SIERRA CLUB
IOWA CHAPTER

September 29, 2025

Iowa Department of Natural Resources
Water Quality Standards
6200 Park Ave, Suite 200
Des Moines, IA 50321
Via e-mail to wqs@dnr.iowa.gov

RE: triennial review comments

Dear Water Quality Staff:

Thank you for the opportunity to comment on the triennial review topics. The Sierra Club is offering its comments below.

Antidegradation

- The Sierra Club supports the changes being recommended by the Department of Natural Resources to the antidegradation process, including adding the Outstanding Iowa Waters to the Surface Water Classification document, updating definitions, and returning to the 2010 EPA-approved economic efficiency language.
- In 2009, when the Iowa Department of Natural Resources established the Iowa Antidegradation Implementation Plan and included Outstanding Iowa Waters, a number of Outstanding Iowa Waters were removed. We believe that was a huge mistake and that those high quality waters should be returned to the Outstanding Iowa Waters. A list of those waters is in the table below. Among the waters that were removed are the Little Turkey River, Middle Fork of the Little Maquoketa River, North Cedar Creek, Paint Creek, Sny Magill Creek, and Wapsipinicon River.

Bear Creek (Winneshiek County)	Fountain Spring Creek	North Cedar Creek	Spring Creek
Bear Creek (Fayette County)	Hickory Creek	Otter Creek	Turtle Creek
Bohemian Creek	Lake Mill Creek	Paint Creek	Unnamed Creek (Jackson County)
Brush Creek	Little Turkey River	Patterson Creek	Unnamed Creek (Fayette County)
Buck Creek	Middle Fork Little Maquoketa River	Ram Hollow	Unnamed Stream (Winneshiek County)

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Canoe Creek	Mint Creek	Silver Creek	Wapsipinicon River
Coon Creek	Nichols Creek	Sny Magill Creek	Wexford Creek
Fenchel Creek			

Human Health Criteria

- The Sierra Club supports implementing EPA's 2015 human health criteria in Iowa's water quality standards.
- As stated during the triennial review meetings, most of Iowa's human health criteria are based on EPA's 2002 criteria. It has been 10 years since the 2015 criteria were issued. It is reprehensible that the 2015 criteria have not been implemented. During that time, dischargers may have been discharging harmful levels of those pollutants into the state's water bodies, exposing humans who are wading, swimming, and boating to those pollutants, along with fish and other wildlife.

Chapter 61/Surface Water Classification document cleanup

- The Sierra Club supports updating the Surface Water Classification document. The material in this document should definitely accurately reflect the current classifications of the water bodies in the state.

Use Attainability Analysis (UAA)

- The Sierra Club supports completing all of the outstanding UAA's. That includes the 100 that are in process and the additional 150 that have not been started.
- The presentation by the Department of Natural Resources indicated that there are about 250 NPDES permit renewals that are delayed because UAAs need to be completed. Some of the permits have been expired since 2007 – 18 years. Quite frankly, that is reprehensible. We acknowledge that the whole UAA process is lengthy, from on-site viewing of the water body, to writing a report and making a recommendation, having a public comment hearing, going through the rule-making process, and getting final approval from the Environmental Protection Agency. When water quality standards are not written into permits, the public can be impacted and not getting protections from pollutants that are being discharged into receiving streams.
- The DNR needs to forcefully tell the governor and legislature that DNR needs the resources – money, staff, equipment - to complete the UAAs.

PFAS

- The Sierra Club supports the DNR implementing EPA's 2024 human health criteria for aquatic life for PFOA and PFOS and the benchmarks for eight other PFAS chemicals as part of Iowa's water quality standards.

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- Further, Sierra Club supports the DNR implementing the human health criteria for PFOA, PFOS, and PFBS as part of Iowa's water quality standards.
- Furthermore, the Sierra Club supports the DNR implementing the National Primary Drinking Water Regulations (MCLs) for PFOA and PFOS.
- As discussed above, the DNR has lagged in implementing EPA's 2015 human health criteria. We believe that it is unacceptable to delay implementing the PFAS aquatic life and human health criteria. Likewise, the EPA regulations for maximum contaminant levels (MCLs) in drinking water need to be implemented promptly.

Lake Nutrients

- The Sierra Club supports the DNR setting numeric standards for lakes, including nitrates and nitrites, phosphorus, chlorophyll a, and Secchi depth.

Additional Nutrient Issues

There are a number of issues related to nutrients that the triennial review did not address. These are significant enough that the DNR needs to include them in their work during this three- year cycle.

- Although the triennial review concentrated on lake nutrients, nutrient issues are significantly affecting rivers and streams. The DNR needs to establish numeric water standards for nitrates, nitrites, and phosphorus.
- Human health studies show that the drinking water standards for nitrate and nitrite are too high and need to be lower in order to protect human health. The DNR needs to pursue implementing lower drinking water standards for nitrate and nitrite.
- In 2023, the Iowa legislature zeroed the state funding for the nutrient sensor network operated by the University of Iowa. After that, a funder supplied money for the network through 2025. That funding will be ending unless the legislature restores it in 2026. Without the funding, the network of 80 sensors in 2023, will be reduced to 20 sensors in 2026. Without the sensors, the DNR and the public will not know the levels of nutrients in our water bodies. The Iowa Department of Natural Resources needs to aggressively insist on funding the sensor network. Since it was controversial to have the University of Iowa managing the sensors, then the DNR should be willing to take on managing the sensors.

Expired NPDES permits

A review of the DNR's NPDES permit listing spreadsheet shows 1587 permits as of September 28, 2025. Of those, 451 permits had expired on or before August 31, 2025, and 22 permits were scheduled to expire on September 30, 2025. The oldest expired NPDES permit expired in 2002, over two decades ago. More than one-quarter of the NPDES permits have expired! Clearly the DNR staff does not have the time and resources to keep on top of the NPDES permits. Any updated water quality standards that were issued between the permit expiration date and the current date are not part of these expired permits, potentially

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exposing the public to increased pollution and the resulting health hazards that result from the pollution. The following table details the year a permit expired and the number of permits.

year	Number of expired permits
2002	2
2003	2
2005	2
2006	10
2007	5
2008	5
2009	5
2010	1
2011	1
2012	4
2013	7
2014	8
2015	15
2016	49
2017	23
2018	18
2019	19
2020	22
2021	18
2022	20
2023	33
2024	80
January 1 through August 31, 2025	102

The dischargers are industries, municipalities, agriculture, state parks, and stormwater discharger. Some of the expired permits are for major sources, both municipal and industrial.

The number of expired permits and the length of the times for the expirations show that the DNR has not invested in the staff who are responsible for the NPDES permits and the individuals who collect data for the permits. That is totally unacceptable. It is time for the state to get serious about water quality and invest in the people and resources needed to get the NPDES permits updated.

TMDL development, implementation, and enforcement

Iowa has numerous waters that do not meet water quality standards for which the state has not established TMDLs as required.

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The 303(d) list identifies those water segments that do not meet water quality standards and need a TMDL to be prepared. On the current 303(d) list are numerous water segments that have been on the list since 2006 and 2008, with no TMDL having been prepared.[1] Some of those waters on the list since 2006 and 2008 are designated as Outstanding Iowa Waters pursuant to Iowa's Antidegradation Policy.[2] These waters are entitled to extra protection.

Just as troubling as the many years these Outstanding Iowa Waters have been on the list is the fact that DNR has designated them as low priority for preparing TMDLs. They have been designated as Tier III and Tier IV, putting them at the bottom of the priority list, essentially condemning them to perhaps never having a TMDL prepared.[3] This is a clear violation of the intent, if not the specific language, of the Clean Water Act. Section 303(d) says the priority ranking must be made "taking into account the severity of the pollution and the uses to be made of such waters." 33 U.S.C. § 1313(d)(1)(A).

Iowa DNR has developed a Prioritization and Scheduling of Waters for TMDL Development document.[4] It does not really describe how the prioritization decisions were made. The prioritization protocol scores on point each for the factors of high social impact, low complexity and cost, and for an addendum to existing TMDLs. One point is also assessed if there are less than 6 multiple impairments in the water segment, and two points are assessed if there are 6 or more impairments. The water segments are then given a ranking from Tier I (most important for establishing TMDLs) to Tier IV (least important for establishing TMDLs). With special focus on the Outstanding Iowa Waters, most of which are premier trout fishing streams, it would seem that they should receive priority. These waters, given their status and their high social impact as trout streams, are not given their proper priority in the scoring system.

It is also apparent that the DNR's system for scoring for multiple impairments in the water segment is designed to ensure that many waters will not be scored appropriately. Under DNR's methodology, a water quality segment with 2 to 5 impairments receives 1 point, and 2 points if there are 6 or more impairments.[5] It does not appear that any of the waters in the 2024 list have more than 2 impairments. So, a water with 5 impairments, which doesn't exist, would still only get 1 point. In order to properly score for multiple impairments, more than one impairment should garner 2 points. And perhaps, 3-5 impairments should score 3 points, etc. In other words, DNR is manipulating the methodology to ensure that few, if any, of the impaired water segments receive priority.

The Prioritization and Scheduling document also claims to have been guided by EPA's 2022-2032 Vision document for the 303(d) program.[6] That document emphasizes implementation of TMDLs. But the

[1]https://programs.iowadnr.gov/adbnet/Assessments/Summary/2024?utm_medium=email&utm_source=govdelivery
[2] https://programs.iowadnr.gov/adbnet/Assessments/Summary/2024/Impaired
Those waters are Clear Creek, Deer Creek, Dousman Creek, Duck Creek, French Creek, Grannis Creek, Ludlow Creek, North Bear Creek, Pine Creek, Twin Springs Creek, and Waterloo Creek.
[3]https://programs.iowadnr.gov/adbnet/Assessments/Summary/2024?utm_medium=email&utm_source=govdelivery
[4] https://publications.iowa.gov/35257/1/2020%20IA%20Methodology_Final.pdf
[5] *Id.* at p. 50.
[6] www.epa.gov/system/files/documents/2022-09/CWA%20Section%20303d%20Vision_September%202022.pdf

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DNR, it appears, has done nothing to implement the TMDLs over the last 20 plus years. The 303(d) list and the TMDLs mean nothing if the TMDLs are not implemented.

Funding issues

All of the issues that Sierra Club is addressing in these comments point to a need for funds for staff, materials, and other resources. Iowans are sick and tired of poor water quality, swim advisories on the state park beaches, impaired waters that are not cleaned up, TMDLs not being implemented and not even written, point sources operating on NPDES permits that expired over a decade ago, and Polk County residents being told that they could not water their lawns because the nitrates in the Des Moines and Raccoon Rivers were so high that the water treatment plant had trouble removing them.

The fingers are pointed at the DNR Director who is not showing the leadership to get adequate funding for the work on water quality standards, use attainability analysis, NPDES permit writing, TMDL development, and all of the other issues related to water quality.

The fingers are pointed at the Governor who is not showing leadership in improving water quality in Iowa and who is not seeking funds to support the work.

The fingers are pointed at the Iowa legislature for not allocating the funds to support a robust program within the DNR to protect the waters Iowan's recreate in and around, waters that Iowans drink, and waters used by wildlife.

It is lack of funding, lack of investment, and lack of will. The state has more than enough money to protect and improve the water quality in Iowa's waters. Protecting the state's waters is something very basic.

Very truly yours,

Wallace L. Taylor
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and

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