Session of the Iowa Legislature is picking up steam, and bills are being drafted and considered in committees. It was a bit of a slow start, with lots of new legislators, the Presidential Inauguration, the Iowa budget crisis, and the economic malaise creating fear and worry among legislators for the future of the state and their communities.

Here is a quick synopsis of Sierra Club Chapter Priorities for this Session.

**Sustainable Funding for Natural Resources:** HJR 1, the resolution setting up a constitutional amendment to be submitted to public vote in the 2010 general election has completed passage in both the House and Senate. Congratulations to all who helped with this one! This is a **big success** for Sierra Club and the Sustainable Funding Coalition.

**Energy:** Energy bills are just beginning to emerge from the bill drafting process, and no meetings have been held on them as yet. Our own priorities for energy are the following six points.

- No new coal-powered plants that do not – from day one – permanently capture and sequester CO<sub>2</sub>, including power plants, ethanol plants, or any other industrial plant.

- Require the DNR to include emission limits of greenhouse gases in air permits.

- Global Warming pollution reductions of 80% by 2050 using 1990 as a baseline.

- Energy efficiency standard of 2% of total sales reduced each year for all utilities, including municipals, rural electric cooperatives, and investor-owned utilities in both the gas and electric sector (2% in both, no trading between the two).

\*Note – this is not % spending, it is % reduction off total sales. This includes ONLY permanent energy efficiency measures, not demand response. Extra low-income energy efficiency incentives and plug-in hybrid electric vehicle incentives for utilities in an energy efficiency standard. As an alternative, a minimum standard of efficiency.

- Renewable Energy Standard of 25% of total electrical sales in Iowa by 2025. Short-term standard of 10% by 2014. This is approximately 1% growth a year. Require a certain percentage of the standard to be purchased from locally owned renewable energy projects.

- Adopt stringent clean car standards. Iowa's Attorney

General is involved in the national lawsuit.

Certain of these will show up in some form in energy bills. We will have a lot of work to achieve very much of these this year. That is especially true if, as legislative leaders have said, they decide to do the budget and adjourn before their normal end time.

**CAFOs and Water Quality:** One bill moving through the House Environmental Protection Committee, Chaired by Rep. Donovan Olson, is HSB 168, a study bill providing for public comment regarding an application to construct a confinement feeding operation structure. It was assigned to a subcommittee of Reps. Frevert, Deyoe, and Whitaker, who signed it out ready for full committee consideration. It is not a 'county veto' but this bill will at least require a public hearing and the submission of the testimony to the DNR for consideration in the permitting process. We are for it!

A related issue is, Senate File 174, a bill for an act providing for the stockpiling of dry manure originating from confinement feeding operations. This issue was hard fought last Session, and comes at us again this year. It comes from the Turkey Producers who want to stockpile dry turkey manure. The bill sets certain separation distances from residences and high quality water sources, parks, schools, churches, etc., and requirements concerning covering the pile, placement on an impermeable pad, and slope placement. It does only apply to stockpiles after 7/1/2006, so all other stockpiles previous to that date would be 'grandfathered in.' Last year Sierra Club worked with the DNR, and several key legislators, to get some improvements into the bill, and the bill finally foundered on our concerns in the last minutes of the 2008 Session. You may hear more about this one in a future alert. Stay tuned!

Much more could be reported, but you can go to the Iowa Chapter website at [www.iowa.sierraclub.org](http://www.iowa.sierraclub.org) for even more information and periodic updates on issues as they progress between these newsletters or provide us with your email address at [iowa.chapter@sierraclub.org](mailto:iowa.chapter@sierraclub.org).

Thanks for your continued support and confidence in our Club and your issues.

Lyle Krewson, Iowa Chapter Lobbyist.

## Obama EPA to Act on Global Warming Emissions from New Coal Plants

Decision Will Overturn Unlawful, Last-Minute Bush Administration Effort to Block Action on Global Warming  
Sierra Club News Release

Washington, DC, February 17, 2009: President Obama's Environmental Protection Agency (EPA) took the first step toward regulating carbon dioxide emissions from coal-fired power plants. EPA, under the new leadership of Administrator Lisa Jackson, granted a petition from the Sierra Club and other groups calling for reconsideration of an unlawful, midnight memo issued by former EPA Administrator Stephen Johnson which sought to prohibit controls on global warming pollution from coal plants. EPA announced in a letter to the Sierra Club that it will publish a proposed rulemaking in the Federal Register and seek public comments on the decision in the near future.

This decision is consistent with a previous ruling by the EPA's Environmental Appeals Board (EAB) in the Bonanza case, which found that there was no valid reason for the Bush administration's refusal to limit carbon dioxide emissions from new coal-fired power plants. The so-called Johnson Memo sought to unlawfully overturn that decision.

Sierra Club, the Natural Resources Defense Council, and the Environmental Defense Fund filed suit against the Bush administration to overturn the Johnson Memo. That litigation will now be put on hold as a result of today's announcement.

In response, David Bookbinder, Chief Climate Counsel for the Sierra Club issued the following statement.

"Today's victory is yet another indication that change really has come to Washington, and to EPA in particular. This decision stops the Bush Administration's final, last-minute effort to saddle President Obama with its do-nothing policy on global warming.

"Not only does today's decision signal a good start for our clean energy future, it also signals a return to policy based on sound science and the rule of law, not deep pocketbooks or politics. Lisa Jackson is making good on her promises to bring science and the rule of law back into the center of the decision making process at EPA.

"With coal-fired power plants emitting more than 30 percent of our global warming pollution, regulating their carbon dioxide is essential to making real progress in the fight against global warming.

"Holding coal-fired power plants accountable for their global warming emissions was one of the top actions the Sierra Club has been encouraging President Obama to take on global warming as soon as possible as part of the "Clean Slate" agenda. Building on the monumental economic recovery package to be signed today and his administration's quick decision to reconsider the California clean cars waiver, this is one more part of President Obama's vision for building a clean energy economy that will create millions of new green jobs while curbing global warming.

"This announcement should cast significant further doubt on the approximately 100 coal-fired power plants that the industry is trying to rush through the permitting process without any limits on carbon dioxide. New coal plants were already a bad bet for investors and ratepayers and today's decisions make them an even bigger gamble."

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A copy of EPA's letter to Sierra Club is available on request from Josh Dorner or Virginia Cramer.  
CONTACT: Virginia Cramer, 804-225-9113 x 102, Josh Dorner, 202-675-2384

## VICTORY FOR PUBLIC HEALTH AND CLEAN ENERGY: LS Power Drops Waterloo Coal Plant

Sierra Club, Iowa Chapter News Release

January 6, 2009: LS Power announced that it was abandoning the proposed Elk Run coal-fired power plant in Waterloo. The decision came just days after Dynegy bowed out of the joint venture with LS Power under pressure from Sierra Club's "Clean Up Dynegy" campaign, leaving LS Power to fend for itself.

"This is a tremendous victory for public health and clean energy in Iowa," said Pam Mackey-Taylor, Chair of the Sierra Club Iowa Chapter. The Elk Run plant would have spewed tons of harmful soot and smog causing pollution linked to serious respiratory and health problems.

The cancellation of the Elk Run facility comes after more than two years of grassroots opposition from concerned residents of Waterloo and environmental groups and farmers across the state.

In today's environment, facing high costs, significant public opposition, and costly upcoming carbon regulations, Dynegy and now LS Power have found that new coal plants are simply not good investments.

Wally Taylor, Legal Chair for the Sierra Club Iowa Chapter, said, "LS Power realized the difficulties it would have going forward. We believe it would have been required to have emission limits for greenhouse gases in its air permit, and that there is a great likelihood that a cap and trade system or a tax would be imposed on greenhouse gas emissions."

The benefits of investments in clean energy technologies, however, are proving to outweigh the costs of coal. In Iowa alone there is \$22 billion in economic development potential, according to the Iowa Department of Economic Development. And that development comes without the global warming, mercury, and other harmful pollution associated with coal plants. Investments in renewable energy and energy efficiency could also add 3,000 new jobs to the state and save consumers about \$1 billion their energy bills.

"We are pleased with this decision by LS Power," said Carole Yates of the Cedar Prairie Group of Sierra Club's Iowa Chapter. "It opens the door to Iowa meeting its energy needs through energy efficiency and wind and solar power—technologies that protect public health and the environment and can boost Iowa's economy," added Yates.

Contact: Neila Seaman, 515-277-8868 or 515-778-5573

### Create An Environmental Legacy

Bequests have played a key role in the Sierra Club's environmental successes over the years. Planning now may make your gift more meaningful and reduce taxes on your estate. We have many gift options available. We can even help you plan a gift for your local Chapter. For more information and confidential assistance contact:

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