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ENVIRONMENTAL PROTECTION

HOUSE FILE 498
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Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to credible data concerning water quality.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 498

1 Section 1. Section 455B.171, subsection 4, Code 2003, is
2 amended to read as follows:

3 4. "Credible data" means scientifically valid chemical,
4 physical, or biological monitoring data collected under a
5 scientifically accepted sampling and analysis plan, including
6 quality control and quality assurance procedures, and
7 scientifically valid evaluative data and information
8 documented by a qualified professional in the department such
9 as a professional engineer, biologist, or hydrologist, or by a
10 professional designee of the department, as defined in section
11 455B.193, subsection 1. Data dated more than ~~five~~ ten years
12 before the department's date of listing or other determination
13 under section 455B.194, subsection 1, shall be presumed not to
14 be credible data unless the department identifies compelling
15 reasons as to why the data is credible.

16 Sec. 2. Section 455B.171, subsection 8, Code 2003, is
17 amended to read as follows:

18 8. "Historical data" means data collected more than ~~five~~
19 ten years before the department's date of listing or other
20 determination under section 455B.194, subsection 1.

21 Sec. 3. Section 455B.193, subsection 1, Code 2003, is
22 amended to read as follows:

23 1. Data is not credible data unless the data originates
24 from studies and samples collected by the department, a
25 professional designee of the department, or a qualified
26 volunteer. For purposes of this subsection, "professional
27 designee" includes governmental agencies other than the
28 department, and a person hired by, or under contract for
29 compensation with, the department to collect or study data,
30 and a qualified volunteer who has passed the third level of
31 training in quality control and quality assessment measures
32 under the Iowa water pollution control works and drinking
33 water facilities financing program.

34 Sec. 4. Section 455B.194, subsection 1, paragraph a, Code
35 2003, is amended by striking the paragraph.

1 Sec. 5. Section 455B.195, subsection 1, paragraph b, Code
2 2003, is amended to read as follows:

3 b. The data quality for removal of water of the state from
4 any list of impaired waters including any section 303(d) list
5 shall be the same as the data quality for adding a water to
6 that list. A water of the state that is placed on a section
7 303(d) list shall not be removed from a section 303(d) list
8 due to lack of credible data.

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EXPLANATION

10 This bill relates to credible data requirements concerning
11 water quality. The bill provides that credible data collected
12 includes scientifically valid evaluative data and information
13 documented by a qualified professional in the department of
14 natural resources such as a professional engineer, biologist,
15 or hydrologist, or by a professional designee of the
16 department. A professional designee of the department of
17 natural resources includes governmental agencies other than
18 the department, a person hired by, or under contract for
19 compensation with, the department to collect or study data, or
20 a qualified volunteer who has passed the third level of
21 training in quality control and quality assessment measures
22 under the Iowa water pollution control works and drinking
23 water facilities financing program.

24 The bill also provides that credible data used for certain
25 purposes under Code section 455B.194, subsection 1, that is
26 dated more than 10 years before the department's date of
27 listing or other determination of water quality shall be
28 presumed not to be credible unless the department identifies
29 compelling reasons why the data is credible. The bill also
30 defines "historical data" for purposes of determining water
31 trends under Code section 455B.195, as data collected that was
32 collected more than 10 years instead of five years before the
33 department's date of listing or other determination of water
34 quality.

35 The bill removes a requirement that the department of

1 natural resources must use credible data when developing and
2 reviewing any water quality standard.

3 The bill provides that a water of the state that is placed
4 on a section 303(d) list required under the federal Clean
5 Water Act shall not be removed from that list due to a lack of
6 credible data. A section 303(d) list is a list required by
7 federal law and prepared by the state, of all surface waters
8 in the state for which beneficial uses of the water, such as
9 drinking, recreation, aquatic habitat, and industrial use, are
10 impaired by pollutants.

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