

Iowa's Antidegradation Rules

State Antidegradation Rules are required by the federal Clean Water Act of 1972 to prevent decline in the chemical, physical, or biological conditions of a water body. Currently discharge permits are being issued in Iowa that allow Iowa's water quality to degrade. Figure 1 shows that a majority of Iowa's 8 digit Hydrologic Unit Code (HUC-8) watersheds have a general declining trend in water quality. Antidegradation is a tool to halt this declining trend. Antidegradation allows for community growth and industrial expansion with a focus on controlling and treating wastewater to avoid unnecessary new pollution.

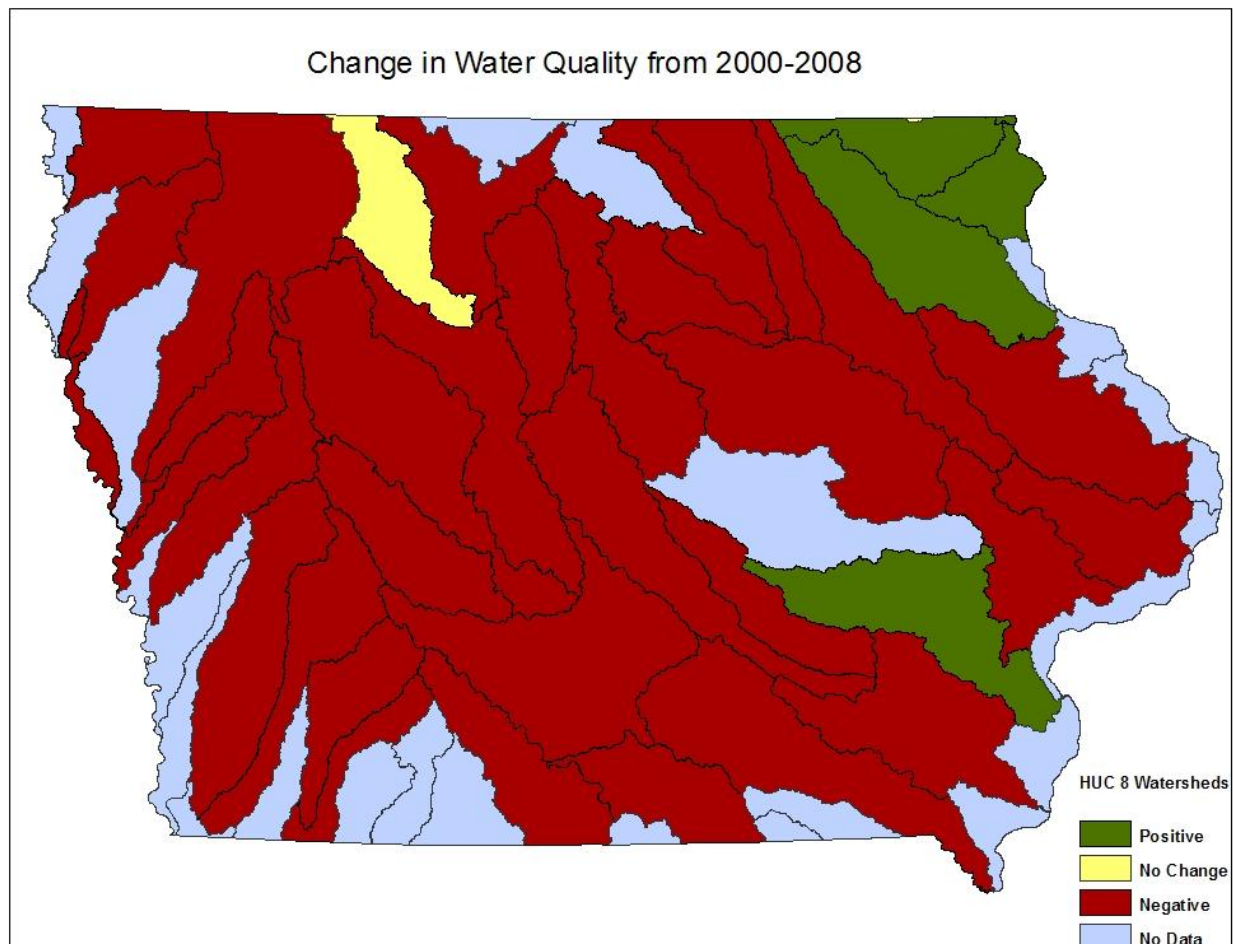


Figure 1: Data courtesy of Environmental Law and Policy Center, compiled from Iowa DNR's STORET water quality database. These trends based on turbidity, dissolved oxygen, fecal coliform/ E. coli and nitrate/nitrite levels.

What does this mean?

Antidegradation applies only to *new* or *expanding* activities:

- This policy will not apply to existing activities or,
- Current permit limits.

Antidegradation applies only to activities regulated by the federal Clean Water Act:

- These activities include industrial or municipal wastewater discharges,
- Dredging or filling a water of the United States,
- Storm water NPDES permits and,
- Livestock facilities required to get an NPDES permit (in Iowa that includes open animal feedlots with more than 1,000 animal units (1000 beef cattle or 2500 hogs).

Antidegradation *does not*:

- Prohibit development, or
- Apply to agricultural non point source pollution,

Iowa's rules refer to "Tiers" of protection:

Tier 1 – protect existing uses – The rules make clear that no activity may be permitted by the state that would eliminate, interfere with or lower water quality below what is necessary to support existing uses. **What this means:**

- No additional loading of a pollutant can occur if the receiving water body is listed as impaired for that pollutant.

Tier 2 – maintain water quality – The rules protect against unnecessary new pollution and

require review of alternatives to avoid or minimize any lowering of the water quality.

What this means:

- In order to allow additional pollution, it must be shown that the increase is necessary to accommodate important social and economic development,
- Alternatives for wastewater treatment that will avoid or minimize pollution must be considered during the planning process to aid in careful consideration for the best treatment method for both the community and environment.

Tiers 2.5 and 3 – protect outstanding waters –

The federal EPA requires states to have a Tier 3 to protect waters important to the nation. But the EPA also gives states the option of a less stringent designation, which in our rules is referred to as 2.5. The Iowa DNR's rules outline a process for designation of Outstanding Iowa Waters (Tier 2.5) and Outstanding National Resource Waters (Tier 3). This will help preserve Iowa's remaining outstanding waters for current and future generations. **What this means:**

- A new or expanding pollutant loading can be allowed for Tier 2.5 or 3 if it meets the definition of temporary and limited according to DNR,
- New or expanding pollutant loadings are not allowed under Tier 3. Expanded loads **are** allowed under Tier 2.5 if the least degrading alternative affordable is utilized.
- Tier 2.5 waters allow the state to decide what activities will be permitted.