

ENVIRONMENTAL PROTECTION COMMISSION [567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby amends Chapter 61, "Water Quality Standards," and Chapter 62, "Effluent and Pretreatment Standards: Other Effluent Limitation or Prohibitions," Iowa Administrative Code.

Notice of Intended Action was published in the Iowa Administrative Bulletin on September 17, 2003, as ARC 2776B. Six public hearings were held with notice of the hearings sent to various individuals, organizations, associations and interest groups, and to statewide news network organizations. Comments were received from 26 persons and organizations. The majority of the comments were made concerning the numerical criteria for chloride and the numerical criterion for total dissolved solids (TDS). A responsiveness summary addressing the comments may be obtained from the Department of Natural Resources.

At the February 16, 2004, Environmental Protection Commission meeting, the Commission approved with some modification, the amendments identified in numbered paragraphs 3 through 7 of the preamble of ARC 2776B. Paragraphs 3 through 5 involve amendments to the document "Surface Water Classification" referenced in subrule 61.3(5). Paragraph 6 involves amendments to the document "Protected Flows for Selected Iowa Streams" referenced in subrule 61.2(5). Paragraph 7 involves corrections to subrule cross references in

subrule 61.2(5), paragraph "a." The Commission did not approve the amendments that would establish numerical water quality criteria for chloride and replace the current total dissolved solids (TDS) numerical criterion of 750 mg/l with a site-specific approach for establishing discharge limits for dissolved solids, Items 3 and 4 of ARC 2776B. At the March 15, 2004, Environmental Protection Commission meeting, the Commission considered further and rejected the proposed standards for chloride and TDS, with recommendations for future TDS/chloride rule-making efforts. Based on the February and March actions, the date changes for the "Protected Flows" and "Surface Water Classification" documents in subrules 61.2(5) and 61.3(5) and the corrections in paragraph 61.2(5)"a" were Adopted and Filed and published in the April 14, 2004, Iowa Administrative Bulletin as ARC 3281B. However, a special EPC meeting was held on April 12, 2004, that rescinded the decisions made for the TDS issue at the March 15, 2004, meeting.

At the April 12, 2004, meeting, the Commission revised and approved a Final Rule that adopted various changes to the TDS criterion contained in the Water Quality Standards (WQS). The adopted changes differ from the criteria proposed in the Notice of Intended Action in that a specific chloride standard is not adopted. As proposed in the Notice, the current total dissolved solids (TDS) numerical criterion of 750 mg/l is being replaced with a site-specific approach for establishing discharge limits for dissolved solids. Upon application for a discharge permit or permit renewal, a facility will be required to clearly demonstrate that its discharge will not result in toxicity to the receiving stream. This documentation may require whole effluent toxicity (WET) tests and a chemical analysis of the effluent for selected cations and anions, including calcium, magnesium, potassium, sodium, chloride, sulfate, and iron as well as the measured TDS concentration. The rule-referenced document entitled "Supporting Document for Iowa Water

Quality Management Plans," Chapter IV, July 1976, as revised in March 2003, will be modified to reflect the new TDS approach and associated implementation details. The modification to the support document also requires that the date changes in subrules 61.2(4) 61.2(5) and 62.8(2) originally proposed in Item 1 of ARC 2776B be made.

The intent of the site-specific approach is to gather information based on six recommendations made by the EPC, as specified in ARC 3281B, published in the April 14, 2004, Iowa Administrative Bulletin. The Department will utilize the information gathered during the three-year period to propose a new standard by April 1, 2007.

These amendments may have an impact on small businesses.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

These amendments shall become effective June 16, 2004.

The following amendments are adopted.

ITEM 1. Amend subrules 61.2(4), 61.2(5) and 62.8(2) by striking "July 16, 2003" and inserting the effective date of this amendment, "June 16, 2004."

ITEM 2. Amend subrule 61.3(2), paragraph "g," as follows:

g. ~~Total dissolved solids shall not exceed 750 mg/l in any lake or impoundment, or in any stream with a flow rate equal to or greater than three times the flow rate of upstream point source discharges.~~ Acceptable levels of total dissolved solids (TDS) and constituent cations and anions will be established on a site-specific basis. The implementation approach for establishing the site-specific levels may be found in the "Supporting Document for Iowa Water Quality Management Plans," Chapter IV, July 1976, as revised on June 16, 2004.

Date

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