

July 7, 2026

Chad Fields
Iowa DNR
Water Supply Engineering Section
6200 Park Ave, Suite 200
Des Moines, IA 50321

RE: IEC Comment on Updated Water Use Permit Pattison Sand: Log No. 33,483

Dear Mr. Fields,

The Iowa Environmental Council (IEC) submits the following comments on the revised proposed water use permit for Pattison Sand Company (Log No. 33,483). These comments are submitted on behalf of our members, representing nearly 100 organizations, over 500 individuals, and an at-large board embodying Iowa's corporate, scientific, and environmental communities. Our members frequently enjoy the aesthetic, recreational, and practical benefits of a clean and safe environment, including fishing, hiking, swimming, and boating in Iowa's wetlands and waterways.

IEC submits these comments in response to the Iowa Department of Natural Resources (DNRs) public notice of a water use permit modification for increased water withdrawal by Pattison Sand Company. This is the second comment submitted by IEC on this topic, with the first delivered to DNR on May 27, 2025.¹

I. Appreciation for In-Depth Review

IEC would like to extend our gratitude to DNR for requesting a hydrologic investigation from the Iowa Geological Survey (IGS). The Department has clearly devoted significant time and resources to addressing concerns raised by the public, local governments, technical experts, and interested organizations. It is important for both public transparency and future policymaking that agencies like DNR provide clear evidence and reasoning for their decisions, especially when managing one of Iowa's most valuable and limited natural resources.

The decrease in annual allocation by 1,473 million gallons per year, together with the addition of monitoring safeguards and groundwater trigger levels, shows that concerns regarding well interference and potential impacts to surrounding communities were taken seriously.

¹ 2025 IEC Comment: <https://www.iaenvironment.org/webres/File/IEC%20Comments%20-%20Pattison%20Sand%20Permit%202025.pdf>.

These revisions substantially improve the scientific foundation of the permit and demonstrate DNR's commitment to evidence-based decision making and responsible stewardship of Iowa's groundwater resources. The attention to detail and accountability to affected citizens presented in this modified permit is the kind of reasonable policymaking IEC hopes to see in all future significant water allocation permits.

II. Jordan Rule Still Applies Under Iowa Administrative Code r. 567—50.11(2)

Notwithstanding these improvements, IEC remains concerned about DNR's interpretation of Iowa Administrative Code r. 567-50.11(2), commonly known as the Jordan Rule. As in the prior draft of the proposed permit, DNR now concludes that because "the Jordan aquifer here is unconfined and located adjacent to an extensive recharge source," the Jordan Rule does not apply to Pattison Sand.²

An exemption for some unconfined aquifers exists in Rule 50.11(1)“e”, but that exemption is expressly limited to withdrawals under that subsection with replacement water discharges. It does not extend to the Jordan aquifer, which Rule 50.11(2) specifically addresses. The Jordan Rule, in contrast, makes no mention to such an exemption. Therefore, DNR is improperly applying the replacement water exemption found in 50.11(1)“e” to Rule 50.11(2). As currently written, Rule 50.11(2) applies to the Pattison Sand permit and wells drawing from the Jordan aquifer, regardless of its status as an unconfined aquifer.

Although DNR has reduced the total water proposed for withdrawal, the IGS's reclassification of two wells will result in an increase in the volume to be withdrawn from the Jordan aquifer itself. The Jordan Rule currently limits industrial withdrawals to a maximum of 2,000 gallons per minute (gpm), while the revised permit proposal authorizes withdrawals of approximately 3,213 gpm from the Jordan aquifer.³ Unless DNR can identify legal authority permitting such an exception, Pattison Sand may not withdraw more than 2,000 gpm.

While IEC recognizes the site's proximity to the Mississippi and the hydrogeologic evidence demonstrating substantial recharge, groundwater recharge remains a complex process that may occur over a period of years. Although this permit is limited to five years, the effects of sustained high-volume withdrawals may extend well beyond the permit term. Environmental factors such as drought, climate change, and evapotranspiration all have the potential to reduce recharge rates and impact Iowa's water supply.⁴

Like any waterway, the Mississippi River should not be viewed as an unlimited source of water. It is a valuable shared resource whose long-term health depends on careful management.⁵

² DNR Summary Report at 14.

³ Iowa Admin. Code r. 567 - 50.11(2)“b”; DNR Summary Report at 2.

⁴ John R. Nimmo, Richard W. Healy & David A. Stonestrom, *Aquifer Recharge*, in Encyclopedia of Hydrological Sciences 2229, 2230 (Malcolm G. Anderson ed., vol. 4, 2005), https://wwwrcamnl.wr.usgs.gov/uzf/abs_pubs/papers/Nimmo.05.recharge.ehs.hsa161a.pdf.

⁵ Emily Cassidy, *The Mississippi Is Mighty Parched*, NASA Earth Observatory (Oct. 1, 2023), <https://science.nasa.gov/earth/earth-observatory/the-mississippi-is-mighty-parched-151897/>.

This section of the Mississippi is also a National Wildlife and Fish Refuge, demonstrating the significance of protecting the river and the benefits it provides.⁶ Continued consideration of drought, cumulative withdrawals, and recharge timelines will remain essential as DNR evaluates future water use permits. Studies like that performed by IGS will be a valuable resource for the DNR and policymakers going forward.

III. Importance of Consistent Monitoring

Finally, IEC strongly supports the permit's expanded monitoring and adaptive management provisions. Long-term groundwater monitoring, ecological observations, and regular review of pumping impacts are essential to ensuring that IGS and DNR scientific conclusions remain accurate as conditions change over time. A phased allocation increase, shortened permit term, and the elimination of Mississippi River withdrawal provide effective safeguards for sustainable water management.⁷ We encourage the DNR to continue investing in both preventative and responsive management measures. This will ensure that both Pattison Sand and local Iowans will be able to enjoy the benefits of being a Mississippi River community long into the future.

IV. Conclusion

IEC appreciates the considerable effort DNR has undertaken to strengthen the proposed permit through additional scientific analysis, public engagement, and enhanced monitoring requirements. The revised permit reflects a thoughtful and scientific approach to groundwater management and addresses many of the concerns raised during the initial comment period.

We respectfully request that DNR either identify the legal authority supporting its interpretation of the Jordan Rule, modify the permit to comply with the 2,000 gpm limitation established by Rule 50.11(2), or require Pattison Sand to file a petition for a waiver.⁸ If the DNR believes the current rule no longer reflects the best available science for unconfined portions of the Jordan aquifer, IEC encourages DNR to pursue formal rulemaking so that any changes are adopted through a transparent public process and applied consistently across future permitting decisions.

Sincerely,

/s/ Michael Schmidt

/s/ Elijah Redington

Michael Schmidt

Elijah Redington

General Counsel

Law Clerk

Iowa Environmental Council

Iowa Environmental Council

⁶ “Upper Mississippi River National Wildlife and Fish Refuge,” U.S. Fish & Wildlife Service, available at <https://www.fws.gov/refuge/upper-mississippi-river>.

⁷ DNR Summary Report at 14.

⁸ Waiver requests under Iowa Admin. Code r. 567-50.11(2)“h” must satisfy Iowa Admin. Code r. 561-10.1(17A), implementing Iowa Code § 17A.9A, requiring Pattison Sand to prove a 2,000 gpm limit imposes undue hardship.