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April 4, 2024

Iowa Department of Natural Resources  
Attn: IR Comments  
Water Quality Monitoring & Assessment Section  
Wallace State Office Building  
502 East 9<sup>th</sup> Street  
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Email: [IRcomment@dnr.iowa.gov](mailto:IRcomment@dnr.iowa.gov)

**RE: Draft 2024 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 2024 list of the Section 303(d) impaired waters. These comments represent the views of the Iowa Environmental Council, an alliance of 100 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 2024 impaired waters list:

- **A high proportion of assessed waters are impaired.**  
The 2024 303(d) list shows that 50.5% of assessed waters are impaired for one or more designated uses. Only 27% of assessed waters support at least one of their designated uses. While 97 impairments have been proposed for delisting, it is unclear if all of those impairments have actually been improved or if the data period masked an impairment due to drought (see comment on listing and delisting below). **The Council calls on the state to take stronger leadership to improve Iowa's water quality and significantly reduce the number of impairments.**
- **A high proportion the state's A1 primary recreational waters are impaired.**  
Of Iowa's waters that have been assessed for A1 recreational use, 79% (548 of 697) 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 issued recommendations for microcystin and numeric nutrient water quality standards that would protect recreational users from harmful algae blooms. In fact, the EPA's numeric nutrient criteria recommendations relied heavily on Iowa water quality data. When the DNR released the 2020 and 2022 impaired waters lists, IEC called on the state to adopt microcystin and

numeric nutrient criteria. DNR has not indicated that it will adopt those standards, and no timeline or formal process has been set to begin the process of adopting criteria. DNR left those priorities out of the 2021-2023 Triennial Review. **Again, IEC calls on the state to adopt numeric nutrient and microcystin criteria.** DNR has an opportunity to include these standards in the 2024-2026 Triennial Review, which must be released this year. DNR has all the information it needs to begin the work of adopting criteria, which are necessary to understand the condition of Iowa's waters and make progress on protecting Iowans from negative health impacts.

- **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.

- **DNR's decision to use one cycle to impair and one cycle to delist for all impairments is not rational or practical.**

DNR's decision to use one cycle to list and delist waters for impairment is not reasonable or practical for the purposes of addressing impairments.<sup>2</sup> The department has not justified this approach. When a waterway does not show signs of an impairment during one cycle, it does not mean that the waterway has actually improved or the impairment has been addressed. As we have seen in recent years, drought has seriously impacted the flows of Iowa's streams and rivers. Reduced flows can mask an impairment due to temporary reductions of pollutants entering waterways. However, the impairment may quickly reappear when flows return to normal. Using one cycle to remove waters from the list could create a situation where a waterway is removed and added to the list, back and forth, in subsequent cycles, leaving it in limbo for receiving a TMDL and causing confusion for watershed groups that are trying to make improvements and install pollution reduction practices.

An example of this one cycle removal and future relisting is Lake Macbride. The lake has been listed for an indicator bacteria impairment since 2006 but is proposed for delisting this cycle. The lake had a TMDL priority of Tier II, but a TMDL was not written and approved by EPA until 2022. While the lake is proposed for delisting based on 2020-2022 beach monitoring data, five single-sample *E. coli* violations occurred during the 2023 beach monitoring season. This means that Lake Macbride should go back on the 303(d) list in 2026. If the TMDL had not been done two years ago, the delisting would have caused further delay in preparing a TMDL. DNR is already woefully behind on preparing TMDLs for the state's impaired waters. DNR should not risk even further delays on TMDLs because it wants the appearance of increased removals from the impaired waters list.

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<sup>1</sup> Iowa DNR. "Methodology for Iowa's 2024 Water Quality Assessment, Listing, and Reporting Pursuant to Sections 305(b), 303(d), and 314 of the Federal Clean Water Act" ("Methodology"). 29 Sept. 2023. Pg. 13-16.

<sup>2</sup> *Id* at 11.

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>3</sup>								
	2016	2017	2018	2019	2020	2021	2022	2023
Lake Macbride	5	4	11	2	4	2	1	6

### COMMENTS ON OUTSTANDING IOWA WATERS

Iowa’s Outstanding Waters are natural treasures that the state has identified as high quality waters of state significance. Under the state’s antidegradation implementation procedure, these waters are assigned a Tier 2 ½ protection level, where degradation is prohibited unless the reduction of water quality “is temporary and limited, results from the expansion of existing sources, or serves to maintain or enhance the value, quality, or use of the OIW, as determined by the Director of IDNR on a case-by-case basis.”<sup>4</sup>

Commensurate with the specialty antidegradation tier, OIWs should be given priority for development of TMDLs to protect their special status as waters of significance. DNR’s TMDL Prioritization Methodology does not include a parameter for status as an OIW.<sup>5</sup> OIWs are classified based on water quality standards, so any violation of a water quality standard should be addressed with urgency by Iowa DNR. Outstanding National Resource Waters, designated as Tier 3 under the state’s antidegradation procedure, should also receive special status for TMDL development in the future if such a water is designated. The state’s antidegradation procedure says, for Tier 2 ½ and 3:

No degradation, except for temporary degradation or from the expansion of existing sources, is allowed in the unique waters afforded Tier 2 ½ & 3 protection. If a §305(b) assessment shows that long-term degradation (i.e., not temporary degradation) of an Outstanding National Resource Water or Outstanding Iowa Water is occurring, the department may conduct a special study of the extent and source(s) of degradation to determine likely trends and explore possible antidegradation actions needed to reverse the trend... Such a study is justified even though the water may continue to fully meet state [water quality standards] and is not a likely candidate for addition to the state’s §303(d) list.<sup>6</sup>

IEC completed a detailed review of assessment and impairment information for Outstanding Iowa Waters. The results of impairments without TMDLs are summarized in the table below. The state should prioritize development of these TMDLs, especially for impairments related to low biotic index for Bloody Run Creek, Clear Creek, Ludlow Creek, and Waterloo Creek.

Outstanding Iowa Water	Segment ID	Impairment with no TMDL	Cycle Added
Bear Creek	02-CED-523	Indicator bacteria	2014
Bloody Run Creek	01-YEL-433	Indicator bacteria	2010
		Low aquatic macroinvertebrate biotic index	2024
Clear Creek	01-UIA-235	Low aquatic macroinvertebrate biotic index	2024
Coldwater Creek	01-UIA-280	Indicator bacteria	2008
Dousman Creek	01-YEL-438	Low dissolved oxygen	2008

<sup>3</sup> Iowa DNR. Beach Monitoring Program. Data available at <https://programs.iowadnr.gov/aquia/>.

<sup>4</sup> Iowa DNR. “Iowa Antidegradation Implementation Procedure.” 17 Feb. 2010. Pg. 2.

<sup>5</sup> “Methodology” at 50.

<sup>6</sup> *Id* at 27.

Duck Creek	01-UIA-254	Indicator bacteria	2014
French Creek	01-UIA-248	Indicator bacteria	2008
Grannis Creek	01-VOL-322	Indicator bacteria	2014
Lime Creek	02-CED-524	Indicator bacteria	2014
Ludlow Creek	01-YEL-446	Low fish & invertebrate biotic index	2010
North Bear Creek	01-UIA-255	Indicator bacteria	2008
Twin Springs Creek	01-UIA-273	Indicator bacteria	2012
Waterloo Creek	01-UIA-253	Indicator bacteria	2008
		Low aquatic macroinvertebrate biotic index	2022
West Okoboji Lake – Emerson’s Bay	06-LSR-2066	Indicator bacteria	2006

**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	Segment ID	Cycle Added	Year TMDL completed or TMDL Priority Level
Backbone	01-MAQ-20	2004	Tier II
Beeds	02-WFC-818	2002	2006
Big Creek	04-UDM-1242	2006	2011
Black Hawk	04-RAC-1134	2016	Tier II
Brushy Creek	04-UDM-1276	2012	2022
Clear Lake	02-WIN-841	2004	2020
George Wyth	02-CED-465	2020	2008
Hickory Grove	03-SSK-950	2008	2020
Keomah	03-SSK-930	2008	2023
Lake Darling	03-SKU-924	2018	Tier II
Lake Manawa	06-WEM-1711	2024	Tier II
Lake Of Three Fires	05-PLA-1476	2024	2011
Lower Pine	02-IOW-758	2006	Tier II
Nine Eagles	05-GRA-1361	2006	2020
Union Grove	02-IOW-724	2006	2010
West Okoboji – Emerson’s Bay	06-LSR-2066	2006	Tier II

Six lakes, one of which is new this cycle, are listed as Tier II priorities for TMDLs that 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. Many of the lakes that have TMDLs have been impaired for over a decade, and some have even had a TMDL for over a decade. The state must do more to work to remove these impairments permanently, unlike the delisting of Lake Macbride, by addressing the sources of *E. coli* and implementing water quality improvement plans.

DNR added Backbone Lake to the impaired waters list two decades ago. 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. Water quality in Backbone Lake, Iowa’s flagship park, has been so poor for 20 years and the beach is under swim advisories more than 75% of the recreational season every summer, yet there is still no TMDL to address this chronic impairment. DNR must investigate the sources of *E. coli* at Backbone and work to mitigate the 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 2020-2022 reporting period covered by the 2024 assessment, Beeds Lake was under swim advisories for 2-8 weeks every summer.

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>7</sup>								
	2016	2017	2018	2019	2020	2021	2022	2023
Backbone	14	13	14	13	14	11	13	9
Beeds	13	7	8	6	7	2	8	3
Big Creek	4	4	1	0	2	1	9	0
Black Hawk	1	0	0	0	0	0	4	5
Lake Darling	8	2	4	1	10	9	14	8
Lower Pine	9	6	9	1	6	8	8	15
Union Grove	9	6	9	1	6	8	8	15
West Okoboji (Emerson Bay Beach)	7	6	7	3	7	3	6	9

**We urge the DNR to not only complete TMDLs for state park beaches without them, but for the state to provide adequate resources to implement water quality improvement plans, demonstrate water quality improvement in these lakes, and remove them from the impaired waters list after consistent improvement over multiple cycles.**

Thank you for the opportunity to comment on the draft 2024 impaired waters list. If you have questions or we can clarify these comments further, please feel free to call.

Sincerely,

/s/ Alicia Vasto

Alicia Vasto

Water Program Director

Iowa Environmental Council

<sup>7</sup> Iowa DNR. Beach Monitoring Program. Data available at <https://programs.iowadnr.gov/aquia/>.