

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.173, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 61, “Water Quality Standards,” Iowa Administrative Code

Iowa Code sections 455B.171 to 455B.183 establish requirements for the protection and management of surface water quality. The Environmental Protection Commission, through the assistance of the Department, promulgates administrative regulations on water quality. Iowa’s Water Quality Standards (WQS) are set forth in 567—Chapter 61, “Water Quality Standards.”

The Department appointed Mike Burkhart, a professor at Iowa State University, to lead a science advisory panel to research nutrients and their effects on recreational uses of Iowa lakes. In February 2008, the Nutrient Science Advisors (NSA) completed its recommendations for nutrient criteria for recreational uses in lakes. The report can be found on the Department’s Web site:

<http://www.iowadnr.gov/water/standards/nutrients.html>.

The proposed amendment will establish criteria for transparency and chlorophyll-a to protect recreational uses in lakes with a mean depth of three meters or greater. The criteria will be used to determine if the water quality in a lake can fully support recreational uses such as swimming, water skiing and boating.

There can be many causes for poor water quality that cannot meet the proposed criteria including excess nutrients and sediment from rainwater running off the landscape and discharges from sewage treatment plants and industrial wastewater treatment plants. According to research conducted by the Department, 85 to 90 percent of the nutrients in a typical Iowa water body come off the watershed rather than point sources that require a discharge permit.

Any person may submit written suggestions or comments on the proposed amendment on or before January 23, 2010. Such written material should be submitted to Chuck Corell, Iowa Department of Natural Resources, Wallace State Office Building, 502 East 9th Street, Des Moines, Iowa 50319-0034; fax (515)281-8895 or by E-mail to chuck.corell@dnr.iowa.gov. Persons are invited to present oral or written comments at public hearings which will be held:

January 11, 2010	10 a.m.	Wallace State Office Building Fifth Floor Conference Rooms 502 East 9th Street Des Moines
January 13, 2010	1 p.m.	Clear Lake Public Library 200 North Fourth Street Clear Lake
January 14, 2010	10 a.m.	Atlantic Municipal Utilities Conference Room 15 W 3rd Street Atlantic
January 14, 2010	6 p.m.	Iowa Lakeside Laboratory Waitt Building 1838 Highway 86 Milford
January 21, 2010	10 a.m.	Falcon Civic Center 1305 5th Avenue NE Independence

This amendment may have an impact upon small businesses.

This amendment is intended to implement Iowa Code chapter 455B, division III, part 1.

The following amendment is proposed.

Adopt the following **new** subrule 61.3(4):

61.3(4) Lake criteria. So that the recreational uses listed in 61.3(1)“b”(1) through 61.3(1)“b”(3) can be supported, the following criteria are applicable to all lakes that have a mean depth of three meters or greater.

a. Transparency. The transparency of the lake as measured with a Secchi Disk shall be one meter or more in at least 75 percent of the measurements taken.

b. Chlorophyll-a. The concentration of chlorophyll-a in 75 percent of the samples analyzed shall not exceed 25 micrograms per liter (µg/l).

c. Water sampling used to determine whether a lake meets the transparency and chlorophyll-a criteria must meet the following:

(1) A minimum of nine sample results are required.

(2) At least three of the samples must be taken from the deepest part of the lake.

(3) All samples must be taken during the months of May through September.

(4) At least three sampling events must be conducted in any one summer recreation season.

(5) Samples must be taken in at least three summer seasons in a five-consecutive-year period.

d. Nitrogen and phosphorus concentrations are among several variables affecting lake transparency and chlorophyll-a levels; however, individual lake and watershed characteristics determine the precise amount of nutrients that can be tolerated within a lake while still attaining the above recreational use criteria. For this reason, nutrient reduction targets will be determined on a case-by-case basis as a result of lake-specific monitoring and data analysis. Lake nutrient response models, such as those used to establish Total Maximum Daily Loads for lakes with transparency or chlorophyll-a impairments, or other appropriate scientific methods will be utilized for this purpose.