

## Request for reversal of EPA decision to disapprove Iowa's Clean Water Act antidegradation provisions.

- Iowa is requesting that U.S. EPA reverse its January 19<sup>th</sup> action to disapprove Iowa's revised Clean Water Act (CWA) antidegradation rules.
- The CWA requires treatment sufficient to meet all standards. Antidegradation defines when a community must provide treatment above and beyond what is needed to comply with water quality protections. Iowa has strong but reasonable antidegradation requirements that were adopted in 2009.
- In March of 2016, an Iowa District Court judge modified the interpretation of Iowa's rules. The revised interpretation greatly increases the potential cost of wastewater facility improvements in our state. **For the small community at issue in the court case, Clarion, the demanded cost increase is approximately \$3 million dollars on top of a \$6.8 million facility upgrade.**
- In response to a formal request from Iowa communities and businesses, Iowa legally adopted revised rules that provide greater clarity and certainty to Iowa communities and businesses that are subject to these regulations. The new rules state that a community cannot be forced to implement an alternative that increases costs by 15% or more. (Over \$1 million for Clarion)
- In the waning hours of the prior administration, those rules were disapproved.
- The primary issue in dispute is whether Iowa's rules improperly restrict the meaning of the federal term "economically viable", which is part of the federal definition of a "practicable" alternative.
  1. Iowa has legally and publicly defined what the federal language means.
  2. EPA has not done so. Without a legally adopted federal definition of "economically viable", there is no rational basis for EPA's disapproval determination.
- Such reconsideration is allowable and consistent with past practices of EPA.