

**Administrative Rules
JOBS IMPACT STATEMENT**

1. BACKGROUND INFORMATION

Agency:	Iowa Department of Natural Resources (DNR) / Environmental Protection Commission (Commission)
IAC Citation:	567 IAC 61.3(5)
Agency Contact:	Matthew Dvorak at (515) 725-8397
Statutory Authority:	Iowa Code sections 455B.105, 455B.173 and 455B.176, subsection (4)

Objective:	This rulemaking revises the recreational use designations and the aquatic life use designations for specific Iowa stream segments which have undergone a Use Attainability Analysis (UAA). This will result in the replacement of the presumed stream designation with an actual stream designation which is based upon the UAA.
Summary:	<p>The purpose of the proposed rule is to update the Water Quality Standards in 567 IAC Chapter 61 with the site-specific stream designations determined from conducting UAAs. This rulemaking replaces the presumed use designations with designations determined by the UAAs.</p> <p>The Clean Water Act (CWA) establishes a rebuttable presumption that all Iowa streams can achieve the highest level of use, referred to as fishable and swimmable uses. In 2006, the DNR adopted this presumption by rule and designated all of Iowa’s previously undesignated perennial streams as Class A1 primary contact recreational use and B(WW-1) – Type 1 aquatic life use. This designation means that these stream segments are presumed to be “fully fishable” and “fully swimmable.” These actions provided initial protection for many miles of perennial streams that were previously not designated for aquatic life and/or recreational uses before.</p> <p>However, many of these stream segments do not provide for these presumptive uses, e.g., the stream is too small to support primary contact recreation (swimming and paddling-type uses) or the stream is not capable of supporting game fish populations. Federal CWA regulations take into account this scenario by providing for a scientific analysis of these “presumed” recreational and aquatic life uses to determine if a stream is capable of supporting the presumed uses. This is called a UAA, which requires the gathering of site-specific field data on stream features and uses.</p> <p>Iowa law (455B.176A) prohibits DNR from renewing a National Pollutant Discharge Elimination System (NPDES) permit for a permittee discharging to a stream subject to the presumed protected uses of A1 and B(WW-1) until DNR conducts a UAA and re-designates the stream, if appropriate. The purpose of the UAA is to ensure that stream segments are assessed and re-designated at their actual use level. For example, a stream segment may not support</p>

	<p>swimming, an A1 use, but only secondary contact recreational use (e.g., knee-deep wading), an A2 use. Thus, the stream segment should be properly reclassified as A2. An NPDES permittee would therefore not have to treat its effluent to protect the use of swimming in the stream, only wading. This should result in lower treatment costs.</p> <p>Note: another designation used in this rulemaking is A3 – these are water bodies in which recreational uses by children are common.</p> <p>Iowa has completed three prior batches of use assessments and completed three rulemakings to re-designate streams which should not be designated as either A1 or B(WW-1). The DNR is now ready to proceed with a fourth rulemaking. Each use designation revision recommendation proposed in this rulemaking has an associated UAA that is available on the DNR’s web site at: http://programs.iowadnr.gov/uaa/search.aspx</p>
--	---

2. JOB IMPACT ANALYSIS

<i>__ Fill in this box if impact meets these criteria:</i>
<input checked="" type="checkbox"/> No Job Impact on private sector jobs and employment opportunities in the State.
<input type="checkbox"/> Job Impact cannot be determined.
<p>The DNR believes the rulemaking will not impact jobs since passage of this rule package does not add to the burden/cost established by the 2006 rule package. Wastewater treatment facilities in Iowa, particularly local government owned wastewater facilities are significantly impacted by the 2006 water quality standard changes. Passage of this rule package does not add to the burden/cost established by the 2006 rule package but does allow for the implementation of those prior requirements. Based upon the number of facilities impacted by this package, it is estimated that between \$46 million and \$64 million will be spent on facility upgrades. These upgrades will be implemented upon approval of the renewed NPDES permit for the facility. These figures may change based upon other factors, including inflation and varying construction costs.</p> <p>It is important to understand that by revising the stream designations to reflect the appropriate uses, rather than the presumed uses, the proposed rule will not increase the potential compliance costs for any necessary facility upgrades in any way. When compared to the costs of implementation of the presumed uses, the cost of implementing the revised designations will always be the same or less.</p>

<i>__ Fill in this box if impact meets either of these criteria:</i>
<input type="checkbox"/> Positive Job Impact on private sector jobs and employment opportunities in the State.
<input type="checkbox"/> Negative Job Impact on private sector jobs and employment opportunities in the State.
<i>Description and quantification of the nature of the impact the proposed rule will have on private sector</i>

jobs and employment opportunities:

Categories of jobs and employment opportunities that are affected by the proposed rule:
None.

Number of jobs or potential job opportunities:
The DNR believes the rulemaking will not impact jobs.

Regions of the state affected:
The stream segments included under this rule are dispersed throughout the state.

Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write "Not Possible to Determine.")
None.

3. COST-BENEFIT ANALYSIS

The Agency has taken steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule. See the following Cost-Benefit Analysis:

Direction: Compare the probable costs and benefits of the proposed rule to the probable costs and benefits of less intrusive or expensive methods that exist for achieving the purpose of the proposed rule. This requires you to examine alternatives to the proposed rule. If no other less intrusive or expensive method exists for achieving the purpose of the proposed rule, say "No other less intrusive or expensive method exists for achieving the purpose of the proposed rule."

For purposes of this analysis, a "cost" means a reasonably identifiable, significant, direct or indirect, economic impact that is expected to result from implementation of and compliance with a rule, and a "benefit" means a reasonably identifiable and quantifiable positive effect or outcome that is expected to result from implementation of a rule.

No other less intrusive or expensive method exists for achieving the purpose of the proposed rule.

FISCAL IMPACT

Please see the Fiscal Impact Statement for an identification and description of costs the Department anticipates state agencies, local governments, the public, and the regulated entities, including regulated businesses and self-employed individuals, will incur from implementing and complying with the proposed rule.