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U.S.

## Conflict Over Soil and Water Quality Puts 'Iowa Nice' to a Test

By MITCH SMITH APRIL 18, 2015

MANSON, Iowa — The flat, endless acres of black dirt here in northern Iowa will soon be filled with corn and soybean seeds. But as farmers tuned up their tractors and waited for the perfect moment to plant, another topic weighed on their minds: a lawsuit filed in federal court by the state's largest water utility.

After years of mounting frustration, the utility, Des Moines Water Works, sued the leaders of three rural Iowa counties last month. Too little has been done, the lawsuit says, to prevent nitrates from flowing out of farm fields into the Raccoon River and, eventually, into the drinking water supply for roughly 500,000 Iowans. The suit seeks to make farmers comply with federal clean-water standards for nitrates that apply to factories and commercial users, and requests unspecified damages.

"It's very clear to me that traditional, industrial agriculture has no real interest in taking the steps that are necessary to radically change their operations in a way that will protect our drinking water," said Bill Stowe, the chief executive of Des Moines Water Works. High nitrate runoff, which can result from nitrogen-rich soil and applied fertilizer, places Des Moines's drinking water in danger of violating federal quality standards, Mr. Stowe said, and increases costs and poses health risks for customers.

The lawsuit raises not only the legal question of whether the government should regulate the water that drains off farmers' land, but also the existential issue of whether rural and urban Iowans can collaborate to solve vexing problems. In a state where agriculture drives the economy, grain silos are featured on license plates and people pride themselves on a certain brand of "Iowa nice," farmers like Brent

Johnson have criticized the litigation as an antagonistic overreach that comes at the expense of cooperation and neighborliness.

"It's a confrontational approach," said Mr. Johnson, who farms corn and soybeans here in Calhoun County, one of three counties whose boards of supervisors were named as defendants in the lawsuit. "I think there's been a lot of progress made. I don't know any farmer who wants to increase nitrates in the river."

The nitrate issue is, in many ways, an unfortunate side effect of one of Iowa's great assets: the nutrient-rich dirt that makes for some of the world's most productive cropland. Though that nitrogen-filled soil helps Mr. Johnson and others grow prodigious amounts of corn and soybeans, a significant rainstorm can wash many of those nutrients, along with nitrates applied as fertilizer, into tributaries of the Raccoon River. The Raccoon is one of two rivers that provide drinking water for Des Moines, the state's capital and urban center.

Notably, most everyone involved agrees that the nitrates in the water supply are a problem, and that farmers can play a role in solving it. But while Mr. Stowe and the utility want to hold farmers to strict federal water quality standards, Mr. Johnson and the state's powerful agricultural groups favor a voluntary system.

Last year, months before the lawsuit was filed, the state associations for corn, soybean and pork producers formed the Iowa Agriculture Water Alliance, which bills itself as a farmer-led effort to improve water quality. The group's executive director, Sean McMahan, said that many farmers were eager to employ conservation practices, but that education and time were needed to see more results. Money, he said, would be better spent on outreach and cost-sharing programs than on lawyers for the lawsuit.

Leaders of other agricultural associations expressed similar sentiments, while saying they still appreciated the urgency of the problem.

"We need to scale it up," said Roger Wolf, director of environmental programs and services for the Iowa Soybean Association. "We know that."

Mr. Johnson, whose family has worked these fields for more than 100 years, says he and his neighbors care deeply about the land and understand the concerns raised in the lawsuit. On his property, Mr. Johnson uses a limited-tilling method, and he has planted rows of switch grass on the edge of one field and has filled wetlands with native grasses. Experts say those tactics can help keep nutrients in the field and out of the water system.

Mr. Johnson, who serves on the county soil and water conservation commission, made those changes on his own. He said he feared that the lawsuit, if successful, would add a regulatory burden just as many farmers were making voluntary changes. "That's not healthy for agriculture, I don't think, to take the voluntary out," he said.

In Des Moines, Mr. Stowe said years of encouraging changes through voluntary programs had simply not brought about significant results. Nitrate levels in the Raccoon River remain stubbornly high, which required the utility to run its nitrate removal facilities for three months last winter, a rarity. In 2013, he said, Des Moines was barely able to remove nitrates quickly enough to keep up with demand, and nearly violated federal regulations. Just last Thursday, the utility turned its nitrate removal tanks back on, citing high levels of runoff upstream.

However the issue is addressed, there are costs. Mr. Johnson's conservation practices required taking land out of production, potentially reducing profits at harvest time. For Des Moines Water Works, operating the tanks that remove nitrates is expensive.

The lawsuit, filed in federal court for the Northern District of Iowa, names the boards of supervisors in Buena Vista and Sac Counties, along with the board in Calhoun County, as defendants, saying they are responsible for overseeing drainage districts that have allowed nitrate-heavy water to make its way into rivers.

Water with excessive nitrates can cause serious health problems, especially in infants, and some environmental groups, including the Iowa Environmental Council and the Sierra Club's Iowa chapter, have expressed skepticism about the effectiveness of voluntary reductions.

Individual farmers' efforts and anecdotal reports of success, Mr. Stowe said, have not been enough to counter others' reluctance to make major changes. At this point, he said, collaboration with agricultural groups would have to come in addition to regulation, not instead of it.

"Talking the game and walking the game were two very different issues," Mr. Stowe said. "This is not 'Alice in Wonderland.' This is Iowa. Our water's getting worse, and we're going to fight forward to protect it."

That fight, however, has drawn the ire of many politicians. State Senator Randy Feenstra, a Republican, wrote in a recent blog post that the lawsuit was proof of an "arrogant mentality against rural Iowa." He called for rural Iowans to start an economic boycott of Des Moines.

Iowa's elected agriculture secretary, Bill Northey, has also criticized the lawsuit, though with less pointed language. Mr. Northey, a Republican who farms corn and soybeans, said the effects of the lawsuit could resound far beyond the three counties named as defendants if the water utility succeeded. The state has recently invested in programs to limit nitrate runoff, he said, and more time should be allowed for those programs to work.

Several farmers agreed, and many said they had seen significant progress in just the past few years. On his farm in Greene County, in central Iowa, David Ausberger planted cover crops last fall, which can help keep dirt in place between the harvest and planting seasons. In Ida and Sac Counties, Jolene Riessen said her family was reducing tilling and using other methods to limit runoff.

"Farmers want to do the right thing," said Ms. Riessen, a farmer and seed dealer. "But sometimes, it's learning what is the right thing, or the combination of right things, and having the finances to do it."

In the meantime, as planting season begins, farmers say they are discussing the lawsuit, figuring out what it could mean for them and bracing for a contentious court battle that could last years.

"Some guys are mad; some guys are sad," Mr. Johnson said. "Everybody's concerned."

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