August 18, 2003
Paul Schwaab
U. S. Environmental Protection Agency
901 N. 5th St.
Kansas City, KS 66101

Dear Mr. Schwaab:

Thank you for the opportunity to comment on Iowa's proposed 2002 Section 303(d) list of impaired waters. Our comments represent the views of the Iowa Environmental Council, an alliance of 79 organizations, at-large board members from business, farming, the sciences and education, and over 600 individual members.

We have reviewed the Decision Document regarding the Environmental Protection Agency's (EPA) partial approval and partial disapproval of Iowa's 2002 Section 303(d) list of impaired waters. We have also reviewed some of the additional supporting information in the 14 binders at the State Library of Iowa in Des Moines. While the Iowa Environmental Council's detailed comment letters that were submitted to Iowa DNR during the public comment period last fall are included in the material reviewed by EPA in their Decision Document, we are very concerned that the majority of our questions and concerns about the Iowa list remain unanswered in EPA's response. For this reason, for the remainder of this document we have put specific questions in bold for which we request a response from EPA.

The Iowa Environmental Council expects Iowa's impaired waters list to be a comprehensive and accurate list of all waters that have been identified as not meeting Iowa's water quality standards as required by the Federal Clean Water Act. We are concerned that in some cases Iowa's 303(d) list is not in compliance with all federal listing requirements. As a result, not all surface waters that are known to be impaired and in need of restoration have been included on Iowa's list.

The Council's comments on EPA's response to Iowa DNR's proposed 303(d) list of impaired waters have been divided into four sections: I) waterbodies delisted by Iowa DNR that were disapproved by EPA, II) comments on "good cause" justification for delisting, III) comments on waterbodies approved by EPA for delisting without "good cause," and IV) other concerns related to the Iowa Impaired Waters List.

I. Waterbodies delisted by Iowa DNR that were disapproved by EPA
EPA has disapproved the Iowa DNR's decision not to list twenty of the lakes on Iowa's 2002 list of impaired waters that were included on the 1998 list. Nineteen of these lakes are included in the Iowa State University study of 132 Iowa lakes that was initiated in 2000 and will continue through 2004. One of the lakes disapproved by EPA (Little Clear Lake) is not part of the ISU Lake Study.
The Council supports the EPA decision to disapprove the delisting of all nineteen of the lakes that are included in the ISU lake study and supports the EPA rationale for this disapproval

stated in the Decision Document.

"…EPA does not believe it is appropriate at this time to remove lakes which are subject to the ISU lake study. Since the third year of lake study data is currently being analyzed by Iowa, EPA believes it is appropriate for Iowa to review the data and refine the numeric translators prior to removing study lakes from the 303(d) list."

These nineteen lakes include the following:
1. Badger Lake (Monona Co.) IA 06-WEM-00450-L - listed in 1998 for aquatic life uses impaired by siltation and organic enrichment
2. Big Creek Lake (Polk Co.) IA 04-UDM-0140-L — listed in 1998 for aquatic life uses impaired by siltation and nutrients
3. Central Park Lake (Jones Co.) IA 01-MAQ-01580-L - listed in 1998 for aquatic life uses impaired by siltation, nutrients and aquatic plants
4. Don Williams Lake (Boone Co.) IA 04-UDM-01650-L - listed in 1998 for aquatic life uses impaired by siltation and organic enrichment
5. Easter Lake (Polk Co.) IA 04-LDM-00490-L - listed in 1998 for aquatic life uses impaired by siltation and nutrients
6. Five Island Lake (Palo Alto Co.) IA 04-UDM-03850-L - listed in 1998 for aquatic life uses impaired by low dissolved oxygen and suspended solids
7. Indian Lake (Van Buren Co.) IA 04-LDM-00150-L - listed in 1998 for aquatic life uses impaired by aquatic plants and organic enrichment
8. Lacey Keosauqua Lake (Van Buren Co.) IA 04-LDM-0160-L - listed in 1998 for aquatic life uses impaired by turbidity
9. Lake Cornelia (Wright Co.) IA 04-UDM-02290-L - listed in 1998 for aquatic life uses impaired by suspended solids
10. Lake MacBride (Johnson Co.) IA 02-IOW-00390-L - listed in 1998 for aquatic life uses impaired by siltation and nutrients
11. Lake Myers (Winneshiek Co.) IA 01-TRK-02245-L - listed in 1998 for aquatic life uses impaired by siltation and nutrients
12. Lake Smith (Kossuth Co.) IA 04-EDM-00610-L - listed in 1998 for aquatic life uses impaired by noxious aquatic plants
13. Littlefield Lake (Audubon Co.) IA 05-NSH-00675-L - listed in 1998 for aquatic life uses impaired by siltation
14. Manteno Park Pond (Shelby Co.) IA 06-BOY-00263-L - listed in 1998 for aquatic life uses impaired by siltation and nutrients
15. Rathbun Reservoir (Appanoose Co.) IA 05-CHA-0020-L - listed in 1998 for drinking water uses impaired by atrazine
16. Spring Lake (Green Co.) IA 04-RAC-00805-L - listed in 1998 for aquatic life uses impaired by noxious aquatic plants
17. Springbrook Lake (Guthrie Co.) IA 04-RAC-02220-L - listed in 1998 for aquatic life uses impaired by siltation and nutrients
18. Upper Gar Lake (Dickinson Co.) IA 06-LSR-02830-L - listed in 1998 for aquatic life uses impaired by noxious aquatic plants (should probably be changed to algae)

19. Williamson Pond (Lucas Co.) IA 04-LDM-01995-L - listed in 1998 for aquatic life uses impaired by organic enrichment and turbidity

Even though Little Clear Lake in Pocahontas County (IA 04-RAC-01620-L) was not included in the ISU Lake Study, the Council does support the EPA disapproval of the delisting of this lake based on the continued assessment by the DNR Wildlife Bureau that aquatic life uses are impaired by high levels of nutrients in the lake. Little Clear Lake was assessed as partially supporting aquatic life uses in 1994 with the primary source of impairment being high levels of nutrients from agricultural nonpoint sources. This assessment was reviewed and approved by the DNR Wildlife Bureau in 1998 and, based on that assessment, the waterbody was placed on Iowa's list of impaired waters in 1998 by EPA. The 1998 Section 305(b) assessment of partial support of aquatic life uses impaired by nutrients was reviewed and approved by the DNR Wildlife Bureau in 2000 and 2002.The 2002 Section 305(b) assessement report states "According to the local DNR Wildlife Biologist (Neal) this wetland remains impaired by nutrients, siltation, and purple loosestrife." Little Clear Lake is included on Part 2 of the Iowa 303(d) list as impaired by exotic species (purple loosestrife). Based on this assessment, the nutrient impairment of Little Clear Lake should not be delisted and should remain on the 2002 list.

Impairments of lakes in the ISU lake study that should also remain on Iowa's 303(d) list
Based on the above rationale for disapproving the delisting of lakes included in the ISU lake study, the Council requests that EPA also disapprove the delisting of impairments for five additional lakes listed below that are also included in the ISU lake study. These five lakes are also included in Part A of the attached list of waters approved by EPA for delisting without good cause with some additional comments.
1. Beeds Lake (Franklin Co.) IA 02-WFC-0090-L — Beeds Lake was listed in 1998 for impairment of aquatic life uses by siltation and nutrients. This lake is included on the Iowa 303(d) list for impairment of recreational uses by bacteria but the siltation and nutrient impairments should also remain on the list and be re-evaluated along with other lakes in the ISU lake study during the next listing cycle.
2. Bob White Lake (Wayne Co.) IA 05-CHA-00690-L — Bob White Lake was listed by DNR in 1998 for aquatic life uses impaired by siltation and nutrients. A TMDL was completed for siltation in 2001 and approved by EPA in Jan. 2002. The nutrient impairment was approved by EPA for delisting in the Jan. 2002 TMDL approval letter based on lack of data supporting the nutrient impairment. Data from the first two years of the ISU lake study for 2000 and 2001 was available at the time of the EPA approval of the delisting, but was apparently not reviewed by EPA in their decision. This data shows a phosphorus TSI index of 89.6 which is among the highest for all 132 lakes in the ISU lake study. For this reason, EPA should rescind their earlier approval of the delisting of the nutrient impairment for Bob White Lake and this impairment should remain on the list and be re-evaluated along with other lakes in the ISU lake study during the next listing cycle.
3. Pierce Creek Pond (Page Co.) IA-05-NSH-00220-L — Pierce Creek Pond was listed by DNR in 1998 for impairment of aquatic life uses by siltation and nutrients. For the 2002 list the siltation impairment has been changed to non-algal turbidity, but the nutrient impairment

should also remain on the list and be re-evaluated along with other lakes in the ISU lake study during the next listing cycle.
4. Roberts Creek Lake (Marion Co.) IA 04-LDM-00380-L — Roberts Creek Lake was listed by DNR in 1998 for impairment of aquatic life uses by siltation. This lake was proposed for delisting by Iowa DNR based on "lack of any water quality data or water quality criteria upon which to base an assessment of the aquatic life uses of this lake." Since this lake is included in the ISU lake study, there is water quality data upon which an assessment can be based. The siltation impairment should remain on the list and be re-evaluated along with other lakes in the ISU lake study during the next listing cycle.
5. Rodgers Park Lake (Benton Co.) IA 02-CED-02750-L — Rodgers Park Lake was listed by DNR in 1998 for impairment of aquatic life uses by siltation. This lake was proposed for delisting by Iowa DNR based on "recent dredging of the upper arm of the lake and the construction of a wetland directly above the lake." Since this lake is included in the ISU lake study, any water quality improvements resulting from this recent work can be evaluated. Therefore, the siltation impairment should remain on the list and be re-evaluated along with other lakes in the ISU lake study during the next listing cycle.

II. Comments on "good cause" justification for delisting of waters
After completing our review of waterbodies and impairments included on Iowa's 1998 303(d) list that were approved by EPA for delisting, we are concerned that many of these waterbodies, or additional impairments on listed waterbodies, have been removed without meeting the "good cause" justification required by the federal Clean Water Act.

It is the Council's opinion that, at a minimum, the state must review the data or other information that was the original justification for listing and show that this information was incorrect or provide additional data or information that demonstrates that the waterbody is no longer impaired. Once a waterbody has been listed for a specific pollutant, the burden of proof must shift for the new data or information to show with reasonable certainty that the waterbody is not impaired by the listed pollutant.

"Credible data" limitations on the listing of impaired waters
Of particular concern are the proposed listing restrictions resulting from the enactment of "credible data" legislation (SF 2371) by the 2000 Iowa General Assembly. In the introductory section of DNR's "Methodology for developing Iowa's 2002 Section 303(d) list of Impaired Waters" dated February 12, 2003, it is stated that:

"Where inconsistencies exist between requirements of the federal TMDL regulations and Iowa's credible data law, IDNR has noted the inconsistency and has made this methodology consistent with Iowa State law. Incorporation of requirements of the credible data law will have significant impacts on Iowa's 2002 Section 303(d) list. According to the credible data law, however, this type of information can, and will, be used for Section 305(b) reporting. Also, waterbodies that were included on Iowa's previous ("1998") Section 303(d) list solely on the basis of "best professional judgement" will not be included on Iowa's Section 303(d) list for 2002. These waterbodies will be addressed through requirements of the EPA consent

decree for purposes of TMDL development."

As noted above, Iowa state law restricting the use of "best professional judgement" has resulted in the delisting of a large number of waters that were listed as impaired on Iowa's 1998 list. While DNR was required to take this action under state law, EPA has a responsibility to review these waters and determine whether the "good cause" basis for delisting under the federal Clean Water Act has been met. EPA relied on "best professional judgement" of Iowa Wildlife Biologists in adding many waterbodies to Iowa's Section 303(d) list in 1998. Please comment on why EPA is now approving the delisting of many of these same waterbodies despite the continued documentation of impairments.

Wetland Issues

Wetlands in Iowa are greatly affected by Iowa's "credible data" requirements because Iowa currently does not conduct regular monitoring of wetlands and has not established criteria and assessment protocols specifically for wetlands. Therefore 44 of the 56 wetlands on the 1998 Impaired Waters List are proposed for removal from the 2002 list. While some of these wetlands have documentation of water quality improvements, many continue to be assessed as impaired. Most of these wetlands are assessed by the local wildlife biologist as impaired by siltation from agricultural nonpoint sources and that assessment has been consistently verified by the DNR Wildlife Bureau. Since the only assessment information available for most wetlands in Iowa is "best professional judgement" of wildlife biologists, the listing of wetlands on the 2002 impaired waters list must continue to rely on the available information. The Council is encouraging Iowa DNR to develop criteria and assessment protocols specifically for wetlands, and once these criteria have been established and incorporated into Iowa's water quality standards, the impairment status of the listed wetlands can be re-evaluated based on the new criteria. Please comment on EPA's position regarding Iowa's lack of wetland criteria, assessment protocols, and monitoring data for wetlands that has resulted in most wetlands in Iowa that have been assessed as impaired being proposed for removal from the 2002 Section 303(d) list.

Delistings due to insufficient data quantity

Iowa DNR has proposed to remove a large number of waterbody impairments from Iowa's 303(d) list due to insufficient data to support a 303(d) listing. This is the case for five waterbodies listed in 1998 for impairment of recreational uses by indicator bacteria. These waterbodies were assessed in the 305(b) report as impaired by indicator bacteria based on an "evaluated" assessment, but were proposed for removal from the 303(d) list based on insufficient amount of bacteria data collected within the reach. While we support the establishment of criteria for listing waters as impaired that requires a sufficient number of samples exceeding the standard to be sure that the waterbody is actually impaired, we feel that the same sample size requirements should not be used as justification for removing a waterbody impairment from the list. In fact, if sample size is not sufficient to give an accurate assessment (including cases where no data is collected), then the waterbody should remain on the list until adequate data is provided to establish with reasonable certainty that the waterbody is not impaired by the listed pollutant.

If this higher burden of proof for delisting is not required, we risk having waterbodies listed, and then not listed, and then listed again for the same pollutant depending on the number of samples collected during the reporting cycle, which has nothing to do with the impairment status of the waterbody. In fact, the use of insufficient sample size as a justification for delisting a waterbody could lead to a decision to reduce or discontinue monitoring in order to justify removing a waterbody from the 303(d) list without having to complete a TMDL restoration plan. Please comment on EPA's interpretation of the "good cause" justification for delisting waterbodies that allows an inadequate assessment to be used as the basis for removing a waterbody from a state's impaired waters list, especially where the available data indicates a continued impairment.

III. Waterbodies approved by EPA for delisting without good cause

Attached are lists of the Iowa rivers, lakes, and wetlands that the Council believes should not have been approved by EPA for delisting. The Council's comments and questions regarding the EPA decision to approve the removal of these waterbodies or impairments from the Iowa 303(d) list are also given.

The Council sees three general categories of removals that we believe do not meet the "good cause " justification:

1. The Council has identified 14 waterbodies or additional impairments on listed waterbodies where there is new data and assessment information that supports the original listing decision and indicates the water body continues to be impaired by the pollutant identified in the 1998 list, but where data quantity limitations or other reasons were offered as justification for delisting.
2. The Council has identified 18 waterbodies or additional impairments on listed waterbodies where additional assessement information is provided that supports the original listing decision and indicates the water body continues to be impaired by the pollutant identified in the 1998 list, but where the assessment information relies only on best professional judgement of DNR scientists. Iowa state law excludes these waterbodies from even being considered by Iowa DNR for 303(d) listing and, therefore, they must be carefully reviewed by EPA to determine if the "good cause" justification for delisting has been met.
3. The Council has identified 10 waterbodies or additional impairments on listed waterbodies where no new data or information is provided showing that the data or information relied upon in the original listing was incorrect or that demonstrates the waterbody is currently not impaired by the listed pollutant. Iowa state law excludes these waterbodies from even being considered by Iowa DNR for 303(d) listing and, therefore, they must be carefully reviewed by EPA to determine if the "good cause" justification for delisting has been met.

IV. Other Concerns related to Iowa's Impaired Water

As noted in the Iowa Environmental Council's two comment letters to Iowa DNR submitted in November 2002, the Council has several concerns with the assessment and listing process used by Iowa DNR to complete the 2002 Section 303(d) list. Following are additional comments not included in our comment letter to Iowa DNR for which the Council requests an EPA

response.

Nitrate listing criteria

Our review of the nitrate monitoring data used to determine drinking water use support has raised significant concerns about the nitrate listing criteria established by the Iowa DNR in the listing methodology. The methodology states that if the nitrate MCL is exceeded, but less then 15 percent of the samples collected during the biennial period exceed the MCL, the drinking water uses are assessed as fully supported / threatened. This assessment would not result in the listing of the drinking water source as impaired unless it is found that there is a declining trend in water quality, and then the waterbody might be considered for listing.

Our review of the 2000-2001 assessment report reveals that despite the fact that nitrate contamination is a significant and growing concern for Iowa surface water sources of drinking water, NO surface water sources in Iowa were listed for nitrate impairment based on state monitoring data exceeding this listing criteria. Of the six drinking water sources listed for nitrate impairment of drinking water, two were listed because of MCL drinking water violations in finished water (Cedar Lake at Winterset and Middle Raccoon River at Panora); one had less then the 15 percent exceedence of the standard, but was listed because of a declining water quality trend in the monitoring data (Cedar River at Cedar Rapids); and three were listed because of raw water monitoring data collected by the water utility (two segments of the Raccoon River and the Des Moines River at Des Moines).

The situation on the Des Moines and Raccoon Rivers in Des Moines is particularly enlightening because it allows comparison of assessments for support of the drinking water use based on data from the state monitoring network with a more robust data set collected by the Des Moines Water Works.

According to the 305(b) assessment report for the Upper Des Moines River (IA 04-UDM-0010_2), results of the ISU/ACOE monitoring at the Sycamore Access found only 6 of 44 or 13.6 percent of samples collected in 2000-2001 exceeded the nitrate MCL and the monthly Iowa DNR city monitoring at the Sycamore Access found only 7.1 percent of samples exceeding the nitrate MCL. Based on this monitoring information, the Upper Des Moines River would have been assessed as fully supported / threatened and not listed on the 2002 Impaired Waters List. This segment was, however listed because of the more robust data collected by the Des Moines Water Works which found more then 27 percent of raw water samples (51 of 187) exceeded the nitrate MCL and because of the continued periodic use of the nitrate removal system by the Des Moines Water Works in order to meet drinking water standards.

A similar situation was found with the monitoring data on the two sections of the Raccoon River (IA 04-RAC-0010_1 and IA 04-RAC-0010_2) also used as a drinking water source by the City of Des Moines. The ISU/ACOE monitoring at Van Meter found only 6 of 44 or 13.6 percent of samples collected in 2000-2001 exceeded the nitrate MCL. Based on this monitoring information, both sections of the Raccoon River used as water supply by the Des Moines Water Works would have been assessed as fully supported / threatened and not listed

on the 2002 Impaired Waters List. This segment was, however listed because of the more robust data collected by the Des Moines Water Works which found more then 28 percent of raw water samples (53 of 187) exceeded the nitrate MCL and because of the continued periodic use of the nitrate removal system by the Des Moines Water Works in order to meet drinking water standards.

The Iowa Environmental Council feels this assessment information suggests that the 15 percent threshold for water samples exceeding the nitrate MCL may not be the appropriate criteria for determination of support of the drinking water use, especially when the monitoring program has not been designed specifically to assess the nitrate levels in the drinking water source. The 15 percent exceedence for nitrate established by the Iowa methodology is also greater then the "10 percent rule" for making non-attainment decisions recommended by the 1997 EPA guidance for 305(b) reports and the recently released EPA report "Guidance for 2004 Assessment, Listing and Reporting Requirements Pursuant to Sections 303(d) and 305(b) of the Clean Water Act".

Based on our review of the implementation of the nitrate assessment protocol in Iowa, the Council strongly objects to using this 15 percent criteria as a justification for removing a drinking water source that is currently listed as impaired by nitrate as was the case for the Iowa River segment at Iowa City (see Part A of the attached list for further discussion of the Council's concerns regarding the delisting of this river segment). Based on the above concerns, the Council requests that EPA require Iowa DNR to re-evaluate the listing methodology used for evaluation of nitrate impairment of drinking water uses for future assessment and listing decisions.

Repeated fish kills as a basis for listing
The DNR's "Methodology for developing Iowa's 2002 Section 303(d) List of Impaired Waters" states that fish kills caused by an "illegal or unauthorized release of manure or other toxic substance" will not be considered for Section 303(d) listing or TMDL development. DNR states "impacts from this type of fish kill will be addressed through DNR's enforcement procedures." In our comments to Iowa DNR on the proposed 303(d) list the Council identified several waterbodies with repeated fish kills that the Council believes should be included on Iowa's 2002 Section 303(d) list for impairment of aquatic life uses.

The Council disagrees with the Iowa DNR's response that these river segments would not benefit from TMDLs and that better enforcement is the answer. While we do not disagree that better enforcement is needed where waterbodies are impaired due to repeated illegal discharges of manure or other pollutants, as evidenced by repeated fish kills, we suggest that improved management practices and perhaps additional siting restrictions may also be needed. The Council believes there is strong evidence from the USGS NAWQA monitoring that the high concentration of livestock in the watershed of these river segments is causing chronic water quality problems in addition to the obvious acute problems caused by manure spills. In cases where the concentration of livestock in the watershed is contributing to the problem, it may also be necessary to restrict new permits in the watershed until water quality has been restored.

This could be accomplished with a TMDL, but is unlikely to occur from enforcement alone.

The most serious case of repeated fish kills is the South Fork of the Iowa River (IA 02-IOW-270 & IA 02-IOW-280) and its tributary Tipton Creek (IA 02-IOW-0300) in Hamilton and Hardin Counties. These streams flow through an area of intense concentration of large livestock confinement facilities and have a history of repeated fish kills. Our review of Iowa DNR's fish kill data show eight fish kills on these streams since 1992, seven of which are attributed to livestock manure. Over 200,000 fish are estimated to have been killed in these spills. The most recent spill occurred on the South Fork of the Iowa River in September of 2001 and is estimated to have killed 20,761 fish. Please comment why EPA did not consider the repeated fish kills on the South Fork of the Iowa River and Tipton Creek as evidence of impairment requiring these three waterbodies to be included on the Iowa 303(d) list.

The Council has several other concerns that were outlined in our comment letter to Iowa DNR including 1) incomplete assessment of drinking water sources, 2) inadequate protections of drinking waters sources provided by the current assessment and listing criteria for atrazine, 3) outdated fish consumption advisory protocols that do not protect sensitive populations, and 4) lack of full public disclosure and request for public input regarding waters placed on Iowa DNR's "list of waters in need of further assessment." The Council will continue to work with EPA and the Iowa DNR to address these concerns prior to the next listing cycle in 2004.

Thank you for the opportunity to comment. If you have questions or I can clarify these comments further, please feel free to call me. We look forward to having a Section 303(d) list that will effectively and efficiently address Iowa's priority water quality concerns.

Sincerely,

Susan Heathcote
Research Director

CC: James Gulliford, US EPA Region 7 Administrator

Enclosure: List of waters approved for delisting without "good cause"

Iowa Environmental Council list of Rivers, Lakes and Wetlands
Approved by EPA for Delisting Without Meeting the
"Good Cause" Justification Required by the Clean Water Act
Following is a list of 42 waterbodies or impairments that were approved by EPA for delisting despite the continued evidence of impairment. The Iowa Environmental Council requests a response from EPA regarding the justification for their decision to allow the removal of each of

these waterbodies or impairments from the Iowa 303(d) list.

Part A

Waterbodies where there is new data and assessment information that supports the original listing decision and indicates the water body continues to be impaired by the pollutant identified in the 1998 list, but where data quantity limitations or other reasons were offered as justification for delisting. Unless sufficient waterbody specific information was provided by DNR to demonstrate that the waterbody is no longer impaired, we believe EPA must disapprove the delisting based on lack of good cause justification for removal.

1. Beeds Lake (Franklin Co.) IA 02-WFC-0090-L

2. Beeds Lake was listed in 1998 for impairment of aquatic life uses by siltation and nutrients from agricultural nonpoint sources, based on the recommendation of DNR Fisheries and Water Quality Bureaus. Both of these impairments are proposed for removal from the 2002 list because a "319" project has recently been completed. While this information does indicate likely improvement in water quality, it does not necessarily mean that the water body is no longer impaired. Beeds Lake is included in the ISU lakes study and based on data from 2000 — 2001, Beeds Lake has a trophic state index for total phosphorus, chlorophyll-a, and secchi depth of 74, 62, and 57 respectively with the phosphorus values classifying the lake in the hyper-eutrophic range(very poor water quality), and the chlorophyll-a and secchi depth values are in eutrophic range (poor water quality). Beeds Lake is included on the 2002 list for bacteria impairment of recreational use, but the lake monitoring data does not justify the removal of the nutrient and siltation impairment. EPA did not approve or disapprove the DNR's proposed delisting of the nutrient or siltation impairment of Beeds Lake. Please comment on EPA's decision regarding these impairments. If the EPA decision is to approve the delisting of these impairments, please comment why EPA is not requiring that the siltation and nutrient impairments of Beeds Lake remain on the 2002 list and be re-evaluated along with the other lakes included in the ISU lake study during the next listing cycle.

3. Big Sioux River (Lyon Co.) IA 06-BSR-0020_0 (old) IA 06-BSR-0020_1 &_2 (new)

4. This 54 mile long segment of the Big Sioux River in Lyon County was listed by Iowa DNR in 1998 for bacteria impairment of recreational uses based on monitoring data collected by South Dakota DENR at locations near Hudson and Canton. This section of the Big Sioux River was assessed as partially supporting recreational uses from 1994 to 1998 due to frequent exceedences of water quality standards for bacteria. In 2000, the assessment was upgraded to fully supported / threatened. For the 2002 assessment, the segment was broken into three subsegments, with subsegment #1 evaluated by the Hudson station and subsegment #2 evaluated by the Canton station. There is no monitoring station on subsegment #3 so it was not evaluated. For 2002, both subsegments #1 and #2 are assessed as partially supporting recreational uses due to high bacteria levels, but despite the long history and continued evidence of bacteria impairment, DNR is proposing to remove both segments from Iowa's 303(d) list. The assessment of subsegment #1 at Hudson, South Dakota found that one of seven non runoff samples from 2000-2001 exceeded the fecal coliform bacteria single sample maximum of 400 colonies/100 ml. The assessment of subsegment #2 at Canton, South Dakota found that two of seven non runoff samples from 2000-2001 exceeded the fecal coliform bacteria single sample maximum of 400 colonies/100 ml. However, since the assessment did not meet the minimum sample number of 10, neither of these segments were considered by

Iowa DNR for 303(d) listing. Despite the small sample size, the new data does not indicate that this section of the Big Sioux River is no longer impaired and, in fact, indicates a continued impairment by bacteria. While limited sample size may not provide sufficient confidence to justify listing a waterbody for a new impairment, we believe sample size is not sufficient justification for removing a current impairment, especially given the long history of bacteria problems on this section of the river. Also, these two river segments were not included on the DNR list of waterbodies and impairments proposed by Iowa DNR for delisting in the August 2002 public notice or on the updated list of waters proposed for delisting in the December 2002 submittal letter to EPA. Please comment on the lack of public notification regarding the proposed delisting of these river segments prior to the EPA decision document. Also, please comment on why EPA has approved the removal of these river segments from Iowa's 303(d) list despite the continued evidence of impairment of recreational uses.

5. Bob White Lake (Wayne Co.) IA 05-CHA-00690-L

Bob White Lake was listed by DNR in 1998 for siltation and nutrient impairments to aquatic life uses. A TMDL for siltation was completed by DNR in December 2001 and approved by EPA in January 2002. DNR requested that no nutrient TMDL be required in the December TMDL submittal letter and EPA approved the delisting of the nutrient impairment in the January 2002 TMDL approval letter. The rationale for the removal of the nutrient impairment was that there was no data or information available to support the 1998 listing of Bob White Lake for nutrients. The Council is very concerned that EPA approved the delisting of the nutrient impairment without opportunity for the public to provide comments, especially since there was information available to DNR in December 2001 from the first 2 years of the ISU lake study indicating that Bob White Lake is very much impaired by nutrients. Based on the lake data from 2000-2001, the total phosphorus trophic state index for Bob White Lake is 89.6, which indicates the lake is hyper-eutrophic. In fact, Bob White Lake has some of the highest phosphorus levels of the 132 Iowa lakes included in the ISU study. Clearly, the removal of the nutrient impairment in the approval letter from EPA in January 2002 was a mistake. Please explain why the nutrient impairment of Bob White Lake was not added back to Iowa's 2002 list based on the significant evidence of nutrient impairment from the ISU lake study. Also, please comment on the reason the public did not have an opportunity to comment prior to EPA's decision to de-list this impairment in January 2002.

4. Cedar Lake (Winterset) IA 04-LDM-03085-L

Cedar Lake serves as the primary drinking water source for the City of Winterset and was listed in 1998 for atrazine impairment of the drinking water use. For 2002, Cedar lake is listed for nitrate impairment of the drinking water use but the atrazine impairment is proposed for delisting. For 1999-2001, Cedar Lake had 8 of 92 raw water samples exceeding the MCL level for atrazine of 3 ug/L, with a maximum atrazine level of 8 ug/L in 1999. In 2000, the time weighted mean atrazine level was 2.42 ug/L. While an EPA analysis of the monitoring data found that the atrazine level does not exceed the yearly running average of 3 ug/L required by the Iowa Listing Methodology, the levels in 2000 were very close to exceeding the standard. Based on the continued high levels of atrazine in this important drinking water source we do not believe removal of the atrazine impairment of Cedar Lake is justified at this time, and the listing status should be re-evaluated during the next listing cycle. Since the atrazine

levels are clearly a significant continuing concern for the drinking water quality, it would seem prudent to keep the atrazine impairment on the list for development of a TMDL along with development of the nitrate TMDL. EPA did not approve or disapprove the DNR's proposed delisting of the atrazine impairment of Cedar Lake. Please comment on EPA's decision regarding this impairment. If the EPA decision is to approve the delisting of the atrazine impairment, please comment on why EPA has approved this delisting despite the continued serious threat to the drinking water supply for the City of Winterset.

5. Cedar River (Linn and Black Hawk Co.) IA 02-CED-0030_0 (old)
IA 02-CED-0030_1, 2, 3, 4 (new)

This 57 mile long segment of the Cedar River from Prairie Creek at Cedar Rapids to Wolf Creek at LaPorte City was listed in 1998 for bacteria impairment of recreational uses. For the 2002 assessment, the segment was broken into four subsegments. The monitoring data discussed in the "EPA Recap of Waterbody Delistings" dated July 2, 2003, is difficult to interpret without clarification on the location of the USGS monitoring stations, however, it would appear that there is significant evidence of continued bacteria impairment of at least some of the subsegments. The EPA information states in part,

"Data for Cedar River below Waterloo (sta #10070006) but above reach IA 02-CED-0030_0 show one non high flow sample exceeding the assessment threshold of 400 cphm. This station has a geometric mean of 263 but based on only 7 samples. USGS records show a sampling event during the recreation season from the period 5/21 2001 at 6 sample locations in or near the reach, all of which were above the 400 assessment threshold. Just outside the reach, Cedar River Downstream of Cedar Rapids, Station 10570001, has 2 samples > 400 cphm out of 9 samples (two samples fall below the high flow criteria). Cedar River upstream of Cedar Rapids, Station 10570002 had no exceedance of the 400 cphm assessment threshold and a geometric mean of 24 out of 9 samples (2 of which would have fallen in the high flow region.)"

Taken as a whole, the assessment information for the listed segment does not indicate that this section of the Cedar River is no longer impaired and, in fact, provides data confirming continued impairment by bacteria of several of the new subsegments, with the possible exception of the segment above Cedar Rapids. While limited sample size may not provide sufficient confidence to justify listing a waterbody for a new impairment, we believe sample size is not sufficient justification for removing a current impairment. Please provide further explanation on how EPA applied the new bacteria sample information to the four new subsegments, especially the six samples from the USGS locations which do not appear to be included in the Iowa 305(b) assessment report. Also comment why EPA has approved the removal of the bacteria impairment from all four of the new subsegments despite continued evidence of bacteria impairment of portions of the previously listed Cedar River segment.

6. Cedar River (Cedar Falls Impoundment) IA 04-CED-0050_L

The Cedar Falls Impoundment was listed in 1998 for indicator bacteria impairment of recreational uses based on one sample of four samples collected during the summers of 1994-95 exceeding the fecal coliform bacteria standard. For 2002, the bacteria impairment of the Cedar Falls Impoundment is proposed to be removed from the list even though the primary contact recreational use in the 305(b) report is assessed as only partially supported. The assessment found that one of seven non runoff samples from 2000-2001 exceeded the fecal

coliform bacteria single sample maximum of 400 colonies/100 ml, but since the assessment did not meet the minimum sample number of 10, it was not considered for 303(d) listing. Despite the small sample size, the new data does not indicate that the Cedar Falls Impoundment is no longer impaired and, in fact, indicates a continued impairment by bacteria. While limited sample size may not provide sufficient confidence to justify listing a waterbody for a new impairment, we believe sample size is not sufficient justification for removing a current impairment. Please comment why EPA has approved the removal of this impaired water from Iowa's 303(d) list despite continued evidence of impairment to recreational uses.

7. Des Moines River (downstream from Ottumwa) IA 04-LDM-0020_1

The Des Moines River downstream from Ottumwa was listed in 1998 for indicator bacteria impairment of recreational uses based on the presence of an active combined sewer overflow which has been observed to discharge untreated sewage into the Des Moines River during rain events. For 2002, the bacteria impairment of this river segment is proposed to be removed from the list even though the primary contact recreational use in the 305(b) report is assessed as only partially supported. The assessment found that two of seven non runoff samples exceeded the fecal coliform bacteria single sample maximum of 400 cphm, but since the assessment did not meet the minimum sample number of 10, it was not considered for 303(d) listing. Despite the small sample size, the new data does not indicate that the Des Moines River downstream from Ottumwa is no longer impaired and, in fact, provides data confirming impairment by bacteria. While limited sample size may not provide sufficient confidence to justify listing a waterbody for a new impairment, we believe sample size is not sufficient justification for removing a current impairment. Please comment why EPA has approved the removal of this impaired water from Iowa's 303(d) list despite continued evidence of impairment to recreational uses.

8. Dunlap Pond (Harrison Co.) IA 06-BOY-00270-L

In 1994, Dunlap Pond was assessed as not supporting aquatic life with the primary source of impairment being siltation from agricultural nonpoint sources. This assessment was reviewed and upgraded to partially supporting by the Iowa DNR Wildlife Bureau in 1998 and the waterbody was placed on Iowa's list of impaired waters in 1998 by EPA. The 1998 Section 305(b) assessment of partial support of aquatic life uses impaired by siltation was reviewed and approved by the DNR in 2000 and again in 2002. The DNR justification for removal of this water body from the list includes a statement that "watershed modeling on this wetland indicates that sediment delivery to the wetland is very low." However, the EPA "Recap of Waterbody Delistings" dated July 2, 2003, notes that, "New (RUSLE) results and map indicate a potential for moderate to potentially high sediment delivery to this wetland, however, no credit was given to conservation practices, and the land cover was assumed to have not changed since the year 2000." The DNR and EPA description of the modeling results appear to be contradictory and at best indicate the need for a more complete analysis of the landuse and other modeling input data. The contradictory interpretations of the modeling results coupled with the 2002 assessment by the DNR Wildlife Bureau of continued partial support of aqautic life uses due to siltation impairment, indicates that Dunlap Pond should not be delisted at this time, but should remain on the 2002 list and re-evaluated during the next listing cycle. Please comment why EPA accepts the DNR justification for removal of this waterbody despite an apparent disagreement with DNR's interpretation of the modeling results upon which the

delisting is based.

9. Iowa River (Iowa City) IA 02-IOW-0030_2

The Iowa River is used as a source of drinking water for the City of Iowa City and the University of Iowa. The Iowa River at Iowa City was listed in 1998 for nitrate impairment of drinking water use based on raw water monitoring data provided by the Iowa City Water Department. DNR has proposed to remove the nitrate impairment of drinking water uses from the 2002 list even though nitrate levels in the river continue to exceed the water quality standard. Sample data collected during 2000-2001 found that 5 of 43 samples (12%) exceeded the nitrate drinking water standard of 10 mg/L showing continued impairment of the drinking water source. While the number of violations does not meet the 15% threshold required for listing by the Iowa Listing Methodology, the trend data over the last 3 biennial reporting periods show the number of violations has increased from 0 of 44 (0%) in 1996-97, to 4 of 49 (8%) in 1998-99, to 5 of 43 (12%) in 2000-01. Recent conversations between the Council and the Iowa City and University of Iowa water supply departments indicate continued significant concerns about nitrate levels in the river. Also, additional raw water data is available from the Iowa City Water Department (Carol Sweeting 319/356-5164) and the University of Iowa Water Plant (Scott Sleath 319/335-5165) that was not reviewed by DNR or EPA in assessing the impairment status of the drinking water uses on the Iowa River. While this data is in paper form and would ordinarily not be considered "readily accessible" for the purpose of 305(b) reporting, we believe review of this data should be required prior to consideration of removal of a listed drinking water impairment. Because of the increasing trend in number of violations and the lack of a complete review of all of the available data on nitrate levels in the river, the Council does not believe the nitrate impairment of the Iowa River at Iowa City should be delisted at this time and should remain on the 2002 Section 303(d) list for re-evaluation in the next listing cycle. Also, the Council has general concerns about the 15% threshold for nitrate exceedences as a basis for listing (see discussion on nitrate listing criteria in IEC comment letter). In the Decision Document, EPA did not approve or disapprove the DNR’s proposed delisting of the nitrate impairment of this section of the Iowa River. Please provide EPA’s decision regarding this impairment. If the EPA decision is to approve the delisting of the nitrate impairment, please comment on why EPA is approving the delisting of a waterbody with continuing and increasing evidence of impairment to drinking water uses, especially without complete review of raw water data from the Iowa City Water Department and the University of Iowa Water Plant.

10. Iowa River (Marshall Co.) IA 02-IOW-0060_2 (old)
IA 02-IOW-0060_5 (new)

This segment of the Iowa River was listed by Iowa DNR in 1998 for bacteria impairment of recreational uses based on monitoring data exceeding state water quality standards. For the 2002 assessment, the subsegment number changed from #2 to #5 when subsegment #1 was split into 4 new subsegments. For 2002, subsegment #5 was assessed as partially supporting recreational uses due to high bacteria levels. DNR is proposing to remove this river segment from Iowa’s 303(d) list despite the fact that the geometric mean of the seven non run-off affected samples was 251 colonies/100 ml, which exceeds the bacteria standard for recreations use of 200 colonies/100 ml. Also, two of the seven samples exceeded the fecal coliform bacteria single sample maximum of 400 colonies/100 ml. However, since the assessment did

not meet the minimum sample number of 10, Iowa DNR is not considering keeping this river segment on the 2002 Iowa 303(d) list. Despite the small sample size, the new data does not indicate that this Iowa River segment is no longer impaired and, in fact, indicates a continued impairment by bacteria. We believe the data does not justify removing a current impairment, especially given the exceedence of both the geometric mean and the single sample maximum. This river segment was not included on the DNR list of waterbodies and impairments proposed by Iowa DNR for delisting in the August 2002 public notice or on the updated list of waters proposed for delisting in the December 2002 submittal letter to EPA. In fact, the material included in the EPA decision document was the first public notification that DNR was not intending to include this segment of the Iowa River on the 2002 list. Please comment on the lack of public notification regarding the proposed delisting of this river segment prior to the EPA decision document. In fact, this segment of the Iowa River impaired by indicator bacteria was included on the Iowa 303(d) list that was submitted to EPA for approval in Dec. 2002. Also, please comment on why EPA has approved the removal of this river segment from Iowa's 303(d) list despite the significant evidence of continued impairment of recreational uses.

11. Mississippi River (Ft. Madison) IA 03-SKM-0010_1

The Mississippi River downstream of the Ft. Madison Wastewater Treatment Plant was listed in 1998 for ammonia impairment of aquatic life uses and is proposed for delisting because "new information from USGS suggests that factors other then water quality may influence fluctuations in benthic fauna of Pool 19." This river segment was identified in the 1994 Section 305(b) Assessment Report as "one of the major water quality problem areas on the Upper Mississippi River" and continues to be affected by the discharge from 9 Combined Sewer Overflows (CFOs) from the City of Ft. Madison. The new data does not indicate that aquatic life is not impaired, only that ammonia is not likely to be the cause of the impairment. In the Decision Document, EPA did not approve or disapprove the DNR's proposed delisting of the indicator bacteria and ammonia impairment of this segment of the Mississippi River. Please comment on EPA's decision regarding these impairments. If the EPA decision is to approve removal of the ammonia impairment, please comment why EPA did not require that this segment of the Mississippi River remain on the list for impairment of aquatic life uses, with the cause of impairment changed to unknown.

12. Pierce Creek Pond (Page Co.) IA 05-NSH-00220-L

Pierce Creek Pond was listed by DNR in 1998 for impairment of aquatic life uses by siltation and nutrients from agricultural nonpoint sources. This assessment was reviewed and approved in 1998 and 2000 by the DNR Fisheries Bureau. For 2002, the siltation impairment has been changed to non-algal turbidity, which is acceptable. The nutrient impairment is, however, proposed for delisting despite the fact that data collected by the Iowa State University lake study in 2000 and 2001 verifies high nutrient levels. The trophic state index for total phosphorus, chlorophyll-a, and secchi depth are 76, 62, and 71 respectively with the phosphorus and secchi depth values classifying the pond in the hyper-eutrophic range (very poor water quality), and the chlorophyll-a values are in eutrophic to hyper-eutrophic range (poor water quality). The lake monitoring data does not justify the removal of the nutrient impairment of Pierce Creek Pond at this time. EPA did not approve or disapprove the DNR's proposed delisting of the nutrient impairment of Pierce Creek Pond. Please comment on EPA's decision regarding this impairment. If the EPA decision is to approve the delisting of the

nutrient impairment, please comment on why EPA is not requiring the nutrient impairment remain on the 2002 list and be re-evaluated along with the other lakes included in the ISU lake study during the next listing cycle.

13. Roberts Creek Lake (Marion Co.) IA 04-LDM-00380-L

Roberts Creek Lake was listed for siltation in 1998 based on a 319 project application that stated the lake was "significantly impacted by sediment that is caused by soil erosion in the predominantly agricultural 7,691-acre watershed." The lake is proposed for delisting on the 2002 list based on the lack of water quality data. This lake is, however, included in the ISU lake study and data from the lake in 2000-2001 verifies poor water quality conditions. The lake has a trophic state index for secchi depth of 61 classifying the lake in the eutrophic range (poor water quality). The lake monitoring data does not justify the removal of the siltation impairment of Roberts Creek Lake at this time. Please comment why EPA did not require that the siltation impairment of Roberts Creek Lake remain on the 2002 list and be re-evaluated along with the other lakes included in the ISU lake study during the next listing cycle.

14. Rodgers Park Lake (Benton Co.) IA 02-CED-02750-L

Rodgers Park Lake was listed in 1998 for impairment of aquatic life uses by siltation from agricultural nonpoint sources, based on the recommendation of DNR Fisheries Bureau. This assessment was reviewed and approved by DNR Fisheries Bureau again in 2000. The lake is proposed for delisting in 2002 based on a recently completed dredging project. While this dredging project has likely improved the water quality in the lake, it does not necessarily mean that the water body is no longer impaired by siltation. This lake is included in the ISU lake study and based on data from 2000 — 2001, the lake has a trophic state index for secchi depth of 60 classifying the lake in the eutrophic range (poor water quality). The lake monitoring data does not justify the removal of the siltation impairment of Rodger’s Park Lake at this time. Please comment why EPA did not require that the siltation impairment of Rodgers Park Lake remain on the 2002 list and be re-evaluated along with the other lakes included in the ISU lake study during the next listing cycle.

Part B

Waterbodies where additional assessement information is provided that supports the original listing decision and indicates the water body continues to be impaired by the pollutant identified in the 1998 list, but where the assessment information relies only on best professional judgement of DNR scientists. Iowa state law excludes these waterbodies from even being considered by Iowa DNR for 303(d) listing and, therefore, they must be carefully reviewed by EPA to determine if the "good cause" justification for delisting has been met. Unless sufficient waterbody specific information was provided by DNR showing the waterbody is not impaired, we believe EPA must disapprove the delisting based on lack of good cause justification for removal.

1. Bays Branch (Guthrie County) IA 04-RAC-02085-L

2. Since 1994, Bays Branch has been assessed as partially supporting aquatic life uses with the primary source of impairment being siltation from agricultural nonpoint sources. This assessment was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998 and the waterbody was placed on Iowa’s list of impaired waters in 1998 by EPA. The 305(b) assessment of partial support of aquatic life uses impaired by siltation was reviewed and approved by the DNR in 2000 and again in 2002. The 2002 Section 305(b) assessment report

states the following: "According to the local DNR Wildlife Biologist (Munkel), this wetland remains impaired by siltation from agricultural nonpoint sources. The following beneficial uses are impacted by this siltation problem: Water storage capacity of the impoundment, water quality, game fish populations, recreational fishing, boating recreation, and waterfowl hunting." Based on this assessment, the siltation impairment of Bays Branch should not be delisted, but should remain on the 2002 list. Please comment why EPA accepts the above assessment as meeting the good cause justification for removal of this waterbody from the Iowa list.

3. Brown's Slough (Lucas Co.) IA 05-CHA-00310-L

4. Since 1994, Brown's Slough has been assessed as partially supporting aquatic life uses with the primary source of impairment being siltation from agricultural nonpoint sources. According to the Iowa DNR 305(b) assessment report, this assessment was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998 and Brown's Slough was placed on Iowa's list of impaired waters in 1998 by EPA. The assessment of partial support of aquatic life uses was reviewed and approved by the DNR Wildlife Bureau again in 2000. However, in 2002 Iowa DNR has proposed to remove this waterbody from the 2002 list based on a change in the assessment of support of aquatic life uses to fully supported / threatened. The change in assessment was not related to improved water quality, but was based on a change in the management goals for the waterbody. The 2002 Iowa 305(b) assessment states "According to the local DNR Wildlife Biologist (Telleen), this area is now managed as a moist soil waterfowl impoundment. Thus, although siltation impacts remain a concern, these impacts are now less significant to the management goals for this wetland." The Council is concerned that this change in management goals represents a change in the designated use for this waterbody without the necessary public review and participation processes required for changes in water quality standards. Please comment why EPA approved the removal of Brown's Slough from Iowa's list based on a change in use designation that is not part of Iowa's current water quality standards.

5. Elk Creek Marsh (Worth County) IA 02-SHL-00390-L

6. Since 1994, Elk Creek Marsh has been assessed as partially supporting aquatic life with the primary source of impairment being siltation from agricultural nonpoint sources. This assessment was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998 and the waterbody was placed on Iowa's list of impaired waters in 1998 by EPA. The 305(b) assessment of partial support of aquatic life uses impaired by siltation was reviewed and approved by the DNR in 2000 and again in 2002. The 2002 305(b) report assessment states the following: "According to the local DNR Wildlife Biologist (Hanson), aquatic vegetation is being replaced by drier species as siltation problems continue at this on-stream wetland." Based on this assessment, the siltation impairment of Elk Creek Marsh should not be de-listed, but should remain on the 2002 list. Please comment why EPA accepts the above assessment as meeting the good cause justification for removal of this waterbody from the Iowa list.

7. Hawkeye Wildlife Area (Johnson Co.) IA 02-IOW-00410-L

8. In 1998 the Hawkeye Wildlife Area was assessed as partially supporting aquatic life uses with the primary source of impairment being siltation from agricultural nonpoint sources. Based on this assessment, the waterbody was placed on Iowa's list of impaired waters in 1998 by EPA. The 1998 Section 305(b) assessment of partial support of aquatic life uses impaired

by siltation was reviewed and approved by the DNR Wildlife Bureau in 2000, with a statement that the water quality trend for this wetland area was identified as "stable to declining." The assessment of partial support of aquatic life uses was reviewed and approved again in 2002. The 2002 305(b) assessement report states "According to the local DNR Wildlife Biologist (Thompson) this wetland area continues to receive sediment. A report from the U.S. Army Corps of Engineers, however, states that the rate of sedimentation has been less than originally predicted." While the ACOE report is important information to consider, the fact that the rate of sedimentation is less than predicted does not necessarily mean the wetland is not impaired by siltation, especially given the DNR wildlife biologist's assessment. Based on this assessment, the siltation impairment of the Hawkeye Wildlife Area should not be delisted at this time, but should remain on the 2002 list for re-evaluation during the next listing cycle. Please comment why EPA accepts the above assessment as meeting the good cause justification for removal of this waterbody from the Iowa list.

9. Hendrickson Marsh (Story Co.) IA 03-SSK-00450-L

Since 1994, Hendrickson Marsh has been assessed as partially supporting aquatic life uses with the primary source of impairment being siltation from agricultural nonpoint sources. This assessment was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998 and the waterbody was placed on Iowa's list of impaired waters in 1998 by EPA. The 305(b) assessment of partial support of aquatic life uses impaired by siltation was reviewed and approved by the DNR Wildlife Bureau in 2000 and again in 2002. The 2002 Section 305(b) assessment report states the following: "According to the local DNR Wildlife Biologist (Peterson), impacts from siltation continue at this wetland, including (1) turbid water that restricts growth of wetland vegetation, (2) decrease in water depth that limits use of outboard motors, and (3) decrease in area of the wetland." Based on this assessment, the siltation impairment of Hendrickson Marsh should not be delisted, but should remain on the 2002 list. Please comment why EPA accepts the above assessment as meeting the good cause justification for removal of this waterbody from the Iowa list.

6. Lizard Lake (Pocahontas Co.) IA 04-UDM-03110-L

Lizard Lake was assessed as partially supporting aquatic life uses in 1998 with the primary source of impairment being runoff from adjacent row crop fields. Based on that assessment, the waterbody was placed on Iowa's list of impaired waters in 1998 by EPA. The 1998 Section 305(b) assessment of partial support of aquatic life uses impaired by siltation was reviewed and approved by the DNR Wildlife Bureau in 2000 and 2002. The 2002 Section 305(b) assessement report states "According to the local DNR Wildlife Biologist (Neal) this wetland remains impaired by nutrients, siltation, and purple loosestrife." Lizard Lake is included on Part 2 of the Iowa 303(d) list as impaired by exotic species (purple loosestrife). Based on this assessment, the siltation impairment of Lizard Lake should not be delisted and should remain on the 2002 list. Please comment why EPA accepts the above assessment as meeting the good cause justification for removal of the siltation impairment for Lizard Lake from the Iowa list.

7. Muskrat Slough (Jones Co.) IA 01-WPS-00180-L

Since 1994, Muskrat Slough has been assessed as partially supporting aquatic life uses with the primary source of impairment being siltation from agricultural nonpoint sources. This assessment was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998 and the waterbody was placed on Iowa's list of impaired waters in 1998 by EPA. The 305(b)

assessment of partial support of aquatic life uses impaired by siltation was reviewed and approved by the DNR Wildlife Bureau in 2000 and again in 2002. The 2002 Section 305(b) assessment report states the following: "According to the local DNR Wildlife Biologist (Sheets), excessive siltation has chocked off and eliminated an estimated 30 acre region in the north-central and northeast segments of the wetland. Repeated ditch cleaning has been necessary to maintain marsh management capabilities. Much of the emergent vegetation is reverting to poplar, willow, and silver maple. Extensive brush cutting efforts and herbicide treatment have been necessary over the past 15 years to keep woody invasion in check." Based on this assessment, the siltation impairment of Muskrat Slough should not be delisted, but should remain on the 2002 list. Please comment why EPA accepts the above assessment as meeting the good cause justification for removal of this waterbody from the Iowa list.

8. North Colyn Marsh (Lucas Co.) IA 05-CHA-00315-L

Since 1994, North Colyn Marsh has been assessed as partially supporting aquatic life with the primary source of impairment being siltation from agricultural nonpoint sources. According to the Iowa DNR 305(b) assessment report, this assessment was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998 and North Colyn Marsh was placed on Iowa's list of impaired waters in 1998 by EPA. The assessment of partial support of aquatic life uses was reviewed and approved by the DNR Wildlife Bureau again in 2000. In 2002, Iowa DNR has proposed to remove this waterbody from the 2002 list based on a change in the assessment of support of aquatic life uses to fully supported / threatened. The change in assessment was not related to improved water quality, but was based on a change in the management goals. The 2002 Iowa 305(b) assessment states, "According to the local DNR Wildlife Biologist (Telleen), this area is now managed as a moist soil waterfowl impoundment. Thus, although siltation impacts remain a concern, these impacts are now less significant to the management goals for this wetland." The Council is concerned that this change in management goals represents a change in the designated use for this waterbody without the necessary public review and participation processes required for changes in water quality standards. Please comment why EPA approved the removal of this waterbody from Iowa's list based on a change in use designation that is not part of Iowa's current water quality standards.

9. Rice Lake (Winnebago Co.) IA 02-WIN-00210-L

Since 1994, Rice Lake has been assessed as partially supporting aquatic life uses due to high levels of nutrients delivered to the lake from agricultural nonpoint sources. This assessment was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998, with the added comment by DNR wildlife biologist that "nutrients in runoff from confined livestock feeding operations are also contributing to the degraded water quality and partial support use status." The waterbody was placed on Iowa's list of impaired waters in 1998 by EPA. The 305(b) assessment of partial support of aquatic life uses impaired by nutrients was reviewed and approved by the DNR Wildlife Bureau in 2000 and again in 2002. The 2002 Section 305(b) assessment report states the following: "According the local DNR Wildlife Biologist (Hanson), this wetland remains impaired by blooms of algae that, through increased turbidity, limit growth of submergent aquatic vegetation and persistent emergent vegetation preferred by fish and wildlife populations." Based on this assessment, the nutrient impairment of Muskrat Slough should not be delisted, but should remain on the 2002 list. Please comment why EPA accepts the above assessment as meeting the good cause justification for removal of this

waterbody from the Iowa list.

10. South Colyn Marsh (Lucas Co.) IA 05-CHA-00316-L

Since 1994, South Colyn Marsh has been assessed as partially supporting aquatic life with the primary source of impairment being siltation from agricultural nonpoint sources. According to the Iowa DNR 305(b) assessment report, this assessment was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998 and South Colyn Marsh was placed on Iowa's list of impaired waters in 1998 by EPA. The assessment of partial support of aquatic life uses was reviewed and approved by the DNR Wildlife Bureau again in 2000. In 2002, Iowa DNR has proposed to remove this waterbody from the 2002 list based on a change in the assessment of support of aquatic life uses to fully supported / threatened. The change in assessment was not related to improved water quality, but was based on a change in the management goals. The 2002 Iowa 305(b) assessment states "According to the local DNR Wildlife Biologist (Telleen), this area is now managed as a moist soil waterfowl impoundment. Thus, although siltation impacts remain a concern, these impacts are now less significant to the management goals for this wetland." The Council is concerned that this change in management goals represents a change in the designated use for this waterbody without the necessary public review and participation processes required for changes in water quality standards. Please comment why EPA approved the removal of South Colyn Marsh from Iowa's list based on a change in use designation that is not part of Iowa's current water quality standards.

11. Sunken Grove Lake (Pocahontas Co.) IA 04-RAC-01610-L

Sunken Grove Lake was assessed as partially supporting aquatic life uses in 1998 with the primary source of impairment being agricultural nonpoint source runoff. Based on this assessment, the waterbody was placed on Iowa's list of impaired waters in 1998 by EPA. The 1998 Section 305(b) assessment of partial support of aquatic life uses impaired by siltation was reviewed and approved by the DNR Wildlife Bureau in 2000 and 2002. The 2002 Section 305(b) assessement report states "According to the local DNR Wildlife Biologist (Neal) this wetland remains impaired by nutrients, siltation, and purple loosestrife." Sunken Grove Lake is included on Part 2 of the Iowa 303(d) list as impaired by exotic species (purple loosestrife). Based on this assessment, the siltation impairment of Lizard Lake should not be delisted and should remain on the 2002 list. Please comment why EPA accepts the above assessment as meeting the good cause justification for removal of the siltation impairment for Sunken Grove Lake from the Iowa list.

12. Swan Lake (Johnson Co.) IA 02-IOW-00405-L

Since 1994, Swan Lake has been assessed as partially supporting aquatic life with the primary source of impairment being siltation from agricultural nonpoint sources. This assessment of partial support of aquatic life uses was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998. The impairment of aquatic life uses in Swan Lake by siltation was included on Iowa's list of impaired waters in 1998 by EPA. Iowa DNR has proposed to remove this waterbody from Iowa's 2002 list based on a change in the assessment of support of aquatic life uses to fully supported / threatened, despite the fact that the 2002 Section 305(b) assessment states that siltation remains a threat. The Council is concerned that this change in assessment is not related to water quality improvements, but rather is a change in the management of the waterbody. The Council requests the information regarding the change in assessment of

aquatic life use support that was reviewed by EPA that demonstrates water quality improvement allowing the removal of Swan Lake from Iowa's list.
1. Sweet Marsh Reservoir (Bremer Co.) IA 01-WPS-01905-L
2. Sweet Marsh Seg. A(Bremer Co.) IA 01-WPS-01908-L
3. Sweet Marsh Seg. B(Bremer Co.) IA 01-WPS-01907-L
4. Sweet Marsh Seg. C(Bremer Co.) IA 01-WPS-01906-L
5. Since 1994, the four waterbodies making up the Sweet Marsh wetland complex have been assessed as partially supporting aquatic life uses with the primary source of impairment being siltation from agricultural nonpoint sources. The assessment of partial support of aquatic life uses was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998 and the siltation impairment was included on Iowa's list of impaired waters by EPA in 1998. The assessment of partial support of aquatic life uses impaired by siltation was reviewed and approved by the DNR Wildlife Bureau in 2000 and 2002. The 2002 305(b) assessement report for all four waterbodies states "According to the local DNR Wildlife Biologist (formerly Sheets) siltation remains a water quality problem for this wetland complex." Based on this assessment, the siltation impairment of the four waterbodies making up the Sweet Marsh wetland complex should not be delisted and should remain on the 2002 list. Please comment why EPA accepts the above assessment as meeting the good cause justification for removal of the four waterbodies making up the Sweet Marsh Wetland Complex from the Iowa list.
6. Troy Mills Marsh (Buchanan Co.) IA 01-WPS-00260-L
7. Since 1994, Troy Mills Marsh has been assessed as partially supporting aquatic life uses with the primary source of impairment being siltation from agricultural nonpoint sources. This assessment was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998 and the waterbody was placed on Iowa's list of impaired waters in 1998 by EPA. The 305(b) assessment of partial support of aquatic life uses impaired by siltation was reviewed and approved by the DNR Wildlife Bureau in 2000 and again in 2002. The 2002 Section 305(b) report assessment states the following: "According to the local DNR Wildlife Biologist (formerly Sheets), siltation remains a water quality problem for this wetland complex." Based on this assessment, the siltation impairment of Troy Mills Marsh should not be delisted, but should remain on the 2002 list. Please comment why EPA accepts the above assessment as meeting the good cause justification for removal of this waterbody from the Iowa list.
8. West Twin Lake (Hancock Co.) IA 02-IOW-04045-L
Since 1992, West Twin Lake has been assessed as partially supporting aquatic life uses with the primary source of impairment being siltation from agricultural nonpoint sources. This assessment was reviewed and approved by the Iowa DNR Wildlife Bureau in 1998 with the added comment that nutrients in runoff from confined livestock feeding operations in the watershed also contribute to degraded water quality and the Partial Support use status. The waterbody was placed on Iowa's list of impaired waters in 1998 by EPA for impairment of aquatic life uses due to siltation. The 305(b) assessment of partial support of aquatic life uses was reviewed and approved by the DNR Wildlife Bureau in 2000 and again in 2002. The 2002 305(b) report assessment states the following: "According the local DNR Wildlife Biologist (Hanson), this wetland remains impaired by siltation from agricultural nonpoint sources. The impact is reflected in the replacement of rooted aquatic vegetation with drier upland plant species." Based on this assessment, the siltation impairment of West Twin Lake

should not be delisted, but should remain on the 2002 list. Please comment why EPA accepts the above assessment as meeting the good cause justification for removal of this waterbody from the Iowa list.

Part C

Following is a list of waterbodies where no new data or information is provided showing that the data or information relied upon in the 1998 Section 303(d) listing process was incorrect or that demonstrates the waterbody is currently not impaired by the listed pollutant. Iowa state law excludes these waterbodies from even being considered by Iowa DNR for 303(d) listing and, therefore, they must be carefully reviewed by EPA to determine if the "good cause" justification for delisting has been met. Unless sufficient waterbody specific information was provided by DNR to justify the de-listing of these waters, we believe EPA must disapprove the delisting based on lack of good cause justification for removal.

1. Big Marsh (Butler Co.) IA 02-WFC-00260-L - listed by EPA in 1998 for siltation causing impairment of aquatic life uses based on best professional judgement of DNR biologists. Big Marsh remains assessed as partially supporting aquatic life uses on the 2002 Iowa 305 (b) report due to siltation, but is proposed for removal from the Iowa 303(d) list. If there is waterbody specific information that EPA reviewed to support the delisting of this waterbody, we would appreciate it if you could provide it to us. If there is no waterbody specific information supporting the removal, please comment why EPA approved the delisting.

2. Black Hawk Wildlife Area (Sac Co.) IA 04-RAC-00477-L - listed by EPA in 1998 for siltation impairment of aquatic life uses based on best professional judgement of DNR biologists. Black Hawk Wildlife Area remains assessed as partially supporting aquatic life uses on the 2002 Iowa 305 (b) report for siltation, but this impairment is proposed for removal from the Iowa 303(d) list. Black Hawk Wildlife Area remains on Part 2 of the Iowa 303(d) list for aquatic life impairment by exotic species (purple loosestrife). If there is waterbody specific information that EPA reviewed to support the delisting of the siltation impairment of this waterbody, we would appreciate it if you could provide it to us. If there is no waterbody specific information supporting the removal, please comment why EPA approved the delisting.

3. Burt Lake (Kossuth Co.) IA 04-BLU-00800-L - listed by EPA in 1998 for nutrient impairment of aquatic life uses based on best professional judgement of DNR biologists. Burt Lake remains assessed as partially supporting aquatic life uses on the 2002 Iowa 305(b) report, but this waterbody is proposed for removal from the Iowa 303(d) list. If there is waterbody specific information that EPA reviewed to support the delisting of this waterbody, we would appreciate it if you could provide it to us. If there is no waterbody specific information supporting the removal, please comment why EPA approved the delisting.

4. Fisher Lake (Black Hawk Co.) IA 02-CED-00490-L — listed by EPA in 1998 for siltation impairment of aquatic life uses based on best professional judgement of DNR biologists. On the 2002 Iowa 305(b) report, Fisher Lake is not assessed for aquatic life uses, and is proposed for removal from the Iowa 303(d) list. If there is waterbody specific information that EPA reviewed to support the delisting of this waterbody, we would appreciate it if you could provide it to us. If there is no waterbody specific information supporting the removal, please comment why EPA approved the delisting.

5. Green Island Lake (Jackson Co.) IA 01-NEM-00230-L - listed by EPA in 1998 for siltation impairment of aquatic life uses based on best professional judgement of DNR biologists. Green

Island Lake remains assessed as partially supporting aquatic life uses on the 2002 Iowa 305 (b) report due to siltation, but is proposed for removal from the Iowa 303(d) list. If there is waterbody specific information that EPA reviewed to support the delisting of this waterbody, we would appreciate it if you could provide it to us. If there is no waterbody specific information supporting the removal, please comment why EPA approved the delisting.
6. LaHart Area (Monroe Co.) IA 04-LDM-0175-L - listed by EPA in 1998 for siltation impairment of aquatic life uses based on best professional judgement of DNR biologists. LaHart Area remains assessed as partially supporting aquatic life uses on the 2002 Iowa 305 (b) report due to siltation, but is proposed for removal from the Iowa 303(d) list. If there is waterbody specific information that EPA reviewed to support the delisting of this waterbody, we would appreciate it if you could provide it to us. If there is no waterbody specific information supporting the removal, please comment why EPA approved the delisting.
7. Otter Creek Marsh (Tama Co.) IA 02-IOW-02015-L - listed by EPA in 1998 for siltation impairment of aquatic life uses based on best professional judgement of DNR biologists. Otter Creek remains assessed as partially supporting aquatic life uses on the 2002 Iowa 305 (b) report due to siltation, but is proposed for removal from the Iowa 303(d) list. If there is waterbody specific information that EPA reviewed to support the delisting of this waterbody, we would appreciate it if you could provide it to us. If there is no waterbody specific information supporting the removal, please comment why EPA approved the delisting.
8. Ottumwa Lagoon (Wapello Co.) IA 04-LDM-00215-L — listed by EPA in 1998 for indicator bacteria impairment of recreational uses based on an observation in 1995 by DNR staff of raw sewage being discharged into the lagoon from the Ottumwa CSO. No bacteria data has been collected to confirm impairment, but the CSO is still active. DNR is including the Ottumwa Lagoon on the impaired waters list for chlordane impairment of fish consumption uses and algae and turbidity impairment of recreational uses. EPA did not approve or disapprove the DNR's proposed delisting of the bacteria impairment of Ottumwa Lagoon. Please comment on EPA's decision regarding this impairment. If EPA is approving the delisting of this impairment, please provide the waterbody specific information that EPA reviewed to support the delisting of this impairment. If there is no waterbody specific information supporting the removal, please comment why EPA approved the delisting.
9. Union Slough (Kossuth Co.) IA 04-EDM-00190-L - listed by EPA in 1998 for siltation impairment of aquatic life uses based on best professional judgement of DNR biologists. Union Slough remains assessed as partially supporting aquatic life uses on the 2002 Iowa 305 (b) report due to siltation, but is proposed for removal from the Iowa 303(d) list. If there is waterbody specific information that EPA reviewed to support the delisting of this waterbody, we would appreciate it if you could provide it to us. If there is no waterbody specific information supporting the removal, please comment why EPA approved the delisting.
10. Walnut Creek Marsh (Ringgold Co.) IA 05-GRA-01950-L - listed by EPA in 1998 for siltation and nutrient impairment of aquatic life uses based on best professional judgement of DNR biologists. Walnut Creek Marsh remains assessed as partially supporting aquatic life uses on the 2002 Iowa 305 (b) report due to siltation and nutrients, but is proposed for removal from the Iowa 303(d) list. If there is waterbody specific information that EPA reviewed to support the delisting of this waterbody, we would appreciate it if you could provide it to us. If there is no waterbody specific information supporting the removal, please comment why EPA

approved the delisting.