

WATER QUALITY STANDARDS PUBLIC HEARING
MANCHESTER, IOWA
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- Mike Lansing: The financial impact of these changes are going to have on our small towns is going to be phenomenal. With a lot of the retired people in town, increasing the rates is almost unbearable, if they're on a fixed income. We're going to clean up the water on our effluent trying to improve water quality standards within the town, within low flow and then a rain event comes along and we all this runoff from farmland, non-point sources and the water quality goes backwards, we have a giant fish kill, what do we gain in that situation? To me it's not really a feasible, it's not a feasible goal, just on the dollar base, it'll be much more efficient to try to spend those dollars on the non-point sources and probably gain a lot more in our water quality standards.
- Tim Wrecker: My name is Tim Wrecker, I'm a farmer from Arlington, I'm also a drainage contractor. I'm here today to oppose the water quality standards rule. The proposed rule with automatically assume that every body of water in the state is being used for fishing or swimming when that is not the case. The impact of the DNR making these assumptions, the highest possible water quality standards will be required for all streams. State rule should not be arbitrary. The DNR instead should be required instead to use science and have an actual study on how a body of water is being used. According to the DNR's own statements, the cost of the proposed rule in Iowa will be to the citizens and communities will be as much as a billion dollars. With minimal impact on water quality. If the highest standards, the highest water quality standards are required, more watersheds would be declared impaired. If they're declared impaired, then the law requires that they have a TMDL watershed plan be put in place. The TMDL impacts all farmers because of it's limitations on use of nitrogen, phosphorus and sediments. If a stream is truly impacted or impaired, then that stream that's actually being used for fishing or swimming, then more strict standards probably makes sense. What does not make sense is declaring that all waters for fishing and swimming, all waters be declared fishing and swimming in an arbitrary way, and then expecting the people of Iowa to pay a billion dollars for it. It also does not make sense to require farmers to change their farm business decisions involving fertilizer application or tillage practices without science to support it. If the science showed that it was needed to protect the environment, farmers would be more than willing to help. Farmers in this water shed at the Maquoketa watershed, which I'm involved with throughout the state have used GIS technology to pinpoint nutrient use. Many farmers have adapted to reduce tillage and installed several conservation structures to lessen soil loss. However, it's not reasonable to make farmers change their business based on arbitrary designation with no basis in fact. Thank you for the opportunity to comment.
- Vic Cane: I've always been proud of the fact that Iowans are levelheaded. They look at the problem, assess the situation and systematically work their way through it to conclusion. Where is this reasoning now? To assume that all waters should be fishable/swimmable is in theory wonderful, but in reality not practical. This is true about the theory that money does not matter. In the past cost have always and shall always be weighted against the outcome. We as wastewater professionals are asked by the public to watch out for their well being and to spend their money wisely and in the most efficient manner, the same is asked of you. One of our elderly citizens overheard me talking on this issue and she commented that she has to weigh ever purchase she makes to see if it is a want or need. She said with her limited income, she cannot afford want, it had to be a need. She had to be sure she got the most out of her money, these are the people that the wastewater professionals are fighting for. This is one of our special interest groups. They want to see a cleaner environment as well but also need to be able to afford the basics to live. I hope this now puts a face to the money issues as it is not just cold cash but actual living, breathing people. Let us get back to our Midwest upbringing and use our common sense. The information points to the fact that limited if any results will occur to water quality at an enormous expense. I am sure that this is not what anyone truly wants. Establishing a scientifically based criterion might be a slower path but it is the correct path. Credibility is needed to address this issue, I already know first-hand that the DNR rarely downgrades anything for the fact that they come under attack the second they do. Let's not take the easy path, let's take the path the information that is already out there indicated to help us feasibly achieve a common ground.
- Duane Brant: Vic pretty much covered the area we were concerned with. We've been ordered to put in a new waste treatment plant just recently and they're in the process of about twenty-five percent complete. To do this we had to raise the sewer rates nineteen percent. We hope that we're in compliance with DNR's rules as

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of now. However, with the new rules coming down and the possibility of more expense, I don't think our inhabitants or people can afford additional expense in here. That's just my brief comment. As a member of the council, we've had to raise sewer rates nineteen percent just recently and water rates three percent.

Harold Cranbeer: I come from a community of a hundred and thirty people so any economic impact is gonna just flush us down the tube. But uh, I'm an environmentalist, I like the environment, and I agree with the fishable/swimmable standard, it'd be nice to achieve, but we really have to focus, in my estimation on the non-point source, because it's pretty understandable that with all the data that's out there that agriculture land pollution is still one of our greatest polluters. We can't take all of the hit for what's going on out there and I'll just say that the financial aspect of it for our situation would be virtually impossible.

Roger Thomas: I'm Roger Thomas, State Representative, House District 24. Comments would be one, consider the flexibility of the proposed rules and to allow exemptions and to honestly look at the current court ruling that allowed for different exemptions. I too am concerned about the cost to the citizens, and also the cost to the state of Iowa. I know the budgets pretty well and I know that we would have a hard time meeting obligations for many of the communities in this room today. I think there also, before there is any implementation of new rules analysis done on the chemical treatment of discharge waters, especially if it is chlorine, that what impact might have, because we all know what it can do in pools and we swim in pools because they're clean and disinfected, so I'd hate to see that happen to the streams in my farm. Again I'm real concerned about the budgets, the people, the property tax will a big issue this year in the legislature and I don't see any other way to fund this other than through possible loan programs. Some of the communities are already stretched out as far as they can, as far as their loan capacity, and I truly expect, in fact will recommend myself that these rules be put before the legislature which is what I know is one of the choices.

Charles

Winterwood: I'm a pediatrician in Dubuque, and I've been asked to speak by the Board of the Dubuque Audubon Society on their behalf. Waters of Iowa should be safe for my children to fish and swim wherever obtainable. Kids don't look up which streams are general use and which are fishable/swimmable. Parents should not have to worry about their children bathing, fishing or swimming in Iowa streams or lakes. Rivers, streams and pools of water that support aquatic life deserve protection no matter how much water is flowing in them. The impact to local economies have been considered when the Use Attainability Analysis, EPA will allow the state of Iowa to change designated uses on the base of economic hardship, thus the fiscal impact of seven hundred ninety-to nine hundred sixty million is grossly overstated because a Use Attainability Analysis will prevent upgrading the use to the impact if the local economic hardship. Only seventeen percent of Iowa's streams and rivers are currently designated for beneficial uses. Many arguments can be made for requiring clean water in our rivers, lakes and streams, but no arguments can be made for allowing dirty water, only excuses.

Steve Veysey: My name is Steve Veysey and I live in Ames. Glad to be here today, I'd like to thank the DNR for the work they've done on these rules, I'm here to support these rules. I'm an advocate for clean water, I know quite a bit about the Clean Water Act and visited EPA on a number of occasions and one thing that we all need to remember is there is no right to discharge. Clean water belongs to everybody, it belongs to me and you and the guy sitting next to you. And we don't have a right to discharge into our waters. It's a permitted program, it's a federal program, the state has certain obligations it has to live up to. If they don't want to live up to those obligations then EPA can take the program back and these permits will be issued out of Kansas City. People a lot of talk about fishable/swimmable, we need to remember that fishable is short hand for all aquatic life, so it's not about having game fish in the stream it's about is there aquatic life in there? And if there is, it needs to be protected against acute and chronic toxicity. That's federal law, it's call an existing use, swimmable refers to all recreation in and on the water. So it's not just swimming, or tubing, it's your grandkids, sitting in this low flow creek, with his diapers on and is making mud pies in the streams. He needs to be protected, he deserves that right. So I do support the rulemaking and I have some concerns that I'll address in my written comments, but I would rather talk about solutions than problems because I really think that DNR's economic analysis is really way off the mark. There a lot of cost effective solutions and each community is a bit different, but things like low

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variable permits, you don't need to meet water quality limits at times of zero flow, you only have to meet those limits when there is no flow, so there is a number of things you can do in your treatment facility to try to meet more stringent more limits when there is no assimilation going on in the stream. There are a lot of alternatives rather than building a brand new mechanical plant. If you have a good, well run, well operated treatment facility, you can do additional treatment, you can do add ons, you can be polishing up the effluent. You can do some water reuse technologies, some land application of the treated effluent in bio-zones of switchgrass or poplar trees. I'm here today representing the Hawkeye Fly Fishing Association, we have four hundred members who spend a lot of time fishing and enjoying nature up in this area, but I did serve a couple of years ago on the governors water quality task force on the point source work group. So I know quit a bit about these issues and I really think we have solutions, I'd hate to see conservationists kinda pitted against communities and communities pitted against agriculture, we can be an agricultural state and we can have clean water, that are not mutually exclusive. And there are technologies out there that we can use and I hope we'll start using them, I am disappointed in the economic analysis, I think it really didn't do credence to some of the solutions that are out there. For those of you that are interested, there's a white paper that was just released by the Iowa Policy Project called "Ecological Wastewater Management in Iowa, Hope for Iowa's Small Communities." These are solutions geared primarily toward the seven hundred unsewered communities which area a big problem. But a lot of the things that are mentioned in this policy paper also can be used to help communities that have aerated lagoons, controlled discharge lagoons, etcetera. The issue of what will it cost? That's the neat thing about the Clean Water Act, it only costs what communities can afford, there is a very thick document that give guidance on how to calculate, what a community should be able to afford for wastewater treatment. That's the amount you're expected to pay if you need to upgrade your facility. So I just wanted to say that I support having clean water in Iowa, I don't think it's mutually exclusive with agriculture or industry or communities. I support the rulemaking and I hope we can work together over the next few years and try to find solutions to our problems.

Carl Wrecker: My name is Carl Wrecker, I'm a farmer. On our farm, we have filter strips, we have went to grid samplings, we only put fertilizer on the areas that need it. I, clean water is everyone's concern but we gotta use common sense on how we go about it and don't rush into a lot of rules and regulations that are not gonna be obtainable. We have to and that's something I can't emphasis enough, let's use common sense, let's work together, if we do something like that, we can attain where we want to be. And uh, it's everyone's concern, and it's gonna take time to get it done but let's steady this thing out so we don't come up with something that isn't attainable. Thank you.

Ron Donald: Our small city just went online about two years ago with a new mechanical sludge plant that cost us one point seven million dollars. We're told that if the strictest rules apply, we're going to have to spend another two hundred thousand dollars to disinfect. My concern is that you're asking these communities, you're asking these communities to pay for five to eight percent of the discharge while you're providing economic incentives to those particular people who are presenting ninety-ninety two percent. Let's look at, again, I'm not against clean water, certainly. But let's look at how we're funding these kind of things, and if the federal government can provide incentives to those particular people, then perhaps there's some incentives to the rest of us. Thank you.

Dennis White: I work for a wastewater contract operator all over the state of Iowa. According to the DNR's own staff, ninety to ninety percent of the pollution streams will come from non-point sources, which then states that less than ten percent comes from those NPDES permitted plants. If you use your seven hundred and ninety million over the next twenty years as stated, of the twenty-eight percent of the NPDES permitted plants in the state that will be impact and you also combine this with section three nineteen program which the state has started for non-point source pollution, which is awarded five point three million every year and you combine those together, you have eight hundred and ninety-six million dollars on an annual estimate, I'm sorry, totally. You're allocating approximately eighty-seven percent of the cost to be spent for ten percent of the problem and thirteen percent of the money goes to ninety percent of the problem. This just doesn't make good financial sense. Plus one is a mandatory compliance program, the other is a voluntary program. Also if the DNR goes ahead with these water quality standards, I believe it should be their responsibility to educate the public why the towns and councils will have to once again raise rates

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and it can't be just a one time article in the Des Moines Register or the local newspaper, you need to sell this to the general public as though you were an auto dealer wanting to sell a car. We all want and desire clean water in Iowa, but these efforts must be equally shared and not the extreme unbalanced approach that currently exists in this proposal would just continue the problem. I also presented this in written document and if anyone wants a copy, there it is.

Mike Nuss: I'm Mike Nuss, I'm city administrator and development director for the city of Ackley, and I believe that if we were to have a show of hands in here we'd have one hundred percent of people showing hands that they would like improved water quality, but I also agree with the gentleman that says we've gotta do this with common sense and we have to do it together. I'm old enough and I'm guessing that looking around here there's enough other men and women that are as old as me and can remember back in the old days back on the farm when you separated the cream from the milk. You still had the milk left over for your family to use but you also have five percent of it separated off for the cream and that's what the creameries wanted because that's what they made the butter out of. We're targeting five percent of the water pollution looking at spending close to a billion dollars to clean that up and by the DNR's own admission, the quality of water's not going to be substantially improved. At the informational meeting that we originally attended, they also stated that they were targeting that five percent because that was the only five percent they had any control over and they also needed to do something because water quality standards have not been approved in the states since ninety eighty-seven and they needed to do something to appease the EPA. But when you target the twenty-five percent of the smallest communities in the state at that level of expenditure, I have to question the cost benefit. It seems to me that we can redirect that money and get a lot greater bang for the buck and get a lot better water quality by directing those efforts in another direction. Thank you.

Duane Eldred: I represent a small city also and our water and sewer rates are awful high and I'm learning a lot here today and appreciate the opportunity to speak. What I'm interested in is keeping our water rates and sewer rates down so if this is implemented and there's more public hearings, I'll be there also.

Jerry Rattenborg: My name is Jerry Rattenborg and I'm a consulting engineer, previously worked my career for DNR in water pollution control. So I'm somewhat familiar in what we're talking about here also. It's my opinion that the bottom up approach that we've had for the past twenty-five or thirty years has done a pretty good job in solving the point source problem of wastewater treatment plants. We've had very few water quality documented problems from point source problems at the wastewater treatment plant. I'm also a member of the Delaware County Soil Conservation Board and I'm aware that ninety percent of the problem that has been documented here is from non-point runoff. It's my opinion that DNR needs to work with the Department of Agriculture in a holistic approach to solve this problem. It's not one department versus another, it's the state of Iowa trying to improve the water quality in Iowa. We can do that, we have the technology to do that, we just have to channel the money in the proper way to do it and by using this rules and solving only five percent of the problem is not the proper way to do it. If you look at some of the alternatives, I agree, there are alternatives, but also some of the alternatives don't work in the winter time, it's very difficult to land apply sewage effluent in the middle of a blizzard and sewage effluent never stops, it always comes. So we need to sit back, look at what we've done in the past, see if it need corrected, I don't believe it does, but we need to look at the holistic approach of working with the department of Agriculture and trying to solve non-point problems. Thank you.

Wally Taylor: I think we first need to understand how we got to this point. The federal Clean Water Act was passed over thirty years ago, and it has water quality standards in it that we're talking about here today. For thirty some years Iowa's been doing it wrong. And as a result, eighty-three percent of our waters have not been protected. The problem we have now, is that we have to make up for lost time, and there may be some expense, but I don't think it's the type of expense that the DNR is assessing here, they've been trying scare you folks with. Frankly it seems to me that the DNR is setting this whole thing up to fail. That there picking on the point-sources, to say here's what it's going to cost and we won't do anything with the non-point sources. I agree with the folks that have said we need to address the non-point source. That's where most of the pollution is coming from, and we've heard various ideas here this morning about what we can do. Buffer strips, wetlands as one man mentioned, other farming practices, even

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people live in cities, how about runoff from lawn chemicals, how about all of the parking lots and everything that brings all this water into the streams. We need to use the holistic approach that Jerry just talked about. But focus on the cost as a result of picking on the point source is I think wrong, and it's a way to undermine this whole process. Water quality standards as I've tried to bring out in my question before are irrespective of the source of the pollution. Water quality standards are there to assure we have clean water, and that's what we all want. The focus should be on how do we get there and there are many ways to do that, and they're not mutually exclusive as Steve mentioned. So we need to look at that, and if there is some expense, it shouldn't be borne necessarily by the local communities, the legislature I think could fund some of that. If they can give millions of dollars to Wells Fargo to bring up a lot more local banks, they can certainly find some money to help us get the clean water we all want.

Dave Stoklasa: I'm Dave Stoklasa with Snyder and Associates, consulting engineers of Cedar Rapids. We are employed by several cities affected by the proposed rules, each is represented by elected officials who first recognize and accept their environmental responsibilities. Second our concern for the well being of the region not just the city and third have responsibility to expect and demonstrate fiscal responsibility. Here before DNR has generally demonstrated reasonable rulemaking, taking into consideration as issues as the rule of law, the intent of the law, the scientific basis for implementation and the environmental benefit of implementation as well as the cost to the clients. This rule development violates that previous practice, it does not have a scientific basis that shows a measurable benefit to the environment, nor does it show a reasonable benefit to cost incurred by cities or point sources. Requiring those elected officials to violate their fiscal responsibilities as they pursue this responsibility. Implementation of this rule will no provide any significant improvement to the environment and it will be a tremendous waste of the resources of our state. I would recommend and request that the rule not be approved. I request the DNR, our state legislators, Iowa's congressional delegation and the EPA develop law and rule change that are based first, on sound science, which this is not, second, significant benefit for the environment, and third reasonable cost for the benefit received.

Bill Einwalter: My name is Bill Einwalter, I'm a currently the mayor of a town with approximately fourteen hundred people. We're in the process as we speak of bringing an aeromode activated sludge plant online, our process started about seven years ago and the estimated plant cost seven hundred thousand dollars good at two point six million. We achieved that through a four hundred CDBG grant and two point two million dollars in SRF loan. Our estimated annual operating cost for this plant is ninety thousand dollars annually. As a result of this, we're going to be able to unable repair some of our street projects, it is a serious concern for debt limit and it's going to shut down a lot of stuff in our town. The whole process went over seven years, we went through DNR reviewers, two engineering firms and it was a terrible nightmare.

Lee Bossom: I live in a small town and we have a new septic er uh, treatment plant. I don't think we need to spend all this money for quite, I know you have the uh, need to take care of our runoff between the fields. I do a lot of walking, I live in the Wapsipinicon River, in the wintertime, I walk across the bridge and I can see the bottom, it's clear as can be. Now it's pretty well clouded up because of the runoff, for the eighty percent problem, I think some of this money could be spent doing the buffer strips and such. Thank you.

John Roadcap: I'm with the Iowa State University and we've been doing work with watershed groups on farmer's based management. My comments would be in recent years, water quality assessments and the science of water quality management have progressed much more rapidly than delivery of this information and implementation of this strategies for performance based water quality improvement. Water quality improvements and solutions on the broad landscape largely remain uncharted territory. There is a major need for new approaches that lead to a majority of producers in a watershed community working to manage contaminants and jointly developing locally acceptable environmental stewardship goals. We have tapped the low-cost high return human resources of local knowledge, energy and watershed resident leadership for more cost effective and sustainable solutions to managing water contaminant issues. We can engage watershed residents and take advantage of their voluntary efforts, neighbor to neighbor contacts and leadership. The watershed size is critical to project success because residents, they need to live within a distance that makes it feasible to work for a common cause resulting in the development of a

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watershed community. Watershed resident participation is the effective way to inform the public, solicit his participation, build support for activities and to present findings to the public. There is a need to invite rural non-farm and small town neighbors who similar to the farm population have outdated secondary waste treatments and also use pesticides and fertilizer and have soil erosion issues. Rural and urban finger pointing is not a productive use of the human resource. I'll leave some additional comments. Thank you.

Rick Nugent: My name is Rick Nugent, I have a farm that is by South Cedar Creek, and the west part of South Cedar Creek. I think the gentleman who just spoke talked about the finger pointing, and it's fine if you're a municipal waste operating plant, you point at the farmers, they point at the city. This trout, it's from August 19th when we got the rain and it overflowed a manure treatment holding tank on a farm. That's an eighteen inch trout, a bunch of other fish, they all died because of it. This is a trout that was not in the West Fork that happened to survive that the DNR came out and shocked, electroshocked, that's a sixteen inch trout, that managed to make it through that manure incident, the ammonia incident because it happened to be in the main branch of South Cedar. This is a picture of South Cedar Creek on the Nineteenth of September, as everybody can see, you can practically walk across it, but you can't farm it but it's pretty dirty, that's from an addition to the down that Garnadillo is putting in that had a small retention basin that was overwhelmed by the dirty water, washed down the creek and that leads up to this is a sixteen inch trout that died from that. Now trout are just fish, we all know that, but they're really the canary in the coal mine and you want to pay lip service to clean water and just go well we've got the Clean Water Act but hell it's liable, we don't have to follow it, you can play this game of who's got the money, where is the money gonna come from and how are we gonna do this? But you have to have the will to want clean water, and if you don't have the will, you're going to hold hearings for another thirty years. I had another fish kill documented thirty years ago, Larry Stone wrote about it in the Des Moines River, same creek, same effect, dead fish. When is it ever going to be serious? And nobody wants to pay for it, nobody wants to pay two dollars and seventy or eighty or ninety cents for gas, nobody wants to pay for anything. The only thing that we can do differently is finally face up to what we have to pay for which is our environment, and I really support this fishable/swimmable. The latest incident was the thirty thousand gallons of raw sewage because the lift pump failed. Now that happened on a Friday or Saturday, I'm not sure, the police supposedly investigated, people fished in the stream over the weekend. That stream runs through my farm, nobody called me, I found out about it because of an article in the newspaper. Thirty thousand gallons of untreated sewage came into the stream, didn't kill fish because it wasn't potent enough, but I guarantee you, that none of you would wanted to walk in that stream knowing that that happened, and I sure wouldn't want my nephews and nieces out there in that water. And it's appalling to me that there's no system in place to let everybody know this has happened, you just find out about it on Monday in the paper. So I expect to go to the EPC meeting and these things get bigger and everybody can see them better, but thanks for the opportunity.

Dave Elias: I'm Dave Elias, I'm with the City of Iowa City Wastewater Division. We have already live on a classified stream and we've addressed all of the things that are slated to be addressed by the smaller towns and Iowa City has had for the last fifteen years the highest water sewage rates in the state. So we know where it goes to. But we'd also like to say that the goal of protecting the natural water resources from Iowa from degradation, and promoting the use and enjoyment of the state's waters, those are commendable goals and I'm in full support of these efforts. However, the programs, policies, regulations by which these goals are accomplished need to be technically and economically valid and they need to be sustainable in order for that objective of clean water to be obtained. Without a balanced approach, some Iowans are going to bear a large economic burden with little or no improvement in water quality to be found to enjoy, no change. So DNR should take a logical and scientifically based approach to stream classification, not arbitrarily designate unevaluated streams for the sake of achieving the appearance of complying with the EPA or the desires of citizens who have also not evaluated the attainable uses of Iowa's streams. The DNR has not yet offered other use designations in any proposal to substitute for designations that are being eliminated for example the protected flow, that has actually been apart of our environmental regulations for many years and have produced many good results. There are already rules in place that apply to the basic requirements for dischargers. They simply need to continue to be regulated, and these have protected the citizens to a large degree, and we can see great improvements in

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water quality if we turn back from where we were thirty to forty years ago. And still there will be failure in those systems, that's another matter, those need to be addressed as those happen. But these new rules don't add to that, don't change that, those need to be addressed with what we already have as laws. The cost to repair these issues may be less than what has been talked about, but yet we all recognize that it would be an insignificant improvement in water quality, so the issues that we now have in hand, they're more complicated and they're broader than anything we've had to address before in Iowa. But they are not one-sided, so the DNR should take a statewide view of improving water quality in Iowa. This will take greater imagination a greater effort than has been exercised until now, and it needs to be exercised by all Iowans. All sectors of the economic and social fabric of the state should be involved and should be expected to control the constituents to grading water quality that they are responsible for generating. We all feel strongly about that as well. DNR should lead and partner with other state agencies and other constituencies in order to prioritize and truly effect water quality parameters that can make a significant improvement in the waters of Iowa.