

**ARC 1351B**  
**ENVIRONMENTAL PROTECTION**  
**COMMISSION[567]**

**Notice of Intended Action**

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455B.105 and 455B.193, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 60, “Scope of Title—Definitions—Forms—Rules of Practice,” and Chapter 61, “Water Quality Standards,” Iowa Administrative Code.

The 2000 General Assembly passed legislation (SF 2371) that, among other things, established a “credible data” requirement for developing Section 303(d) lists of impaired waters and various other water quality program activities. The credible data legislation, now codified at Iowa Code sections 455B.171 and 455B.193 to 455B.195:

- Defines credible data as scientifically valid data collected under scientifically accepted sampling plans, including quality assurance and quality control procedures;
- Stipulates that data is not credible data unless it originates from studies and samples collected by the Department and its professional designees or from qualified volunteers;
- Requires the review and approval of all data provided by a qualified volunteer as well as the volunteer monitoring plan before the volunteer data may be considered credible data; and
- Requires the Department to adopt rules to establish requirements for a person to become a qualified volunteer.

The proposed amendments establish minimum requirements for data produced by volunteers to meet the credible data and qualified volunteer requirements.

The expertise needed to produce scientifically valid data can vary significantly depending on the type of monitoring (e.g., chemical versus biological) and other factors, including analytical procedures. Providing a definition of “qualified volunteer” in terms of specific education, experience and knowledge would be difficult and would have the effect of discouraging volunteer monitoring, especially for the simpler types of monitoring (e.g., testing for indicator bacteria). For that reason, the proposed rules define “qualified volunteer” in general terms and concentrate on the process of reviewing the volunteer monitoring plan, including quality assurance and quality control measures, and the monitoring data to ensure the

data are, in fact, scientifically valid. Volunteers working under the provisions of an approved volunteer monitoring plan would be considered qualified volunteers.

Any person may submit written suggestions or comments on the proposed amendments on or before March 7, 2002. Written comments should be submitted to Richard Leopold, Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, Iowa 50319-0034; fax (515)281-8895.

Persons are also invited to present oral or written comments at public hearings which will be held at the following locations and times:

February 27, 2002, at 10 a.m. in the Fifth Floor East Conference Room, Henry A. Wallace Building, Des Moines;

March 1, 2002, 7 p.m., at Iowa Lakes Community College, 1900 North Grand Ave., Spencer; and

March 7, 2002, 6 p.m., in the Autumn Room, Grant Wood AEA, 4401 6th Street SW, Cedar Rapids.

Any person who plans to attend a public hearing and has special requirements such as hearing or mobility impairments should contact Richard Leopold at (515)281-3152 to advise of specific needs.

These amendments are intended to implement Iowa Code chapter 455B, division III, part 1.

The following amendments are proposed.

ITEM 1. Amend rule **567—60.2(455B)** by adopting the following **new** definition in alphabetical order:

“Qualified volunteer” means a person or group of people acting on their own behalf, and not for a government agency or under contract with the department, to produce water quality monitoring data in accordance with a department-approved volunteer monitoring plan. Qualified volunteers must have the training and experience to ensure quality assurance and quality control for the data being produced, or be under the direct supervision of a person having such qualifications. A person or persons identified as participants in a department-approved volunteer monitoring plan will be considered qualified volunteers.

ITEM 2. Amend 567—Chapter 61 by adopting the following **new** division title before rule 567—61.1:

WATER QUALITY STANDARDS

ITEM 3. Reserve rules **61.4** to **61.9** and adopt the following **new** division:

VOLUNTEER MONITORING DATA REQUIREMENTS

**567—61.10(455B) Purpose.** The department uses water quality monitoring data for a number of purposes, including determining compliance with effluent limits for operation permits issued under 567—Chapter 64. The department also uses water quality monitoring data to determine the relative health of a water body by comparing monitoring data to the appropriate water quality standards established in 567— Chapter 61, a process known as water

body assessments. Water body assessments are performed to prepare the biennial water quality report required under Section 305(b) of the Act and the list of impaired waters under Section 303(d) of the Act.

Iowa Code sections 455B.193 to 455B.195 require that credible data, as defined in Iowa Code section 455B.171, be used for the purpose of preparing Section 303(d) lists and other water quality program functions. Data provided by a volunteer are not considered credible data unless provided by a qualified volunteer. The purpose of this chapter is to establish minimum requirements for data produced by volunteers to meet the credible data and qualified volunteer requirements.

**567—61.11(455B) Monitoring plan required.** Volunteer water quality monitoring data submitted to the department must have been produced in accordance with a department-approved volunteer water quality monitoring plan before the data may be used for any of the purposes listed in Iowa Code section 455B.194. Approval of a plan will establish qualified volunteer status for the personnel identified in the plan for those monitoring activities covered under the plan.

**61.11(1)** Submittal of the plan. Prior to initiation of volunteer water quality monitoring activities intended to produce credible data, a water quality monitoring plan must be submitted to the department for review and approval. The plan must be submitted to the Volunteer Monitoring Coordinator, Department of Natural Resources, Wallace State Office Building, Des Moines, Iowa 50319, a minimum of 90 days before planned initiation of volunteer monitoring activities. A letter transmitting the plan must specifically request formal review and approval of the plan and identify a contact person. Volunteer monitors are encouraged to communicate with the department and to attend volunteer monitoring training sessions prior to formal submittal of a plan.

**61.11(2)** Content of the plan. A volunteer monitoring plan must contain, at a minimum, the following to be considered an acceptable volunteer monitoring plan:

- a. A statement of the intent of the monitoring effort.
- b. The name(s) of the person or persons that will be involved in data collection or analysis, the specific responsibilities of each person or group of people, and the general qualifications of the volunteers to carry out those responsibilities. For groups, such as educational institutions, it will be acceptable to identify the persons involved by general description (e.g., tenth grade biology class) with the exception of persons in responsible charge.
- c. The name(s) of the person or persons that will oversee the monitoring plan, ensure that quality assurance and control objectives are being met, and certify the data. The person or persons in responsible charge must have training commensurate with the level of expertise to ensure that credible data is being generated.
- d. The duration of the volunteer monitoring effort. In general, the department will not approve plans of greater

than three years' duration unless a longer duration is justified.

- e. Location and frequency of sample collection.
- f. Methods of data collection and analysis.
- g. Record keeping and data reporting procedures.

**61.11(3)** Department review of the plan. The department will review monitoring plans and normally approve or disapprove the plan within 90 days of receipt. The department will work with the contact person identified in the plan to make any necessary changes prior to taking formal action. The department will use guidelines contained in the publications EPA Requirements for Quality Assurance Project Plans (EPA QA/R-5, 2001) and Volunteer Monitor's Guide to Quality Assurance Project Plans (1966, EPA 841-B-96-003) or equivalent updates to determine if the plans provide adequate quality assurance and quality control measures. Approval or disapproval of the plan will be in the form of a letter and approval may include conditions or limitations.

**61.11(4)** Changes in monitoring plans. The department must approve any changes to an approved monitoring plan. Data collected under a modified plan will not be considered credible data until such time as the department has approved the modifications. Modifications to an approved plan should be submitted at the earliest possible time to avoid interruptions in data collection and to ensure continuity of data.

**61.11(5)** Appeal of disapproval. If a monitoring plan submitted for approval is disapproved, the decision may be appealed by filing an appeal with the director within 30 days of disapproval. The form of the notice of appeal and appeal procedures are governed by 567—Chapter 7.

**567—61.12(455B) Use of volunteer monitoring data.** Data produced under an approved water quality monitoring plan will be considered credible data for the purposes listed in Iowa Code section 455B.194 if the following conditions are met.

**61.12(1)** Data submittal. A volunteer monitor or monitoring group must specifically request that data produced under an approved volunteer monitoring plan be considered credible data. A letter identifying the specific data must be submitted along with a certification from the volunteer or the person in responsible charge for volunteer groups that the data, to the best of the volunteer's or responsible person's knowledge, was produced in accordance with the approved volunteer monitoring plan. The department's volunteer coordinator should be contacted to determine the data submittal format and related information. The department encourages volunteers to enter monitoring data on the IOWATER volunteer monitoring database maintained by the department, but doing so does not constitute submittal to or acceptance of the data by the department for uses requiring credible data.

**61.12(2)** Department review of submitted data. The department must review and approve the submitted data. The person submitting the data will be informed of the department's decision either to accept or reject the data.

The department will attempt to resolve any apparent inconsistencies or questionable values in the submitted data prior to making a final decision.

**567—61.13(455B) Department audits of volunteer monitoring activities.** The department may conduct field audits of volunteer data collection and analysis procedures from time to time to ensure compliance with an approved plan and may conduct confirmatory monitoring tests. Volunteers will be informed of any audit results and be provided with an opportunity to address any concerns to the extent possible. The department reserves the right to rescind approval of an approved plan if it finds substantial problems that cannot be addressed in a timely manner to ensure the quality of the data being produced.

These rules are intended to implement Iowa Code chapter 455B, division III, part 1.