House Study Bill 657 - Introduced

A BILL FOR

1 An Act requiring the department of natural resources to identify
2   specific animal sources of pollutants to a water of the state
3   when determining the water's inclusion on a list of impaired
4   waters.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1   Section 1.   Section 455B.195, subsection 1, Code 2026, is
2 amended by adding the following new paragraph:
3   <u>NEW PARAGRAPH</u>.   *0g.*   The department shall not place any
4 water of the state on a section 303(d) list based on levels
5 of fecal indicator bacteria until the department conducts an
6 analysis, which may include using microbial source tracking, to
7 designate by percentage each species of animal, if any, that has
8 contributed to the impairment.
9   EXPLANATION
10   The inclusion of this explanation does not constitute agreement with
11   the explanation's substance by the members of the general assembly.
12   This bill relates to water quality of surface waters of the
13 state (Code section 455B.171(41)) under the federal Clean Water
14 Act (CWA), which includes a series of public laws codified in 33
15 U.S.C. §1251 – 1376.   Section 303 of the CWA (33 U.S.C. §1313)
16 establishes water quality standards for states.   States must
17 establish a priority ranking of waters of the state that have
18 been impaired according to total maximum daily loads (TMDL) of
19 pollutants as established by the United States environmental
20 protection agency (EPA) (40 C.F.R. §130.7(b)(4)).   Every two
21 years, the department of natural resources (DNR) compiles a
22 list of the state's impaired waters (303(d) list) for approval
23 by EPA. State statute requires DNR to use credible data when
24 determining whether any water of the state is to be placed on
25 or removed from the section 303(d) list (Code sections 455B.193
26 through 455B.195).   The bill provides that if, in compiling a
27 303(d) list, DNR determines that pollution is attributable to
28 fecal bacteria, it must designate by percentage each species of
29 animal, if any, that has contributed to the impairment.