

Safe Drinking Water Act Petition to EPA

rulemaking, listening sessions, and expectations

On April 16, the Iowa Environmental Council and 12 other environmental and public health partners petitioned the Environmental Protection Agency to exercise its emergency powers under the Safe Drinking Water Act (SDWA) to address groundwater contamination in Iowa's Driftless region. The region has an extensive and well-documented history of nitrate contamination in its underground sources of drinking water, which continues to put the health of residents at risk.

Background

The petition highlights nitrate concentrations above 10 milligrams per liter in drinking water, which is the federal limit as established by the EPA, and documents that thousands of private wells have regularly exceeded that concentration for years. Local public water systems also struggle to provide clean, safe drinking water due to the contamination.

The petition asks the EPA to address groundwater contamination by:

- Identifying residences on private wells and provide them immediate notice and instruction;
- Maintaining and publishing records on the scope and severity of the contamination;
- Developing and implementing a long-term solution to achieve nitrate reductions; and
- Imposing monitoring and discharge requirements for manure and wastewater storage and land application.



Petition Partners

Allamakee County Protectors – Education Campaign, Center for Food Safety, Environmental Law & Policy Center, Environmental Working Group, Food & Water Watch, Iowa Alliance for Responsible Agriculture, Iowa Citizens for Community Improvement, Izaak Walton League of America – Iowa Division, Sierra Club Iowa Chapter, Socially Responsible Agriculture Project, Iowa Coldwater Conservancy, and Trout Unlimited – Iowa Driftless Chapter 717



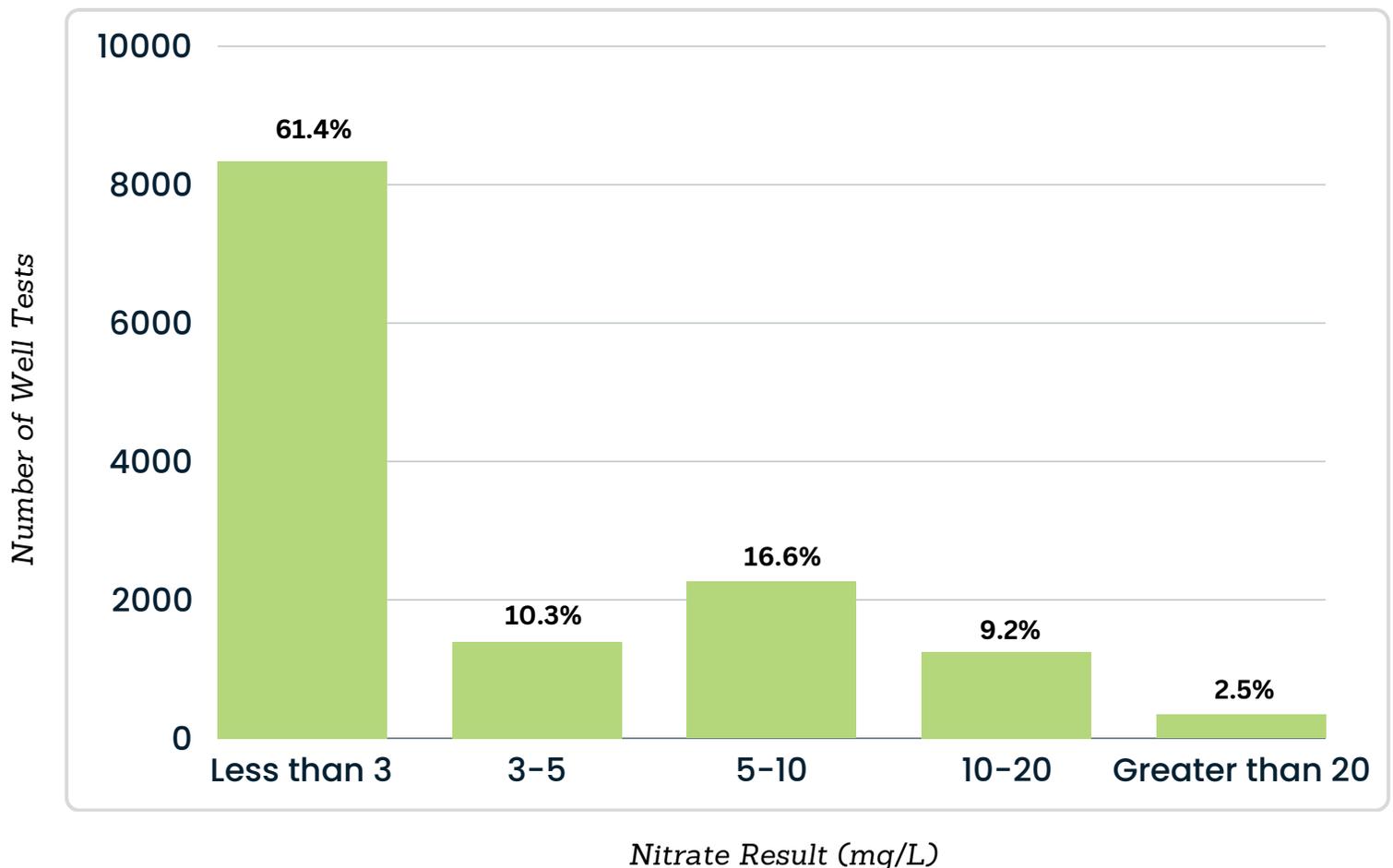
Need & Intent: Threats to Drinking Water in Iowa's Karst

The Driftless area, a region spanning four states characterized by porous karst, sinkholes, and rolling hills, stretches into 12 Iowa counties. Residents here rely on groundwater as a source of drinking water. The porous karst terrain is highly susceptible to contamination from pollutants on the surface.

IEC analyzed private well data in the Driftless area from 1989 to 2023. This data from the Iowa Department of Natural Resources (DNR) showed that 15.2% of total samples from Driftless area wells tested at or above the 10 mg/L drinking water standard for nitrate. Private wells in the Driftless were more likely to test above the drinking water standard than private wells in the rest of the state, demonstrating the susceptibility of these wells to nitrate contamination.

Much of this contamination can be attributed to waste from animal feeding operations (AFOs). Within the Iowa Driftless region, Iowa DNR has identified 989 medium and large animal feeding operations with a total of 1,059,404 animal units. Rejecting pleas for strengthened rules for AFO siting and manure management, the state has failed to protect groundwater from nitrate-laden manure contamination.

Driftless Well Nitrate Test Results 2016-2023





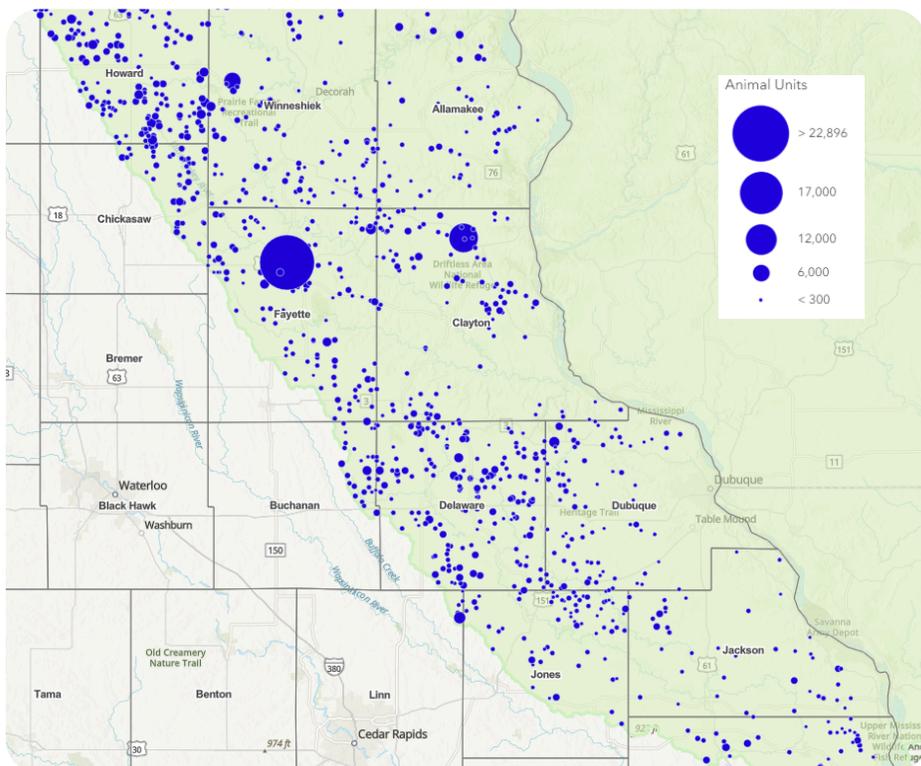
Timeline

- **Aug. 2021:** IEC and ELPC file petition for increased protections for AFOs in karst terrain
- **Feb. 2022:** Petition denied by EPC with promise of comprehensive AFO rules review
- **Jan. 2023:** Governor issues Executive Order 10
- **Sept. 2023:** DNR publishes regulatory analysis and draft rules with increased protections for karst
- **Oct. 2023:** DNR sends draft rules with increased protections for karst to Governor's office for preclearance
- **Nov. 2023:** Governor's office preclears rules after amendment to remove additional karst protections; EPC moves rules into formal rulemaking process
- **Feb. 2024:** IEC & coalition submit formal comments opposing rules
- **Apr. 2024:** EPC formally adopts status quo rules; IEC and partners file SDWA petition to EPA

AFO Rulemaking

IEC and the Environmental Law & Policy Center (ELPC) petitioned the state's Environmental Protection Commission (EPC) for stronger rules to protect karst terrain from AFO pollution in 2021. EPC denied the petition in 2022 on a promise that DNR would undertake a comprehensive AFO rule review and update. In 2023, draft rules were brought forward that merely reorganized karst provisions and did not make the changes sought in the petition.

On April 16, 2024, the EPC adopted the new rules despite formal and public comments from lowans criticizing the rules for not protecting water quality. IEC and 12 partners filed the petition with the EPA on the same day.

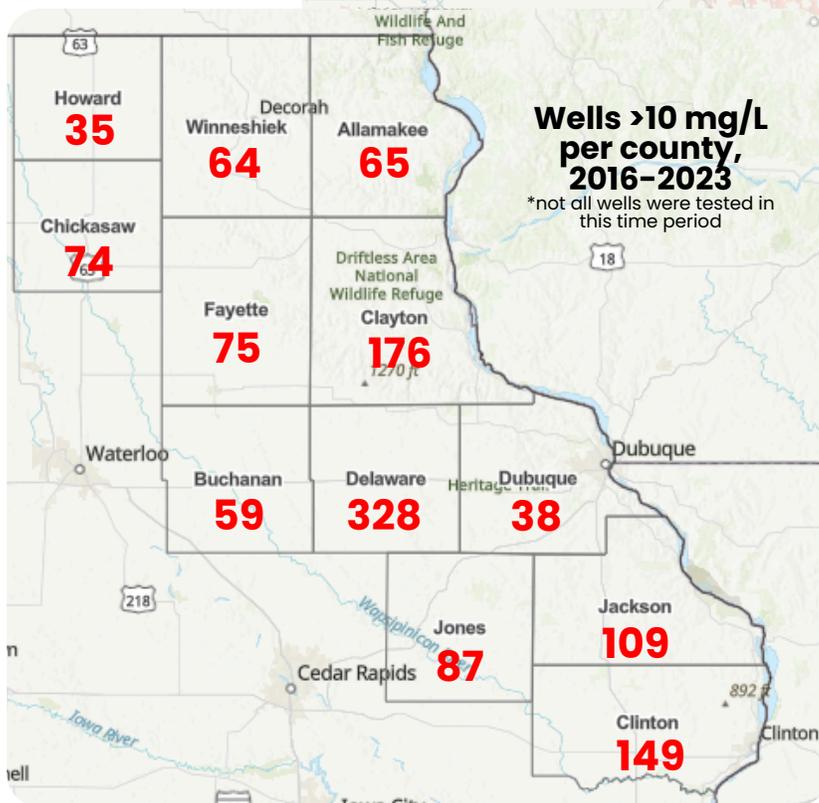
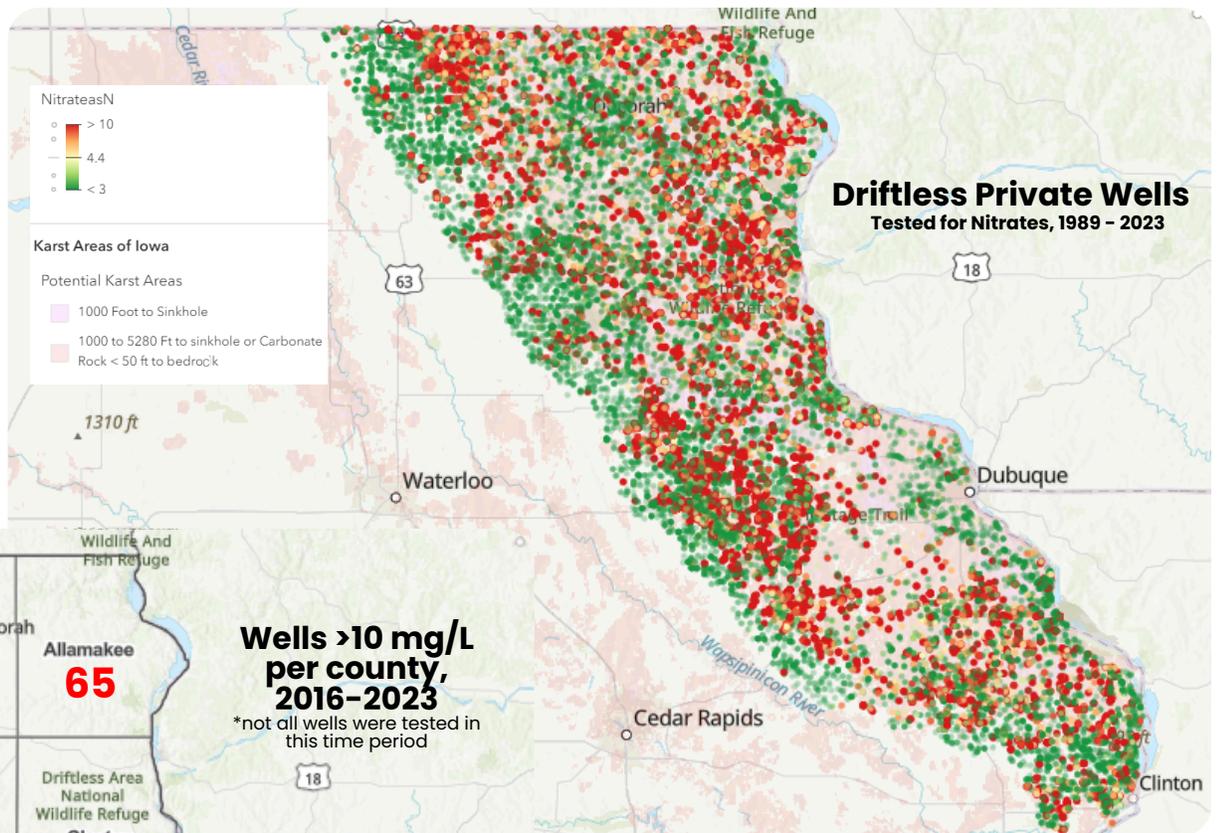


AFOs in the Driftless, 2022

Data from Iowa DNR

Previous SDWA Nitrate Petitions

- 2010: Lower Yakima Valley, Washington (no formal petition)
- 2014: Kewaunee County, Wisconsin
- 2020: Lower Umatilla Basin, Oregon
- 2021: Lower Yakima Valley, Washington
- 2023: Karst Region, Minnesota



**Register:
Webinar, May 1**



<https://iaenvironment.org/2024SDWAPetition>

Moving Forward

IEC will host a free webinar about the most recent approved AFO rules and the coalition EPA petition on Wednesday, May 1 at 12 p.m. The public is invited to attend to learn more about these topics. Scan the QR code above for registration details or visit iaenvironment.org/2024SDWAPetition.