

Antidegradation

Frequently Asked Questions

Why are these new antidegradation rules so important?

These rules have been required since 1972 as part of the federal Clean Water Act (CWA) and have never been fully implemented in Iowa. These rules will allow Iowa to grow sensibly and sustainably by restricting or preventing new sources of pollution that will degrade water quality of lakes and rivers.

Do all waters in Iowa get the same level of protection?

Antidegradation rules have four *levels of protection from new sources of pollution* ...

- Tier 1 is the basic level which applies to all surface waters (rivers, streams and lakes). It requires that permit applicants, who wish to discharge new sources of pollution, demonstrate that the new pollution will not harm any existing uses—for example, fishing or swimming.
- Tier 2 level of protection applies to surface waters where the water quality is better than the minimum water quality standard. New pollution will only be allowed if an Iowa DNR review shows that the lowering of water quality is necessary (there are no reasonable alternatives to the new discharge) and the service or industry discharging the pollution is important for economic and social development (for example provides public services and/or jobs).
- Tier 2 ½ and Tier 3 maintain and protect outstanding state and national resource waters and prohibits all new pollution except in very limited circumstances.

Why would anyone be opposed to antidegradation rules?

There are concerns that this will increase costs for new or expanding businesses. The new rules might result in the denial of a permit to add new pollution that will degrade water quality. Or if the new pollution is allowed, then the permit applicant would need to use the least degrading, affordable treatment alternative, which might add to the cost of the project.

What are the industries or activities regulated under antidegradation rules?

Antidegradation applies to any entity that needs a National Pollutant Discharge Elimination System (NPDES) permit to discharge pollutants to a surface water (river, stream or lake), if the permit would add new pollution either through a new source or expansion of an existing discharge. The regulated activities would include industries and cities that have wastewater treatment plants that discharge treated waste to surface water. Antidegradation rules also apply to storm water permits issued under the NPDES program and to state water quality certification for wetland dredge and fill permits administered by the Army Corp of Engineers.

How are rivers and streams protected under antidegradation rules?

Iowa has over 1670 facilities with permits to discharge wastewater into rivers and streams. Antidegradation review is required if these facilities want to increase the amount of pollution they are allowed to discharge to the water. Antidegradation review is also required when a new facility applies for a permit to discharge pollution to a waterway.

What does antidegradation do for lakes?

Iowa prohibits wastewater discharges to lakes, but there are other permitted activities that affect lakes, such as storm water permits and state water quality certification for wetland permits. Antidegradation rules would apply to these permits. Also, if a lake is designated as an Outstanding Iowa Water, then activities that now require a general permit, such as construction site sediment control, would require an individual permit. Activities allowed under a general permit do not require a public notice or opportunity for public comment. Individual permits assure the pollution prevention plan for the project gets a more rigorous review and allow the public to participate in the decision.

Are wetlands protected under antidegradation rules?

Activities that disturb wetlands, including dredging and filling, are regulated by the US Army Corps of Engineers. If the permitted activity has the potential to impact an Outstanding Iowa Water or an Outstanding National Resource Water, then the Antidegradation rules would require a site-specific review and water quality certification by the Iowa DNR to determine if the activity would degrade the protected waterbody. The DNR would accept public comments and would need to certify that water quality would be protected prior to allowing the permit to be issued .

What about agricultural nonpoint pollution?

Runoff from farm fields is classified as nonpoint pollution. Agricultural nonpoint source pollution is specifically exempted from regulatory requirements under the federal Clean Water Act and is, therefore, not included in the rules.

What about Concentrated Animal Feeding Operations?

Animal feeding operations with more than 1000 animal units (1000 beef cattle or 2500 hogs) are defined as Concentrated Animal Feeding Operations (CAFOs) and are regulated as point sources by the federal Clean Water Act. If these facilities discharge wastes to surface water and are required to get an NPDES permit, then antidegradation rules would apply. Under current Iowa law, only open feedlots that meet the CAFO definition are required to get NPDES permits. Total confinement livestock facilities in Iowa are not required to get NPDES permits and will not be affected by the Antidegradation rules.

How can I find out what is being proposed for my lake, river or stream?

Once antidegradation rules are adopted in Iowa, all waters will get the Tier 1 level of protection. Most rivers and streams in Iowa have water quality that is better than the minimum standards and will, therefore, also get Tier 2 protections. Only in cases where the water is at or below the water quality standard (ie the water is impaired) will Tier 2 not apply. Waters that are specifically listed in the rule as Outstanding Iowa Waters will receive Tier 2 ½ protections. The list of surface waters proposed for designation as Outstanding Iowa Waters can be found at this site: <http://www.iaenvironment.org/waterQuality/Antidegradation1.htm> . They include 6 lakes and 32 river and stream segments. There are currently no waters in Iowa proposed for designation as an Outstanding National Resource Water. However, in the future, Iowans will be able to nominate waters for this designation. See <http://www.iaenvironment.org/documents/RevisingTierLevels.pdf>.

Are the DNR proposed water quality minimum standards sufficient? Should we be asking for higher minimums? Is that a part of this antidegradation rule package?

These rules only address antidegradation requirements and do not address the water quality criteria. Rules to adopt new chloride (salt) criteria for all waters and nitrogen and phosphorus criteria for lakes are currently scheduled for rule-making in 2009. Public input will be a part of that process, too. Keep visiting our website to learn more and stay involved. Your voice matters! They include 7 lakes and 47 river and stream segments. There are currently no waters in Iowa proposed for designation as an Outstanding National Resource Water. However, in the future, Iowans will be able to nominate waters for this designation. See <http://www.iaenvironment.org/documents/RevisingTierLevels.pdf>.

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