Comments for Iowa's Draft Cedar River Nitrate TMDL Withdrawal Public Notice

September 8, 2022

Please find below the EPA's comments for the draft public notice regarding Iowa Department of Natural Resources' intent to withdraw the nitrate TMDL from the Cedar River watershed. Quoted excerpts are from the draft public notice.

1. "Over the last 16 years, the DNR implemented the TMDL through total nitrogen limits in National Pollution Discharge Elimination System permits [...] funded through the Iowa State Revolving Fund"
    - Comment: Were there any facility upgrades as a result of this TMDL? Are there current nutrient limits in permits based upon this TMDL?
2. "Additionally, the implementation of total nitrogen limits in NPDES permit limits does not align with the TMDL."
    - Comment: Is this in reference to the use of total nitrogen instead of nitrate-n or the absence of some of the dischargers from the TMDL? Aside from the discussed facility, which additional facilities are missing from the TMDL?
3. "The DNR will continue to implement the Iowa Nutrient Reduction Strategy and to provide funding to nonpoint source control projects in the Cedar River watershed"
    - Comment: Will removing the TMDL in any way affect how this watershed is prioritized for 319 funding? What 319 projects were completed in the watershed as part of the TMDL implementation?
4. "The DNR has established a public comment period for this intent to withdraw the Cedar River TMDL. The DNR will accept written comments until **DATE AND** TIME – 20 DAYS."
    - Comment: Iowa has specified a 20-day public notice period for public comment. The standard public notice period for a TMDL is 30 days. Please address.
5. "The decision to withdraw the Cedar River TMDL was made after considering the specific facts of this TMDL and the water quality of the Cedar River"
    - Comment: EPA agrees that withdrawal of this TMDL is due to specific considerations and that TMDLs should not be withdrawn simply due to a waterbody delisting from the 303(d) list.
6. Where is the location of the drinking water facility? Is it located within the Cedar River segment that was impaired for nitrate or outside of the segment?