



505 Fifth Avenue, Suite 850  
Des Moines, Iowa 50309-2317  
515.244.1194 phone  
[iecmail@iaenvironment.org](mailto:iecmail@iaenvironment.org)  
[www.iaenvironment.org](http://www.iaenvironment.org)

December 15, 2020

Iowa Department of Natural Resources  
Attn: IR Comments  
Wallace State Office Building  
502 East 9<sup>th</sup> Street  
Des Moines, IA 50319  
Email: [IRcomment@dnr.iowa.gov](mailto:IRcomment@dnr.iowa.gov)

**RE: Draft 2020 List of Impaired Waters**

Dear Water Quality Monitoring and Assessment Section:

The Iowa Environmental Council (Council or IEC) offers the following comments on the draft 2020 list of the Section 303(d) impaired waters. These comments represent the views of the Iowa Environmental Council, an alliance of 80 organizations, at-large board members from business, farming, the sciences and education, and over 500 individual members.

**GENERAL COMMENTS**

The Council makes the following general comments about the draft 2020 impaired waters list:

- **A high proportion of assessed waters are impaired.**  
Although the 2020 list has fewer impaired segments needing a total maximum daily load (TMDL) than the 2018 list (750, down from 767), the proportion of assessed waters listed as impaired rose from 54% to 58%. Waters are not being removed from the list at a reasonable rate, nor has there been a serious effort on behalf of the state to develop and implement TMDLs to improve the waters enough for them to be considered for removal. Instead, state leadership expects Iowans to accept that more than half the waters in Iowa are impaired for one or more of their designated uses. This indicates that the state does not take seriously its duty to protect water quality for Iowans. **The Council calls on the state to take stronger leadership to improve Iowa's water quality and significantly reduce the number of impairments.**
- **Inclusion of Category 3 segments in the assessment misleads the public.**  
Category 3 - Waters in Need of Further Investigation (WINOFI) - is used by DNR to categorize waters for which there is insufficient data to determine whether designated uses are being met. These waters are not determined to be either supporting or not supporting of their designated uses. However, DNR includes them in the total count of waters assessed. These waters are in fact not assessed by definition – the Category

3 designation is for waters that are unable to be assessed for impairment due to insufficient data. Therefore, it is misleading to include these waters in the total number of waters that have been assessed. In the 2020 draft list, 266 segments are categorized as WINOFI. If those segments are excluded from the assessment, only 1,034 segments were actually assessed by DNR and determined to be supporting or not supporting. Of those segments, more than 72% are impaired. **IEC calls on DNR to exclude Category 3 waters from the impaired waters assessment because the waters remain unassessed. Inclusion of Category 3 misleads the public about the number of waters assessed and the percentage of waters determined to be impaired.**

- **A high proportion the state’s A1 primary recreational waters are impaired.** Of Iowa’s waters that have been assessed for A1 recreational use, 88% (579 of 658) are impaired. Public lands and waters are owned by the people of Iowa under the care of the state. Iowans are not getting the full benefits of the state’s primary recreational waters due to poor water quality. The state has done an inadequate job of protecting public lands and waters for public recreational use. **The Council calls on DNR to prioritize TMDL completion for Iowa’s recreational waters and improve Iowa’s recreational water quality for the benefit of Iowans.**
- **Iowa still does not have numeric nutrient criteria or a microcystin standard.** The EPA has issued a recommendation for a microcystin water quality standard that would protect recreational users and has released draft criteria for numeric nutrient criteria. **IEC calls on the state to adopt numeric nutrient and microcystin criteria prior to the development of the 2022 impaired waters list.** These criteria are necessary to understand the condition of Iowa’s waters.
- **The state’s monitoring program is not rigorous and does not allow for comparison over time.** When the impaired waters list is released, DNR staff takes the position that the results cannot be interpreted to give Iowans an understanding of Iowa’s water quality. This is due at least partially to using data that is collected haphazardly from all available sources instead of being collected through a standardized, rigorous monitoring scheme that allows comparison over time.<sup>1</sup> If the state had a common monitoring plan that used a watershed approach to collect data and assess water quality, the impaired waters list would be a much more useful tool for actually understanding the state’s water quality and progress toward meeting water quality standards. **IEC urges the DNR to develop a standardized monitoring plan using the watershed approach that is scientifically rigorous, allows interpretation of results, and is useful to the public.** Such a plan might resemble Minnesota’s watershed lake and stream monitoring program, which fully assesses watersheds on a 10-year cycle.
- **The release of the draft list is delayed.**

---

<sup>1</sup> Iowa DNR. “Methodology for Iowa’s 2020 Water Quality Assessment, Listing, and Reporting Pursuant to Sections 305(b) and 303(d) of the Federal Clean Water Act.” 9 Nov. 2020. Pg. 11-12.

DNR released the 2020 draft impaired waters list and integrated report on December 1, 2020. This is eight months after the deadline for the list and report to be submitted to EPA – on April 1 of even numbered years.<sup>2</sup> While this is a significantly faster turnaround than the 2018 list, which was released nineteen months late, the DNR is still behind on meeting statutory and regulatory deadlines. It is also noticeable that although the list was released eleven months faster than the previous list, more than 100 fewer segments were assessed. **The Council calls on the state to provide enough resources to DNR to meet its obligation to submit the 303(d) list and integrated report by the deadlines in federal law.**

**COMMENTS ON IOWA’S RECREATIONAL LAKES**

The Iowa Environmental Council completed detailed reviews of the DNR assessment information for state park recreational beaches. Based on our review, IEC has identified several waterbodies for which the state should do more to protect and improve our water quality.

**Many of the state’s premier recreational lakes continue to be impaired due to indicator bacteria.**

The following table lists when state park lakes were added to the impaired waters list for indicator bacteria (*E. coli*) and when a TMDL was completed, if any.

Lake	Cycle Added	TMDL completed	TMDL Priority
Backbone	2004	N/A	Tier II
Beeds	2002	2006	N/A
Keomah	2008	N/A	Tier II
Lower Pine	2006	N/A	Tier II
Macbride	2006	N/A	Tier I
West Okoboji (06-LSR-2066)	2006	N/A	Tier II

These six lakes continue to experience chronic *E. coli* contamination, resulting in swim advisories during the summer recreation season that turn visitors away from safely recreating and enjoying Iowa’s state parks. Lake Macbride is considered a Tier I priority for TMDL completion due to the impairment’s high social impact and relatively low complexity or cost for development.<sup>3</sup> Yet more than a decade later, the state still has not completed a TMDL for indicator bacteria for the lake.

DNR added Backbone Lake to the impaired waters list in 2004. Backbone was Iowa’s first state park, dedicated by the state in 1920. It has many unique features including limestone cliffs and Civilian Conservation Corps buildings constructed in the 1930s. In a year where Iowa celebrated one hundred years of state parks, it is a disgrace that water quality in Backbone Lake, Iowa’s flagship park, has been so poor for decades, the beach

<sup>2</sup> 33 U.S.C. § 1315(b)(1); 40 C.F.R. § 130.7(d).

<sup>3</sup> Iowa DNR. “Long-term vision for assessment, restoration, and protection under the Clean Water Act Section 303(d) program.” Oct. 2015. Pg. 4-5.

is under swim advisories more than 75% of the recreational season every summer, and there is no TMDL to address this chronic impairment.

Beeds Lake is another particularly unfortunate example of the state’s lack of progress toward meaningfully protecting and improving recreational water quality. Although DNR added Beeds Lake to the impaired waters list in 2002 and completed a TMDL in 2006, the lake continues to be plagued by *E. coli* contamination more than a decade later. For the 2014-2018 reporting period covered by the 2020 assessment, Beeds Lake was under swim advisories for at least half of every summer recreation season.

Number of Weeks under <i>E. coli</i> Swim Advisory Out of 15 or 16 Week Recreational Season (exceeding single sample 235 MPN/100 mL or 5-week geometric mean 126 MPN/100 mL) <sup>4</sup>					
	2014	2015	2016	2017	2018
Backbone	12	14	14	13	14
Beeds	10	9	13	7	8
Keomah	3	0	4	3	6
Lower Pine	2	8	9	6	9
Macbride	1	7	5	4	11
West Okoboji (Emerson Bay Beach)	1	7	7	6	7

**We urge the DNR to not only complete TMDLs for these lakes, but for the state to provide adequate resources to implement the TMDLs, improve the water quality of these lakes, and remove them from the impaired waters list.**

Thank you for the opportunity to comment on the draft 2020 impaired waters list. If you have questions or we can clarify these comments further, please feel free to call.

Sincerely,

/s/ Michael R. Schmidt

/s/ Alicia Vasto

Michael R. Schmidt  
Staff Attorney  
Iowa Environmental Council

Alicia Vasto  
Water Policy and Advocacy Specialist  
Iowa Environmental Council

---

<sup>4</sup> Iowa DNR. Beach Monitoring Program. Data available at <https://programs.iowadnr.gov/aquia/>.