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January 2, 2013

**Nutrient Reduction Strategy**  
**ANR Program Services**  
2101 Agronomy Hall  
Ames, IA 50011-1010

**Re: Iowa Nutrient Reduction Strategy – Comments**

The National Association of Clean Water Agencies (NACWA) appreciates the opportunity to comment on the State of Iowa's Nutrient Reduction Strategy released in November 2012. NACWA represents more than 280 public wastewater treatment utilities across the country, including several in Iowa. Nutrient issues are a top priority for NACWA and its public clean water agency members. Nutrient-related impacts are arguably the top water quality challenge currently facing our nation's waters and NACWA is committed to working toward science-based and rational approaches that will help achieve water quality standards in a cost effective manner.

NACWA commends Iowa for taking a multi-faceted approach that seeks to address both point and nonpoint sources. NACWA's members in Iowa, and nationwide, recognize that wastewater treatment plants are an important part of any nutrient reduction effort and stand ready to do their fair share. Indeed, many of the gains in nutrient control made to date are because of the investments and efforts already made by publicly owned treatment works (POTWs). By crafting balanced nutrient management plans, states can ensure that the point source community, including POTWs, is not disproportionately burdened.

The Iowa Nutrient Reduction Strategy is being released into a national regulatory environment that is highly focused on how states will address, or are currently addressing, nutrient pollution. The U.S. Environmental Protection Agency (EPA) and national environmental groups have been paying special attention to mitigating nutrient pollution in some of the country's most important and complex water bodies, such as the Chesapeake Bay and Mississippi River Basin. This has, in turn, focused attention on the states that contribute to these national water systems. Recent efforts at the state

level provide promising examples of how the challenge of controlling nutrients, even where numeric nutrient criteria have not been developed, can be handled nationally.

While NACWA acknowledges the Iowa Strategy's approach to nonpoint sources is a good first step, it nevertheless underscores the limitations of the current authorities in the Clean Water Act to address all sources of nutrients. Without clear federal authority to regulate nonpoint sources, provisions in the Strategy address agricultural runoff in a voluntary manner. The accountability and verification measures highlighted for these practices remain vague. In the absence of permit tracking, as will be used for the point source community, the strategy should clearly identify the tracking and reporting methods for the nonpoint community. Additionally worrisome, the funding sources for agricultural water management programs noted in the strategy, are shrinking – and NACWA is not confident that the Strategy does enough to address the reality of the available funding for the suggested agricultural practices, and how that will affect the nonpoint community's "voluntary" participation.

Within the constraints of the Clean Water Act, the Iowa Nutrient Reduction Strategy focuses on reducing nutrients from both nonpoint and point sources in "a scientific, reasonable and cost effective manner". NACWA applauds the State's efforts to attempt to address both point and nonpoint sources of nitrogen in ways that more equitably distribute the responsibility for improving water quality by reducing the release of nitrogen and phosphorus. Recent nutrient reduction efforts in other parts of the country have disproportionately sought reductions from POTWs because those reductions are more certain and quantifiable. In an effort to make reductions and show progress, point sources are being pressed to remove nutrients to the limits of technology and still face further reductions through backstop provisions if nonpoint source reductions are not made. Iowa's Strategy, on the other hand, recognizes the relative contributions from the point and nonpoint source communities and offers a reasonable and clear path forward for the point source community. In addition, NACWA strongly agrees with the Strategy's authors that flexibility through watershed prioritization and opportunities for future water quality trading are important elements.

Iowa's strategy clearly indicates how the technology-based nutrient requirements will be implemented within the clean water community, providing POTWs with greater certainty in terms of their long-term investments. Based on the National Pollutant Discharge Elimination System (NPDES) permit cycle, future POTW permits will specify technology based limits, guaranteed to not be more stringent than 10 mg/l total nitrogen (TN) and 1 mg/L total phosphorus (TP). Furthermore, these limits will not to be made more restrictive "for a period of at least 10 years" once the nutrient reduction process is installed. The proposed TN and TP limits are reasonable and achievable and also reflect the clean water community's relative contribution of nutrients to Iowa's waterbodies. By providing assurance to the POTWs that the biological nitrogen removal treatment (BNR) technology approved in the permit will be in compliance for a certain period of time, POTWs will have the confidence they need to make the investments necessary to meet their permit requirements. POTWs must have certainty that they will not be asked to do even more in the next permit cycle, before any concerted effort has been made to address other sources.

NACWA Letter of Support for the Iowa Nutrient Reduction Strategy

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NACWA appreciates the opportunity to provide these comments. Please do not hesitate to contact me at [chornback@nacwa.org](mailto:chornback@nacwa.org) if you would like to discuss any of these comments further. NACWA appreciates Iowa's leadership on this issue and looks forward to continuing to voice the clean water community's perspective in the evolving national conversation surrounding nutrient reduction.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Hornback". The signature is fluid and cursive, with the first name "Chris" being more prominent than the last name "Hornback".

Chris Hornback

Senior Director, Regulatory Affairs