

WATER QUALITY STANDARDS PUBLIC HEARING
ATLANTIC, IOWA
OCTOBER 4, 2005 11:00 A.M.

Hank Pangelina: In fact that's what I do. I operate a wastewater treatment plant, and I feel that's our jobs, that's what we do in our careers, improve water quality in Iowa. I take some offense that there is some thought that we are polluters. We are not, in fact we clean up the water, and we take great pride in that. The general use stream designation is a practical way of describing a stream that never has been and probably never will be fishable/swimmable. I don't agree with those terms. There are a lot of streams in fact we could shut off our dischargers completely and there still won't be fish jumping out of the water and there still won't be kids swimming in it. And I think we need to understand that. We need to take a more holistic approach to these water quality improvements in this state. Some may ask why do I think that trying to make all Iowa streams fishable/swimmable is an admirable goal. I do believe it is an admirable goal, but I do not however believe that it is a goal that can be accomplished by imposing more stringent limits on wastewater treatment facilities. I'm fundamentally opposed for two reasons. Reason one, is that I feel that wastewater treatment facilities are being unfairly targeted. Wastewater facilities are regulated in accordance with the clean water act, and improvements to wastewater treatment methods and equipment over the past thirty years is significant. Water quality impairments that have been directly associated with sanitary disposal have been abated to the point that further tightening of standards is no longer practical. We as water treatment professionals are very proud of the fact that we do treat water to a level of quality that often meets or exceeds quality of the receiving stream. Reason two is of course, that this reclassification process will probably, well not probably but most certainly create an extreme hardship financially on many communities, especially small communities as you know. It has been estimated that stream reclassification and the associated requirements imposed on wastewater treatment plants may cost this state upwards of one billion dollars. What happens when we spend this money and then reanalyze the water quality in this state and don't see a significant improvement? Will DNR come back and meet with this group today and go whoops sorry, looks like we just wasted your money. It's my belief that the focus needs to be based on a watershed based approach and look at all facets and we talked about that earlier. Agriculture runoff was one of course, animal feeding operations, impervious surfaces have been addressed by stormwater permits. But not to the level that maybe they need to. DNR has been charged by EPA to implement total maximum daily loads on streams, as you progress towards that goal, it should become at some point very obvious that a point source dischargers such as wastewater treatment plants are a very small portion of the overall picture and an even smaller portion of the problem. And that's what we need to solve today, is the problem. So I ask today that DNR reconsider reclassifying these streams currently designated as general use until further consideration is given to actual existing stream conditions at the time of permit renewal. In other words the bottom up approach, I also ask that DNR consider watershed based approach to any water quality improvement program now or in the future because it's truly the most practical method of determining the big picture.

Steve Veysey: Hi I'm Steve Veysey and I'm happy to be here this morning, and I'd like to thank the people who arranged for this meeting and would like to thank the DNR for the work that they've been doing on this project. I live in Ames, I've got a family in Ames and I work in Ames, been there twenty-eight years. I am a member of some conservation and environmental groups, a member of the Sierra Club, Hawkeye Fly Fishing Association, so I'm an angler. What this rulemaking is about, my impression is the Clean Water Act, which was passed in 1972, and for a long time, I don't think we've have had a proper foundation for all of our programs that are use to implement the requirements of the Federal Clean Water Act. The Clean Water Act starts with the flat statement that there is no right to discharge, in fact the goal is to protect and restore the quality and integrity of all of our nation's waters, surface waters and to eliminate wherever possible, discharges. There is a presumption that all waters are fishable/swimmable. That doesn't mean what Adam has suggested it means. When people say fishable/swimmable, fishable means, all recreation in and on the water. It means my grandkids going to the creek that runs through the park with their butt in the water making mudpies and splashing, that's primary contact, that falls under this category, fishable/swimmable. It means that in a stream where people can canoe, but maybe it's not deep enough to go swimming in, you're also going to see my teenage son in his little float tube, and his buddies and they're going to floating down in an intertube on that stream, that's primary contact. So swimmable is more than deep enough to go scuba diving in. Fishable means all aquatic life, it's not just game fish, it's all aquatic life that is resident and non-aboriginal. So you can't throw a goldfish in and say we have to protect the goldfish. But if there are fish that ought to be there, if there's other macro-invertebrates, mayflies, catarflies, stoneflies. If they live in the water, they have to be protected. And

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they have to be protected from both short term effects, which are acute and chronic effects which are long term. They have to be, it's federal law. So I applaud DNR for taking the steps to try and get our standards based upon the proper footing in this presumption of footing, this Rebuttable Presumption. And I want to emphasis to DNR and the folks here that these standards are a foundation and they apply to everything, they apply to all activities that effect water quality. Now they apply in different ways, there are regulated programs, there are stormwater programs. They imply to any impaired waters through the TNDL process as well we know, Animal Feeding Operations anyone who has a discharge through a confinement has to have a permit. Large scale agricultural operations in the watershed approach, it's these Water Quality Standards, these stream use designations that are going to determine what the goals and the measure of success in a watershed based approach. In the economic analysis, that the DNR has done, I have some difficulties with that. Before I forget, I support the current rulemaking, I have some, there are some details of the rulemaking that I don't agree with and I have some written comments about that later. For example, the economic analysis, it doesn't discuss at all the benefits of having cleaner water, both short term and long term benefits of having cleaner water. And the cost estimates are based only on a brick and mortar type mechanical plant upgrades. Construction and operating costs, there are cost effective water reuse and land application alternatives that may apply in many cases, not all but in some cases. And those aren't discussed in the economic analysis, they're in an appendix, but none of the costs of implementing for example, putting in a wetland or putting in a switchgrass plot or poplar trees that are then subsurface irrigated, none of those costs are actually put in there. From my perspective, the focus for the municipal and industrial facilities should be looking at what kind of additional treatment might be necessary. So if you're running a three cell aerated lagoon you're okay for most of the years of the month, depending on how large the receiving stream is but you know that you can't meet a reasonable ammonia limits in the winter from a three cell aerated lagoon. So you need to be looking at can we hold during the winter months? Are there some land application or water reuse technologies we can incorporate in those months we're not meeting ammonia limits? And this business of critical low flow, let's remember that the Clean Water Act allows flow variable permits. You don't always have to be treating your effluent to a critical low flow standard of quality, you only have to be treating this when it's an actual critical low flow actually occurring. So you can be putting in additional treatment options that you would just implement during critical low flow. Whether that be additional holding, whether that be land application during times of lower flow. So I encourage folks to be not just buy into DNR's economic analysis, but to look at some of your own treatment technologies and find out where you're your strong, where you might be a bit weak and try to look at some cost effect alternatives that'll improve water quality . I know everyone here that works in the water pollution control industry is concerned about water quality, I'm not questioning that. I hope you understand we're all trying to improve water quality. It's important to know also that in this state, that there is not one single NPES permit that currently requires the operator to monitor aquatic life in the stream. So it's not really fair for folks to say we're not impacting water quality because not one single permit in Iowa requires you to actually go look and see if you're impacting aquatic life. So I just wanted to get that in. Iowa standards apply to all waters, not just surface waters. Iowa Water Quality Standards apply to surface and ground water perennial, intermittent, mud puddles. Iowa Water Quality Standards. Now your NPES permits only apply to waters of the nation. Waters of the nations are waters that whatever their origin eventually reach a navigable water. In reference to the lady's reference about ground water, it is something that the DNR needs to be concerned about in the rulemaking because from the NPES permit program no, but from the Water Quality Standards yes. And that's all I wanted to say. I just wanted to thank you folks for coming out, I was personally mentioned in the water pollution control handout that you all got sent. They tried to demonize me into someone who doesn't make any sense or is an agitator, or something like that. I'm like you guys, I have a job, I have a family, I'm concerned about water quality.

Neila Seaman: I'm just going to stay here, cause I'm not going to talk very long. I'm the director of the Iowa chapter of the Sierra Club. I too would like to thank you for coming and for this opportunity from the DNR for all of us to submit our comments. Iowans want clean water, more than half a million of Iowans boat each year so we really do want clean water. On behalf of six thousand or so members that we have in the Sierra Club in Iowa, we support these rules because they are a first step forward in protecting our rivers and lakes for swimming, fishing and recreation. Yes we have some other things that need to be

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addressed, this is just the first step. So we'll be submitting in depth comments or comprehensive comments later. But I did want to say thank you and that just leave that part for the record.

Nicholas Hunt: My names is Nicholas Hunt, and it is my understanding that the Iowa DNR is proposing to change the general use stream classification so that all Iowa streams must meet fishable/swimmable standards regardless of the natural base flow rate in the stream. I am opposed to changing the general use stream classification because this will result in more stringent rules regarding streams and the limit discharges into low flow receiving streams with little improvement in environmental quality. The rule is estimated to cost nearly one billion dollars to rate payers and municipal wastewater treatment and an untold cost to farmers and livestock producers. The rule takes a top down approach and assumes all Iowa rivers and streams must be fishable/swimmable rather than first determining the true use of the water before applying the appropriate level of protection. The Iowa DNR has more flexibility under the Clean Water Act than this proposes. I am a farmer and I have implemented many things on my operation to keep our streams clean. For instance, we notetail our crops, use terraces and buffer strips, alfalfa and grass is planted on the steepest slopes and I have planted riparain buffer strips along three different strips. If Water Quality Standards are allowed to be changed in this way it will negatively impact rural Iowa, this issue is for the legislature to decide not the Iowa DNR.

Jeff Flan: The reclassification of all Iowa Streams will have little or no effect, no factor on Water Quality Standards. The big picture in my opinion is greatly overlooked. Iowa treatment facilities are a minimal concern to stream pollution. I feel our concerns need to be directed more toward agricultural water shed, I believe watershed control would improve quality immensely. The cost of the proposed rule to Iowa communities is staggering. Iowa DNR's statement is that this rule will cost as much as one billion dollars with minimal impact on improving water quality. Please do not reclassify our streams, Niola takes great pride in the quality of our discharge from our plant.