

Agenda

Environmental Protection Commission

Tuesday, August 16, 2022

Teleconference: 631-618-4607 PIN: 484 733 354#

Video Conference: <https://meet.google.com/rzo-uidn-tvg>

502 East 9th Street, Des Moines, Iowa 50319

DNR 2 North Conf Room

Tuesday, August 16, 2022

10:00 AM – EPC Business Meeting

If you are unable to attend the business meeting, comments may be submitted to Alicia Plathe at Alicia.Plathe@dnr.iowa.gov or 502 East 9th St, Des Moines IA 50319 up to 24 hours prior to the business meeting for the public record.

- | | | |
|----|--|---|
| 1 | Approval of Agenda | |
| 2 | Approval of the Minutes (Packet Page 3) | |
| 3 | Monthly Reports (Packet Page 11) | Ed Tormey
(Information) |
| 4 | Director's Remarks | Kayla Lyon
(Information) |
| 5 | Water Supply-Water Use and Allocation Annual Permit Fee (Packet Page 19) | Carmily Stone
(Decision) |
| 6 | Notice of Intended Action-Chapters 60 and 64-Renewal of General Permits Nos. 1, 2, 3, and 4 with Cleanup and Clarification (Packet Page 21) | Courtney Cswercko
(Decision) |
| 7 | Final Rule-Chapter 64-Renewal of General Permits Nos. 5, 6, 7, 8 and 9, with Cleanup and Clarification (Packet Page 115) | David Schelling
(Decision) |
| 8 | Black Hawk Lake Watershed Project (Packet Page 230) | Ethan Thies
Ji Yeow Law
(Information) |
| 9 | General Discussion <ul style="list-style-type: none">EPC Biennial reportTour opportunity, Fall 2022 | |
| 11 | Items for Next Month's Meeting <ul style="list-style-type: none">Tuesday, September 22, 2022, Wallace BuildingTuesday, October 18, 2022, Wallace Building | |

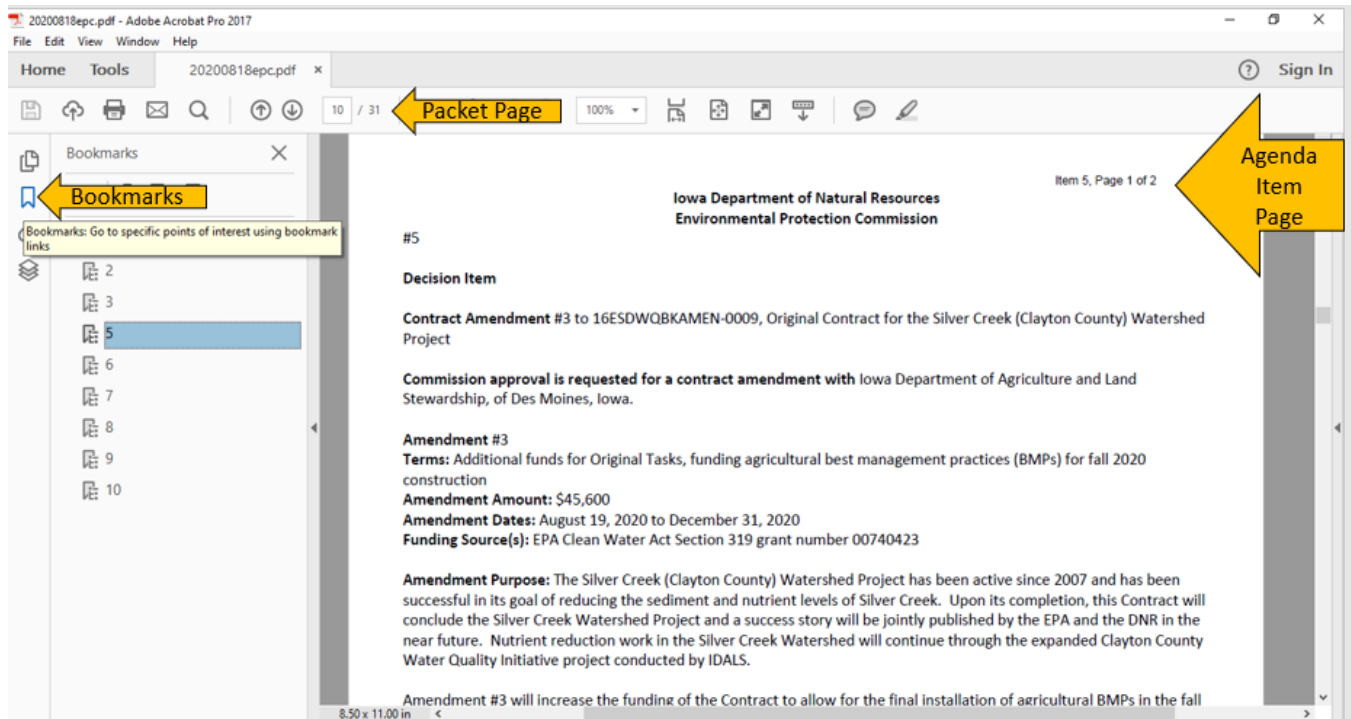
For details on the EPC meeting schedule, visit <http://www.iowadnr.gov/About-DNR/Boards-Commissions>

¹Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

Any person with special requirements such as those related to mobility or hearing impairments who wishes to participate in the public meeting should promptly contact the DNR or ADA Coordinator at 515-725-8200, Relay Iowa TTY Service 800-735-7942, or Webmaster@dnr.iowa.gov to advise of specific needs.

Utilize bookmarks to transition between agenda items or progress forwards and backwards in the packet page by page with the Packet Page number on the agenda.

The upper right-hand corner will indicate the Agenda Item Number and the page of the agenda item.



**MINUTES OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING**

June 21, 2022

**Video Teleconference
and
Wallace State Office Building**

Approved by the Commission **TBD**

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Meeting Minutes

CALL TO ORDER

The meeting of the Environmental Protection Commission (Commission or EPC) was called to order by Acting Chairperson Ralph Lents at 10:00am on June 21, 2022 via a combination of in-person and video/teleconference attendees. A verbal attendance list was conducted for Commissioners, Department of Natural Resources (DNR) staff, and members of the public.

COMMISSIONERS PRESENT

- Rebecca Dostal
- Mark Stutsman
- Harold Hommes
- Patricia Foley
- Amy Echard
- Brad Bleam
- Ralph Lents

COMMISSIONERS ABSENT

- Lisa Gochenour
- Stephanie Dykshorn

APPROVAL OF AGENDA

Motion was made by Amy Echard to approve the agenda as presented. Seconded by Mark Stutsman. The Chairperson asked for the Commissioners to approve the agenda by saying aye. There were no nay votes. Motion passes.

AGENDA APPROVED AS PRESENTED

APPROVAL OF MINUTES

Motion was made by Rebecca Dostal to approve the May 17, 2022 EPC minutes as presented. Seconded by Patricia Foley. Chairperson asked for the Commissioners to approve the agenda by saying aye. There were no nay votes. Motion passes.

APPROVED AS PRESENTED

MONTHLY REPORTS

- Ed Tormey shared the updated Environmental Protection Agency’s (EPA) revised health advisories for PFOA and PFOS. The health advisory for both chemicals was previously 70 parts per trillion (PPT), but both advisories have been reduced to .004 PPT for PFOA and to .02 PPT for PFOS. Mr. Tormey explained that, due to current laboratory testing sensitivities, any detection of PFOA or PFOS would now trigger a health advisory. In addition, EPA has added two new chemicals to their health advisory list: Gen X (10 PPT) and PFBS (2,000 PPT), both of which were created as replacements for PFOA and PFOS with the intention of being more protective of human health. Mr. Tormey explained that DNR will continue its sampling with these new health advisories in mind and that EPA will likely create new regulatory standards for these chemicals within the next year. Mr. Tormey and Corey McCoid, Water Supply Operations supervisor, took questions on PFAS, including the common uses of PFAS in products, where else PFAS can be found in the environment, its effects on human health upon consumption/exposure, and what funding is available to help communities address these emerging contaminants.

INFORMATION

DEPUTY DIRECTOR’S REMARKS

- Deputy Director Alex Moon provided an update on the legislative bills that were signed that affect the DNR. He highlighted the budget, noting that it was primarily status quo, with increases seen in the line items for water trails and lowhead dam removals, parks infrastructure, and the Ft. Atkinson State Preserve. Deputy Director Moon also gave an overview of the Bottle Bill, which now gives DNR enforcement authority, allows convenience stores to opt out (with boundaries) of taking back cans and bottles, and increases the redemption center handling fee from 1 cent to 3 cents, among other changes. He answered questions on the Bottle Bill updates and offered to have staff present the changes in detail at one of the upcoming commission meetings.
- Deputy Director Moon encouraged Commissioners to visit Rockford Fossil Park in Rockford, Iowa, to explore Iowa’s geology.
- Deputy Director Moon provided an update on a recent meeting that DNR Leadership attended with other state directors in EPA-Region 7.

INFORMATION

CONTRACT WITH IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP (IDALS)-PALO ALTO SHALLOW LAKES WATERSHED PROJECT

Kyle Ament presented on a new water quality contract with IDALS to help reduce the amount of phosphorus reaching three shallow lakes in Palo Alto County.

Public Comments – None

Written Comments – None

Motion was made by Harold Hommes to approve the item as presented. Seconded Brad Bleam.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE UNIVERSITY OF NORTHERN IOWA, IOWA WASTE REDUCTION CENTER

Bill Blum presented a request to contract with the Iowa Waste Reduction Center to continue to provide technical assistance and training to the Iowa Waste Exchange program and its representatives. Bill mentioned that the funds are used for education on several environmental programs, including the emerging waste stream of lithium batteries.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the item as presented. Seconded by Patricia Foley.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP (IDALS), NONPOINT SOURCE LOAN PROGRAM

Theresa Enright presented an intergovernmental contract with IDALS to target areas in Iowa for Clean Water State Revolving Fund (CWSRF) nonpoint source pollution control practices and loans. Theresa explained that loans are currently provided to banks at 0% interest and handed out to borrowers for less than 3% interest. Commissioner Lents mentioned that he was a recipient of a past CWSRF loan and is very supportive of the program.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the item as presented. Seconded by Rebecca Dostal.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE STATE HYGIENIC LABORATORY AT THE UNIVERSITY OF IOWA-AMBIENT STREAMS MONITORING

Ken Krier presented a contract with the State Hygienic Laboratory for Ambient Streams Monitoring. There were several follow up questions regarding water quality in the state of Iowa, a few focused on if water quality is generally improving. Ken explained that there are many factors, and that flooding and drought affect improvement trends and results vary throughout the state. Ed Tormey mentioned the magnitude of the data the DNR collects and that two full-time employees were recently hired as statisticians to analyze water quality data and trends. Ed also mentioned that staff plan to present water quality success stories at future commission meetings.

Public Comments – None

Written Comments – None

Motion was made by Ralph Lents to approve the item as presented. Seconded by Rebecca Dostal.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE STATE HYGIENIC LABORATORY AT THE UNIVERSITY OF IOWA-AMBIENT STREAM BIOLOGICAL MONITORING AND LABORATORY SERVICES

Ken Krier presented on a contract with the State Hygienic Laboratory for Ambient Stream Biological Monitoring and Laboratory Services.

Public Comments – None

Written Comments – None

Motion was made by Mark Stutsman to approve the item as presented. Seconded by Stephanie Dykshorn.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE UNIVERSITY OF NORTHERN IOWA-AIR EMISSIONS ASSISTANCE PROGRAM

Christine Paulson presented on a contract with The University of Northern Iowa for Iowa’s Air Emissions Assistance Program that provides technical air quality assistance to Iowa’s small businesses. Christine explained the program’s outreach to grain elevators and feed mills to help with their permitting, paperwork, and compliance education.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the item as presented. Seconded by Rebecca Dostal.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH LINN COUNTY-AIR QUALITY 28E AGREEMENT

Christine Paulson presented a contract with Linn County to help conduct programs for the abatement, control, and prevention of air pollution within Linn County. Christine explained the funds provided for replacement monitoring equipment, the match funds required for federal funding, and the one-time ARPA funding received by Linn and Polk counties.

Public Comments – None

Written Comments – None

Motion was made by Rebecca Dostal to approve the item as presented. Seconded by Brad Bleam.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH POLK COUNTY-AIR QUALITY 28E AGREEMENT

Christine Paulson presented a contract with Polk County to help conduct programs for the abatement, control, and prevention of air pollution within Polk County.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the item as presented. Seconded by Rebecca Dostal.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE STATE HYGIENIC LABORATORY AT THE UNIVERSITY OF IOWA-2023 SHL SERVICES IN SUPPORT OF THE DNR AIR QUALITY BUREAU

Brian Hutchins presented a contract with the State Hygienic Lab to perform ambient monitoring and related services in support of the DNR Air Quality Bureau. Brian answered several questions on air pollution and monitoring, explained how public notifications are made when exceedances are detected, and how the placement of air monitors is determined.

Public Comments – None

Written Comments – None

Motion was made by Harold Hommes to approve the item as presented. Seconded by Patricia Foley.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH IOWA DEPARTMENT OF AGRICULTURE AND LAND STEWARDSHIP (IDALS), YELLOW RIVER HEADQUARTERS WATER QUALITY PROJECT

Steve Konrady presented a contract with IDALS to use Clean Water Act Section 319 funding to support the goals of the Yellow River Headwaters Watershed Management Plan. Steve explained that the reason the proposed contract overlaps with a current contract for the same project is to ensure there is sufficient funding available to cost share Best Management Practices. Additionally, he mentioned that each contract is funded by a different grant award, which has unique start and end dates.

Public Comments – None

Written Comments – None

Motion was made by Brad Bleam to approve the item as presented. Seconded by Amy Echard.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE LITTLE SIOUX HEADQUARTERS COALITION

Steve Konrady presented a contract with the Little Sioux Headquarters Coalition (LSHC) to use Clean Water Act Section 319 funding to support the creation of a Water Quality and Comprehensive Watershed Management Plan for LSHC.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the item as presented. Seconded by Rebecca Dostal.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE STATE HYGIENIC LABORATORY AT THE UNIVERSITY OF IOWA, LAB CERTIFICATION

Corey McCoid presented a contract with the State Hygienic Laboratory to conduct the lab certification program in Iowa.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the item as presented. Seconded by Rebecca Dostal.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

CLEAN WATER AND DRINKING WATER STATE REVOLVING LOAN FUND-FY2023 INTENDED USE PLAN

Theresa Enright presented the Intended Use Plan for state fiscal year 2023 for the Clean Water and Drinking Water State Revolving Loan Fund. Theresa clarified that the Bipartisan Infrastructure Law (BIL) funding is not included in the Intended Use Plan as presented, but will be included in the quarterly updates. Theresa also mentioned that the criteria for loan forgiveness is reviewed annually and that there is a new focus federally to include criteria that would benefit disadvantaged Iowa communities.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the item as presented. Seconded by Rebecca Dostal.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

GRANT FUNDING FOR TWO ENVIRONMENTAL MANAGEMENT SYSTEM (EMS) PROPOSALS

Laurie Rasmus presented two EMS grant funding proposals; one for Cedar Rapids Linn County Solid Waste Agency and the other for Metro Waste Authority.

Public Comments – None

Written Comments – None

Motion was made by Rebecca Dostal to approve the item as presented. Seconded by Patricia Foley.

Rebecca Dostal-aye, Harold Hommes-aye, Mark Stutsman-aye, Patricia Foley-aye, Amy Echard-aye, Brad Bleam-aye, Stephanie Dykshorn-absent, Lisa Gochenhour-absent, Ralph Lents-aye, Motion passes.

APPROVED AS PRESENTED

GENERAL DISCUSSION

- The Commissioners asked questions regarding contracts in general, including recourses for poor performance. Ed Tormey assured the Commissioners that the DNR would not re-enter a contract with a contractor if previous contract requirements were not fulfilled. He also restated that the DNR would be presenting project success stories at upcoming commission meetings that will address some of the contract questions.
- Alicia Plathe reminded everyone of the upcoming commission meeting to be held on July 13, 2022 at the State Forest Nursery in Ames. It will be held in conjunction with the Natural Resource Commission meeting.

The Chairperson adjourned the Environmental Protection Commission meeting at 12:22 pm on June 21, 2022.

ADJOURNED

DRAFT

**Monthly Waiver Report
June 2022**

Item #	DNR Reviewer	Facility/City	Program	Subject	Decision	Date	Agency
1	Lucas Tenborg	Grain Processing Corporation	AQ	GPC is requesting a variance to temporarily bypass the Thiopaq Biogas Desulfurization system to conduct maintenance and electrical repairs. GPC will direct biogas to be emitted through a pressure release valve on top of the anaerobic digester.	Approved	5.24.22	22aqv125
2	Lucas Tenborg	Lincolnway Energy	AQ	Lincolnway Energy is requesting to begin construction on one new fermentation tank prior to the construction permit being issued.	Approved	5.23.22	22aqv124
3	Danjin Zulic	Alter Metal Recycling - Davenport	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	5.31.22	22aqv125
4	Danjin Zulic	Alter Metal Recycling - Waterloo	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	5.31.22	22aqv126
5	Seth Moore	City of Humboldt	Sovereign Lands Construction Permitting	The petitioner is requesting a variance to place fill below the ordinary high water line of the Des Moines River and use non-conforming bank stabilization materials.	Approved	5.18.22	22slv127
6	Seth Moore	Creighton University/John Batt	Sovereign Lands Construction Permitting	The petitioner is requesting a variance to extend the current HOA seawall (12') using the existing specification's without facing with riprap and use broken concrete as a stabilization material for the Creighton's shoreline restoration.	Approved	5.20.22	22slv128
7	John Curtin	Grain Processing Corporation	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for installation of a cat litter bagger.	Approved	5.31.22	22aqv129
8	Karen Kuhn	Loring Hospital	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	6.1.22	22aqv130
9	Nate Tatar	AgState, LLC / Ellsworth	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	6.1.22	22aqv131
10	Rachel Quill	Josephson Manufacturing Company	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	6.1.22	22aqv132
11	Mark Fields	ADM Clinton	AQ	Facility has requested a 60 day stack test extension due to source requiring repairs to operate at maximum capacity.	Approved	5.28.22	22aqv133
12	Julie Duke	Absolute Energy	AQ	Request allow truck track on unpaved road section. Is proposing to add the sub base gravel and allow truck traffic on unpaved roads temporarily with the use of dust suppression to allow compaction to the base prior to pouring concrete.	Approved	5.24.22	22aqv134
13	Julie Duke	Absolute Energy	AQ	Request to start foundation and framework for the new building that will house the equipment included in DNR construction permit projects 22-177 and 22-187.	Approved	6.1.22	22aqv135
14	Fei Guo	Evansdale City of STP	CP(Wastewater)	The City of Evansdale is requesting variance from the Design Standards Chapter 13.4.3 (Pump Openings) for installing 2 submersible pumps that does not have the capability to pass a 3-inch spherical solid.	Approved	6.6.22	22cpv136
15	Ryan Olive	City of Anita STP	Water Quality	The new draft permit for the City requires monitoring per Table II of IAC 567.63 under the 3,001 - 15,000 tier based on recent treatment plant upgrades. The City requests this be changed to the 1,001 - 3,000 tier that was in the previous permit.	Denied	5.25.22	22cpv137
16	Danjin Zulic	Cargill, Inc - Iowa Falls	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	6.8.22	22aqv138
17	Alison Manz	H & B Cattle	Animal Feeding Operations	The applicant requests a waiver from 567 IAC 65.108(2) due to a deep well located approximately 15 ft from a silage pit and 50 ft from a feed storage building. There are no well logs associated with the well and it is not used for human consumption.	Approved	6.7.22	22cpv139
18	Nate Tatar	Zinpro Corporation Shell Rock Plant	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	6.10.22	22aqv140
19	Mark Fields	Pella Corporation Shenadoah	AQ	Request to extend stack testing deadline due to RTO manufacturer unavailability for stack testing prior to permitted due date.	Approved	6.10.22	22aqv141
20	Danjin Zulic	Clayton County Recycling, Inc	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	6.13.22	22aqv142
21	Karen Kuhn	Modernfold	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	6.14.22	22aqv143
22	Chad A. Stobbe	Cedar Falls Solid Waste Transfer Station	SD	The City of Cedar Falls is requesting to modify facility operations and recycling storage in lieu of needing to construct an unnecessary berm or flood wall to address a 100-year flooding event.	Approved	6.15.22	22sdv144
23	Nate Tatar	Ag Processing, Inc. - Eagle Grove	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	6.16.22	22aqv145
24	Michael Hermsen	Verbio North America	Air Quality Construction Permit	Waiver of Initial Stack Test Requirement.	Approved	6.16.22	22aqv146
25	Cory Frank	Chad Meseck	Time of Transfer	Requesting a waiver to the requirement to complete 12 CEU's of continuing education in the Time of Transfer program by March 30, 2022. Applicant cites a lack of training opportunities due to Covid-19.	Denied	6.15.22	22cpv147
26	John Curtin	City of Indianola Water Resource Recovery F	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	6.21.22	22aqv148
27	Cory Frank	Jeremy McAllister	Time of Transfer	Requesting a waiver to the requirement to complete 12 CEU's of continuing education in the Time of Transfer program by March 30, 2022. Applicant's father (business owner) died suddenly in 2021 and his wife developed Stage 4 cancer in 2022.	Approved	6.21.22	22cpv149
28	Fei Guo	City of Spencer	CP(Wastewater)	The City of Spencer is requesting variance from Design Standards 12.5.3 for the replacements of 3 sections of 8-inch sewer main with the slopes of less than 0.40%.	Approved	6.21.22	22cpv150
29	John Curtin	Plastic Products Company, Inc.	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for silos and material transfer equipment for plastic pellets.	Approved	6.23.22	22aqv151

**Monthly Waiver Report
June 2022**

Item #	DNR Reviewer	Facility/City	Program	Subject	Decision	Date	Agency
30	Seth Moore	MidAmerican Energy Company	Sovereign Lands Construction Permitting	The petitioner is requesting a variance to allow fill to be placed below the ordinary high water line (OHWL) of the Missouri River and installing a concrete seawall below the OHWL and not face the wall with riprap.	Approved	5.20.22	22fpv152
31	John Curtin	J. Pettiecord, Inc. - Earlham	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement for a portable shredder, diesel engine, and wet-mix concrete batch plant.	Approved	6.27.22	22aqv153
32	Julie Duke	Northern Natural Gas	AQ	Request to cooperate temporary flare during in-line inspection that would otherwise be vented to atmosphere. In association with partnership in EPA Methane Challenge Program, Northern Natural Gas prefers to capture control and flare the natural gas.	Approved	6.15.22	22aqv154
33	Karen Kuhn	Gold Eagle Coop - 69 Mill	Air Quality Construction Permits	Waiver of Initial Stack Test Requirement.	Approved	6.27.22	22aqv155
34							
35							



Iowa Department of Natural Resources
Environmental Services Division
Second Quarter Report of Hazardous Conditions

During the period April 1, 2022, through June 30, 2022, 142 reports of hazardous conditions were forwarded to the central office. A general summary and count by field office is presented below. This does not include releases from underground storage tanks, which are reported separately.

		Substance								Mode													
		Total Incidents		Agrichemical		Petroleum Products		Other Chemicals		Transport		Fixed Facility		Pipeline		Railroad		Fire		Other*		CR-ERNS	
Month	Year	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago
Jan	2022	33	32	2	1	18	19	14	14	10	11	19	12	0	0	0	0	0	0	1	2	3	7
Feb	2022	35	27	2	0	22	17	13	10	11	9	14	15	0	0	0	1	0	0	4	1	6	1
Mar	2022	35	28	1	1	27	22	7	7	9	11	19	13	0	1	0	0	0	0	6	1	1	2
Apr	2022	44	36	8	8	31	19	10	12	15	13	18	15	0	0	4	1	0	0	4	2	4	5
May	2022	45	50	15	4	25	31	15	16	15	22	19	17	2	0	1	4	1	0	3	2	4	5
Jun	2022	53	40	8	5	29	24	28	18	22	18	17	15	0	0	3	3	1	0	3	2	6	2
Total		245	213	36	19	152	132	87	77	82	84	106	87	2	1	8	9	2	0	21	10	24	22

*Other includes dumping, theft, vandalism and unknown

** CR-ERNS incidents are ongoing releases as defined by Federal regulations. These reports are included in "Total Incidents" and "Substance" counts but not in "Mode" counts.

Total Number of Incidents per Field Office This Selected Period	Field Office 1		Field Office 2		Field Office 3		Field Office 4		Field Office 5		Field Office 6	
	Current	Year Ago	Current	Year Ago	Current	Year Ago	Current	Year Ago	Current	Year Ago	Current	Year Ago
Total	17	22	20	11	5	7	40	26	30	30	30	30



**Iowa Department of Natural Resources
Environmental Services Division
Second Quarter Report of Manure Releases**

During the period April 1, 2022, through June 30, 2022, 5 reports of manure releases were forwarded to the central office. A general summary and count by field office is presented below.

		Total Incidents		Surface Water Impacts		Feedlot		Confinement		Land Application		Transport		Hog		Cattle		Poultry		Other	
Month	Year	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago	Cur	Yr Ago
Jan	2022	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Feb	2022	1	1	1	0	0	0	1	1	0	0	0	0	0	1	1	0	0	0	0	0
Mar	2022	1	0	0	0	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0	0
Apr	2022	3	4	1	2	0	1	2	2	0	1	1	0	3	1	0	3	0	0	0	0
May	2022	1	0	0	0	0	0	1	0	0	0	0	0	1	0	0	0	0	0	0	0
Jun	2022	1	0	1	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Total		7	5	3	2	1	1	5	3	0	1	1	0	4	2	3	3	0	0	0	0

Total Number of Incidents per Field Office for the Selected Period	Field Office 1		Field Office 2		Field Office 3		Field Office 4		Field Office 5		Field Office 6	
	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous	Current	Previous
Total	0	1	0	1	2	2	1	0	2	0	0	0

**Iowa Department of Natural Resources
Environmental Services Division
Second Quarter 2022 Report of Wastewater By-passes**

During the period April 1, 2022 through June 30, 2022, 35 reports of wastewater by-passes were received by the department. A general summary and count by field office is presented below. This does not include by-passes resulting from precipitation events (including flood water infiltration) or bypasses resulting in basement backups.

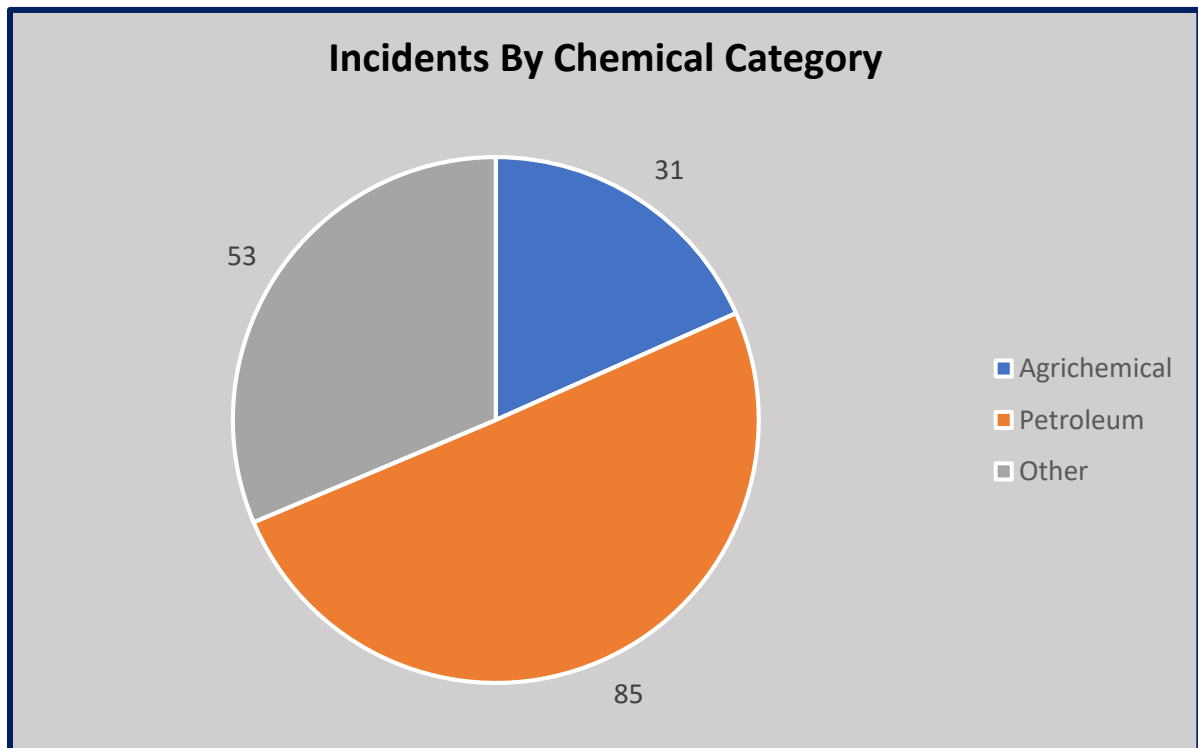
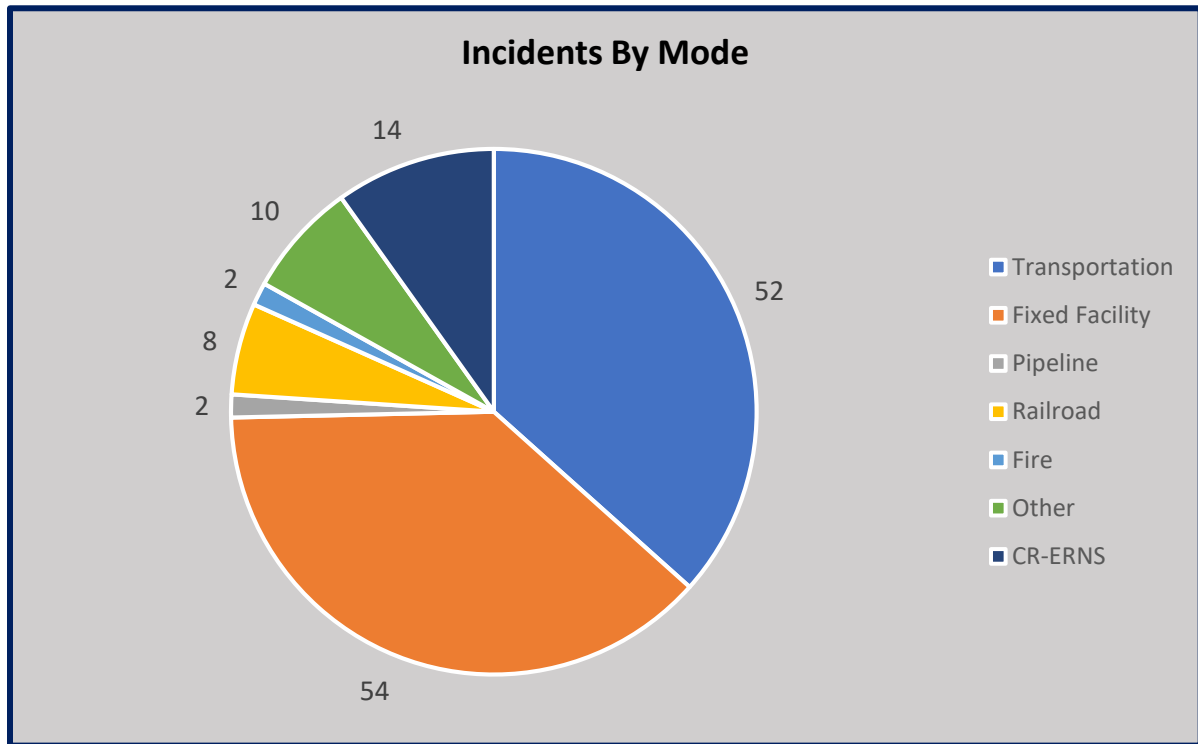
Quarter	Total	Avg. Length (days)	Avg. Volume (MGD)	Sampling Required	Fish Kill
1 ST Quarter '22	37 (36)	0.353	0.359	3	0(0)
2 ND Quarter '22	35 (40)	1.380	0.011	3	0(0)
3 RD Quarter '21	32 (34)	0.672	0.022	1	0(0)
4 TH Quarter '21	25 (28)	0.562	0.017	0	0(0)

(numbers in parentheses are for same period last year)

Total Number of Incidents per Field Office This Quarter:

Field Office	1	2	3	4	5	6
Reports	11	4	1	7	5	7

Second Quarter 2022 Spill Report Charts



Environmental Statesman Award-Adam Schnieders

Adam Schnieders with our Water Quality Bureau has been awarded the 2022 Association of Clean Water Administrators' **Environmental Statesman Award**. ACWA is a national association and a strong voice of state and interstate water programs. The Environmental Statesman Award is the organization's highest award given to ACWA members who have demonstrated outstanding service to the organization over a multi-year period. The last time an Iowan received the award was back in 1997.

In the letter written to Adam announcing his award, ACWA Executive Director wrote:

Through this award, we hope to show our appreciation for your long-time dedication to ACWA's mission. Your service as chair of the Nutrients Policy Committee, as well as your work at the Iowa Department of Natural Resources, have earned you a reputation as a strong leader and dedicated member of ACWA. We are extremely grateful for your invaluable guidance and support as the association works to provide the highest quality programs and services to our members.

We are very proud to have Adam on our team and we know this award was well-deserved. Please join me in congratulating Adam on receiving the honor of ACWA's 2022 Environmental Statesman Award.

Iowa Department of Natural Resources Environmental Protection Commission

#5

Decision Item

Topic: Water Supply – Water Use & Allocation Annual Permit Fee

The Commission is asked approve the Water Use and Allocation Program annual permit fee of \$115.00 per permit for SFY 2023.

Background

Water use permits are required of any person or entity using more than 25,000 gallons of water in a single day during the year, and are issued for a period of up to 10 years. Iowa Code §455B.265(6) authorizes the Department to charge a fee for the permits and to collect up to \$500,000 per year through these fees. The fee is required to be based on the Department's "reasonable cost of reviewing applications, issuing permits, ensuring compliance with the terms of the permits, and resolving water interference complaints." There are two types of fees in the Water Use and Allocation Program: an application fee and an annual permit fee. This request is for the determination of the annual permit fee for SFY 2023.

The annual permit fee is calculated as follows:

- Each year, the Commission is asked to set the annual permit fee based on the costs for administering the water use program for the previous calendar years and on the anticipated expenses for the next fiscal years.
- The Department reviews the annual permit fee each year and adjusts the fee as necessary to cover all reasonable costs required to develop and administer the water use permitting program.
- The annual permit fee is based on the number of active permits.
- Each permit holder pays the same annual permit fee.
- The Department requests Commission approval of the amount of the annual permit fee no later than September 30th of each year.
- The annual permit fee due date is December 1st; and the Department is required to provide an annual fee notice to each permittee at least 60 days prior to the fee due date (i.e., no later than October 1st).
- The annual permit fee history: \$135 in 2010-2011, \$95 in 2012, \$66 in 2013-2014, \$99 in 2015-2016, \$66 in 2017, \$134 in 2018-2019, and \$95.00 in 2020-2022.

Stakeholder Meeting and Fee Analysis

At the Water Use Stakeholder meeting on July 19, 2022, the program's activities and budget were reviewed for the past and future years. In the SFY 2023 budget, there are 4.0 FTE staff persons and routine expenses. The budget less the anticipated application fee, anticipated general fund, and carryforward was used to determine the annual fee. The Department proposed a \$115.00 annual fee in order to have stability in budgeting and less annual fluctuation of the fee. All fee monies are held in the water use permit fund to be used for the water use and allocation program needs.

Annual Permit Fee Calculation:

A. Budget – Average application fee revenue – Anticipated General Fund –
Carryforward spent = Annual permit fee revenue

$$\$576,156 - \$30,000 - \$172,849 - \$0 = \$373,307 \text{ for annual permit fee revenue}$$

B. Annual permit fee revenue/number of active permits that would pay fee in SFY 2023
= Annual permit fee per permit

$$\$373,307 / 3,249 = \$115.00 \text{ per permit}$$

Therefore, a \$115.00 annual water use permit fee was proposed by the Department for SFY 2023. The stakeholder members participating in the meeting supported that proposal.

Based on the budget and stakeholder input, the annual water use permit fee for SFY 2023 should be \$115.00.

Carmily Stone, Drinking Water Program Coordinator
Water Supply Engineering Section
Environmental Services Division
July 19, 2022

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM	#6	DECISION
TOPIC	Notice of Intended Action – Chapters 60 and 64 – Renewal of General Permits Nos. 1, 2, 3, and 4 with Cleanup and Clarification	

The Commission is requested to approve this Notice of Intended Action amending certain wastewater rules in Chapters 60 and 64, including the National Pollutant Discharge Elimination System (NPDES) general permits adopted by reference.

In more detail, the proposed amendments renew four NPDES general permits for storm water (GPs #1, #2, and #3) and for private sewage disposal systems (GP #4). These general permits will expire on February 28, 2023. Renewal of these permits is necessary because subrule 567 IAC 64.3(7) states that general permits are only valid for five years. The new effective dates for all four general permits will be March 1, 2023 through February 28, 2028.

The proposed amendments also clarify and improve the readability of existing requirements. The proposed revisions to GP #1 through 4 and to Chapter 60 update existing wording in the regulations, definitions, and standard conditions to match the administrative rules and federal regulations. These changes make the wording uniform, remove redundancies, and improve readability but do not affect the substance of the permits.

Timeline for rulemaking:

- Proposed Rule will come to the Commission as a Notice of Intended Action for decision on August 16, 2022
- Proposed Public Hearing: September 28, 2022, 2:00 p.m. via Zoom
- Proposed end date for collecting written comments: September 30, 2022
- Estimated completion of responsiveness summary: October 15, 2022
- Estimated return to Commission for Adopted and Filed rule: November 15, 2022

Courtney Cswercko, Environmental Specialist Senior
NPDES Section, Water Quality Bureau
Environmental Services

August 16, 2022

ENVIRONMENTAL PROTECTION COMMISSION[567]**Notice of Intended Action****Proposing rule making related to the reissuance of NPDES General Permits
Nos. 1, 2, 3, and 4 and providing an opportunity for public comment**

The Environmental Protection Commission (Commission) hereby gives Notice of Intended Action to amend Chapter 60, “Scope of Title—Definitions—Forms—Rules of Practice,” and Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455B.103A, 455B.105(3), and 455B.173.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.103A, 455B.105, and 455B.173.

Purpose and Summary

Several amendments are proposed, none of which are major substantive changes.

First, the proposed rule renews National Pollutant Discharge Elimination System (NPDES) General Permits Nos. 1, 2, and 3 for storm water and NPDES General Permit No. 4 for private sewage disposal systems. These general permits will expire on February 28, 2023. Renewal of these permits is necessary because subrule 567 IAC 64.3(7) states that general permits are only valid for five years. The new effective dates for all four general permits will be March 1, 2023 through February 28, 2028.

Second, several amendments clarify and improve the readability of existing requirements. The proposed revisions to NPDES General Permits Nos. 1 through 4 as well as Chapter 60 update existing wording in the regulations, definitions, and standard conditions to match the administrative rules and federal regulations. These changes make the wording uniform, remove redundancies, and improve readability but do not affect the substance. For example, the existing maximum Total Suspended Solids limits is revised to be more user friendly. The definition of “storm water discharge associated with industrial activity” in the general permits now clearly includes disturbances of less than one acre that are part of a larger common plan of development. This is already

required in the federal regulations. Additionally, several clarifying amendments were requested by stakeholders, among them several changes to NPDES General Permit No. 2 in particular. These amendments will:

- Clarify that seeding alone is insufficient to stabilize a site and that establishment of vegetative cover sufficient to preclude erosion is necessary to achieve stabilization.
- Clarify that other stabilization measures must continue to be implemented when necessary until seeded areas have achieved sufficient vegetative cover.
- Clarify that the definition of “final stabilization” includes areas covered by a permanent structure.

Copies of the proposed general permits are available upon request from the Department of Natural Resources (Department) and may be viewed at: <https://www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Wastewater-Permitting/NPDES-Rules>.

Fiscal Impact

After analysis and review of this rule making, no fiscal impact to is anticipated from this proposed rulemaking. A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on September 30, 2022. Comments should be directed to Courtney Cswercko at courtney.cswercko@dnr.iowa.gov, or at:

Courtney Cswercko
Iowa DNR
Wallace Building

502 E. 9th Street
Des Moines, IA 50319

Public Hearing

A public hearing at which persons may present their views orally will be held via Zoom meeting. The video/conference call public hearing will be held on Zoom on September 28, 2022, at 2:00 p.m. The Zoom meeting registration link is: <https://us02web.zoom.us/meeting/register/tZApC0mtrzwqH9N8GgCQEO1aQyhpDvZ6Ibn8>

After registering, participants will receive a confirmation email containing information about joining the meeting. Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making. Persons who wish to make oral comments at the public hearing must submit a request to Courtney Cswercko via email at courtney.cswercko@dnr.iowa.gov prior to the hearing to facilitate an orderly hearing.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Amend rule **567—60.2(455B)**, definition of “Storm water discharge associated with industrial activity”, as follows:

“*Storm water discharge associated with industrial activity*” means the discharge from any conveyance ~~which~~ that is used for collecting and conveying storm water and ~~which~~ that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. For the categories of industries

identified in paragraphs “1” to “10” of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process wastewaters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and ~~finished~~ final products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the ~~categories of industries identified in paragraphs “1” to “9” and “11,”~~ purposes of this definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the: storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, ~~finished~~ final product, by-product or waste product. To qualify for this exclusion, a storm resistant shelter is not required for: drums, barrels, tanks and similar containers that are tightly sealed with bands or otherwise secured and have no taps or valves, are not deteriorated and do not leak; adequately maintained vehicles used in material handling; and final products other than products that would be mobilized in storm water discharge. The term excludes areas located on plant lands separate from the plant’s industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are federally, state, or municipally owned or operated) that meet the description of the facilities listed in paragraphs “1” to “11” of this definition) include those facilities designated under 40 CFR Section 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in “industrial activity” for purposes of this definition:

1. *No change*;
2. Facilities classified as ~~Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28~~

~~(except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373; within Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR Sections 122.27(b)(2)-(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities);~~

3. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR Section 434.11(1)) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990), and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with, or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

4. *No change;*

5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition) including those that are subject to regulation under Subtitle D of RCRA;

6. *No change;*

7. *No change;*

8. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle

rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs “1” to “7” or “9” ~~or~~ to “11” of this definition are associated with industrial activity;

9. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farmlands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with ~~40 CFR Part 503~~ section 405 of the CWA;

10. Construction activity including clearing, grading and excavation, ~~activities except operations that result in the disturbance of less than one acre 5 acres of total land area, which is not part of a larger common plan of development or sale. Effective March 10, 2003, construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than 1 acre of total land area which is not part of a larger common plan of development or sale;~~ Construction activity also includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more;

11. Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225 ~~(and which are not otherwise included within paragraphs “2” to “10”)~~.

ITEM 2. Amend subrule 64.15(1) as follows:

64.15(1) Storm Water Discharge Associated with Industrial Activity, NPDES General Permit No. 1, effective March 1, ~~2018~~2023 to February ~~2829, 2023~~2028.

ITEM 3. Amend subrule 64.15(2) as follows:

64.15(2) Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit No. 2, effective March 1, ~~2018~~2023 to February ~~2829~~ 20232028.

ITEM 4. Amend subrule 64.15(3) as follows:

64.15(3) Storm Water Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants, and Construction Sand and Gravel Facilities, NPDES General Permit No. 3, effective March 1, ~~2018~~2023 to February ~~2829~~, 20232028.

ITEM 5. Amend subrule 64.15(4) as follows:

64.15(4) “Discharge from Private Sewage Disposal Systems,” NPDES General Permit No. 4, effective March 1, ~~2018~~2023 to February ~~2829~~, 20232028.

Administrative Rules
GOVERNOR'S OFFICE PRECLEARANCE FORM

Agency:	Environmental Protection Commission/ Department of Natural Resources (Department)
IAC Citation:	567 IAC Chapter 60 "Scope of Title-Definitions-Forms-Rules of Practice" and 567 IAC Chapter 64, "Wastewater Construction and Operation Permits"
Agency Contact:	Courtney Cswercko, 515-322-2157
Statutory Authority:	Iowa Code §§ 455B.103A, 455B.105(3), and 455B.173
Preclearance Requested Review Deadline:	July 22, 2022
<p>Purpose of Proposed Rule: The proposed rule is intended to improve the accuracy and readability of regulations and also updates certain permit dates.</p> <p>Two broad categories of changes are proposed. First, the proposed rule renews four National Pollutant Discharge Elimination System (NPDES) general permits for storm water (GPs #1, #2, and #3) and for private sewage disposal systems (GP #4). These general permits will expire on February 28, 2023. Renewal of these permits is necessary because subrule 567 IAC 64.3(7) states that general permits are only valid for five years. The new effective dates for all four general permits will be March 1, 2023 through February 28, 2028.</p> <p>Second, several amendments clarify and improve the readability of existing requirements. The proposed revisions to GP #1 through 4 as well as Chapter 60 update existing wording in the regulations, definitions, and standard conditions to match the administrative rules and federal regulations. These changes make the wording uniform, remove redundancies, and improve readability but do not affect the substance. For example, the existing maximum Total Suspended Solids limits is revised to be more user friendly. The definition of "storm water discharge associated with industrial activity" in the general permits now clearly includes disturbances of less than one acre that are part of a larger common plan of development. This is already required in the federal regulations. Additionally, several clarifying amendments were requested by stakeholders, among them several changes to GP #2 in particular. These amendments will:</p> <ul style="list-style-type: none"> • Clarify that seeding alone is insufficient to stabilize a site and that establishment of vegetative cover sufficient to preclude erosion is necessary to achieve stabilization. • Clarify that other stabilization measures must continue to be implemented when necessary until seeded areas have achieved sufficient vegetative cover. • Clarify that the definition of "final stabilization" includes areas covered by a permanent structure. 	
<p>Need for Proposed Rule: General permits authorize certain types or classes of facilities to discharge without having to obtain an individual NPDES permit. Individual permits require fees and take several months to obtain. Because of the costs and time constraints, it is not practical to issue individual permits to permittees covered by these general permits.</p>	
<p>Summary of Informal Rulemaking Activities related to the Proposed Rule (e.g., stakeholder input): Stakeholders were contacted in July and August of 2021. These stakeholders were: Associated General Contractors, Iowa Department of Transportation (DOT), Developers Council, Homebuilders Association of Iowa, Homebuilders Association of Greater Des Moines, Iowa Farm Bureau Federation, Asphalt Paving Association of Iowa, Iowa Limestone Producers Association, Iowa Association of Business and Industry, Iowa Environmental Council (IEC), Iowa Storm Water Education Program (ISWEP), Iowa Land Improvement Contractors Association, and Master Builders of Iowa.</p> <p>A virtual stakeholder meeting was held on December 1, 2021 attended by approximately 25 stakeholders. Comments were received before, during, and after the meeting from the DOT and from ISWEP, which represents several cities that have storm water programs. The DOT commented on the necessity for requiring mulching or other temporary stabilization measures after seeding and prior to establishment of sufficient vegetation to preclude erosion. In response to this comment, language has been added to GP #2 to require this practice when necessary. The ISWEP</p>	

made several comments on GP #2. In response to these comments, the Department has added language that stipulates seeding alone is inadequate to achieve stabilization and that the seeding must achieve adequate vegetative cover.

To obtain input on GP #4 for private septic systems, a stakeholder meeting was held via Zoom on December 7, 2021. Information regarding the meeting was published on the state's public meeting website, the Department's events calendar, and the Department's wastewater permitting website. Meeting information was also published in a Department press release, sent through Department listserves to over 25,000 subscribers, and emailed to specific stakeholders and stakeholder organizations. At the meeting, the Department reviewed the proposed changes to 567 IAC Chapter 64 and the general permit, as well as the fiscal and jobs impact statements. Seventy individuals attended the meeting. Attendees included representatives from the Iowa Department of Public Health, Iowa Environmental Health Association, Iowa Onsite Wastewater Association, IEC and several private independent contractors working in the private wastewater industry. No concerns were received at the meeting regarding the proposed changes and no comments were received via email or written correspondence during the 21-day comment period. One comment was made at the meeting that the Department needs to continually emphasize the importance, responsibilities, and duties of local county environmental health programs when addressing GP #4.

Stakeholders are generally supportive of the proposed general permits.

**Administrative Rules
JOBS IMPACT STATEMENT**

1. BACKGROUND INFORMATION

Agency:	Environmental Protection Commission/ Department of Natural Resources (Department)
IAC Citation:	567 IAC Chapter 60 "Scope of Title-Definitions-Forms-Rules of Practice" and 567 IAC Chapter 64, "Wastewater Construction and Operation Permits"
Agency Contact:	Courtney Cswercko, 515-322-2157
Statutory Authority:	Iowa Code §§ 455B.103A, 455B.105(3), and 455B.173
Objective:	Revisions to 567 IAC Chapters 60 and 64 are necessary to renew General Permits #1, #2, #3, and #4.
Summary:	<p>The proposed rule includes two categories of amendments:</p> <ul style="list-style-type: none"> • Renewal of four National Pollutant Discharge Elimination System general permits for storm water (GPs #1, #2, and #3) and private sewage disposal systems (GP #4). The new effective dates for all four general permits will be March 1, 2023 through February 28, 2028. • Amendments to all four general permits and Chapter 60 to improve clarity and readability of requirements, definitions and standard conditions, and to ensure consistency with corresponding federal regulations.

2. JOB IMPACT ANALYSIS

<input checked="" type="checkbox"/> <i>Fill in this box if impact meets these criteria:</i>
<input checked="" type="checkbox"/> No Job Impact on private sector jobs and employment opportunities in the State. <i>(If you make this determination, you must include the following statement in the preamble to the rule: "After analysis and review of this rulemaking, no impact on jobs has been found.")</i>
Explanation: The Department has determined that the proposed amendments will not impact private sector jobs and employment opportunities in the State. The amendments are mostly clarifications to existing requirements requested by stakeholders, minor changes to align with the federal regulations, or non-substantive changes to improve readability. Additionally, the renewal of the general permits for another five-year term will greatly benefit current and future permit holders who would otherwise have to obtain an individual permit.
<input type="checkbox"/> <i>Fill in this box if impact meets either of these criteria:</i>
<input type="checkbox"/> Positive Job Impact on private sector jobs and employment opportunities in the State.
<input type="checkbox"/> Negative Job Impact on private sector jobs and employment opportunities in the State.
<i>Description and quantification of the nature of the impact the proposed rule will have on private sector jobs and employment opportunities:</i>
<i>Categories of jobs and employment opportunities that are affected by the proposed rule:</i>
<i>Number of jobs or potential job opportunities:</i>
<i>Regions of the state affected:</i>
<i>Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write "Not Possible to Determine.")</i>

3. COST-BENEFIT ANALYSIS

The Agency has taken steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule. See the following Cost-Benefit Analysis:

National Pollutant Discharge Elimination System (NPDES) general permits benefit the regulated community by shortening the time needed to obtain discharge authorization and reducing costs as compared to individual permits. Since all of the proposed changes to GP #1-- #4 are clarifications to existing requirements requested by stakeholders, are minor changes to align with the federal regulations, or are non-substantive changes to improve readability, no

additional costs are expected to result from any of the proposed changes to these general permits. This is also true for the update to the definition in Chapter 60. The failure to renew these general permits would have a far-reaching negative impact on current permittees. If the permits are not available, permittees will need to apply for individual NPDES permits, which can take six months or more to obtain.

4. FISCAL IMPACT

Please see the Fiscal Impact Statement for an identification and description of costs the Department anticipates state agencies, local governments, the public, and the regulated entities, including regulated businesses and self-employed individuals, will incur from implementing and complying with the proposed rule.

5. PREAMBLE

The information collected and included in this Jobs Impact Statement must be included in the preamble of the proposed rule, written in paragraph form. For rules that have no impact on jobs (see the first box in number 2 above), the following statement must be included in the preamble: "After analysis and review of this rulemaking, no impact on jobs has been found."

Administrative Rule Fiscal Impact Statement

Agency: Department of Natural Resources (Department) / Environmental Protection Commission
IAC Citation: 567 IAC Chapter 60 "Scope of Title-Definitions-Forms-Rules of Practice" and 567 IAC Chapter 64, "Wastewater Construction and Operation Permits"
Agency Contact: Courtney Cswercko, 515-322-2157

Summary of the Rule: The proposed rule includes two categories of amendments:

- Renewal of four National Pollutant Discharge Elimination System general permits for storm water (GPs #1, #2, and #3) and private sewage disposal systems (GP #4). The new effective dates for all four general permits will be March 1, 2023 through February 28, 2028.
- Amendments to all four general permits and Chapter 60 to improve clarity and readability of requirements, definitions and standard conditions, and to ensure consistency with corresponding federal regulations.

Fill in this box if impact meets these criteria:

No Fiscal Impact to the State.

Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.

Fiscal Impact cannot be determined.

Brief Explanation: No additional activity by state personnel will be required by these changes. The storm water and private sewage disposal programs already exist and the proposed changes will not increase the existing workload. The Department will use existing budget and resources to implement the revised general permits and the rule.

Assumptions:

Describe how estimates were derived:

Estimated Impact to the State by Fiscal Year

	Year 1 (FY)	Year 2 (FY)
Revenue by Each Source:		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify)	\$0	\$0
TOTAL REVENUE	\$0	\$0
Expenditures:		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify) Air Contaminant Fee	\$0	\$0
TOTAL EXPENDITURES	\$0	\$0

NET IMPACT

This rule is required by State law or Federal mandate.

Please identify the state or federal law: Iowa Code sections 455B.103A, 455B.105(3), and 455B.173

Funding has been provided for the rule change.

Please identify the amount provided and the funding source:

Funding has not been provided for the rule.

Please explain how the agency will pay for the rule change: The Department will continue to use its existing budget to

implement these general permits.

Fiscal impact to persons affected by the rule: None.

Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6): None.

IOWA DEPARTMENT OF NATURAL RESOURCES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

GENERAL PERMIT NO. 1

EFFECTIVE DATES

MARCH 1, ~~2018~~2023 THROUGH FEBRUARY ~~2829~~, ~~2023~~2028

FOR

STORM WATER DISCHARGE ASSOCIATED WITH
INDUSTRIAL ACTIVITY

NPDES GENERAL PERMIT NO. 1
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PART I. COVERAGE UNDER THIS PERMIT

A. PERMIT AREA

This permit covers all areas of the State of Iowa.

B. ELIGIBILITY

1. Except for storm water discharges identified under Part I.B.2., this permit may authorize the discharge of all new and existing storm water discharge associated with industrial activity (*defined in Part VIII of this permit*) that are composed entirely of storm water or storm water mixed with non-storm water listed in Part III.A of this permit.
2. LIMITATIONS ON COVERAGE The following types of storm water discharges associated with industrial activity are NOT authorized by this permit:
 - A. storm water discharge associated with industrial activity which are subject to an existing effluent guideline limitation for a discharge of storm water or a discharge which is a combination of storm water and process water¹;
 - B. storm water discharge associated with industrial activity from facilities with an existing NPDES individual permit for the storm water discharge or which are issued an individual permit in accordance with Part I.C. of this permit. Storm water discharge under an existing individual NPDES permit may be authorized by this permit after the existing permit expires;
 - C. storm water discharge associated with industrial activity for construction activities;
 - D. storm water discharge associated with industrial activity from asphalt plants, concrete batch plants, rock crushing plants; and, sand and/or gravel operations; except for facilities which are subject to requirements to report releases into the environment under [Title III](#), Section 313 of [the Superfund Amendments and Reauthorization Act \(SARA\) Title III](#) for chemicals which are classified as Section 313 water priority chemicals;
 - E. storm water discharge associated with industrial activity that the Department has shown to be or may reasonably be expected to be contributing to a violation of a water quality standard;
 - F. new or expanded storm water discharge associated with industrial activity that discharges to Outstanding Iowa Waters or to Outstanding National Resource Waters; [and](#)
 - G. storm water discharge associated with industrial activity from airports that begin operations on or after October 1, 2012 and have 1,000 or more annual non-propeller aircraft departures.
3. Storm water discharges associated with industrial activity which are authorized by this permit may be combined with other sources of storm water which are not classified as associated with industrial activity pursuant to 40 CFR 122.26(b)(14).
4. EXCLUSIONS

The following storm water discharges associated with industrial activity do NOT require an NPDES permit:

 - A. Discharges from agricultural and silvicultural activities including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in 40 CFR [Section 122.23](#), concentrated aquatic production facilities as defined in 40 CFR [Section 122.24](#), discharges to aquaculture projects as defined in 40 CFR [Section 122.25](#), and discharges from silvicultural point sources as defined in 40 CFR [Section 122.27](#).
 - B. Discharges of storm water runoff from mining operations or oil and gas exploration, production, processing, or treatment operations or transmission facilities, composed entirely of flows which are from conveyances or systems of conveyances used for collecting and conveying precipitation runoff and which are not

¹ For the purpose of this permit, the following effluent guideline limitations address storm water: cement manufacturing (40 CFR [Part 411](#)); feedlots (40 CFR [Part 412](#)); fertilizer manufacturing (40 CFR [Part 418](#)); petroleum refining (40 CFR [Part 419](#)); phosphate manufacturing (40 CFR [Part 422](#)); steam electric (coal pile runoff) (40 CFR [Part 423](#)); coal mining (40 CFR [Part 434](#)); mineral mining and processing (40 CFR [Part 436](#)); ore mining and dressing (40 CFR [Part 440](#)); and asphalt emulsion (40 CFR [Part 443](#)).

contaminated by contact with, or do not come in contact with, any overburden, raw material, intermediate products, finished products, byproduct, or waste products located on the site of such operations.

C. REQUIRING AN INDIVIDUAL PERMIT

1. The Department may require any person authorized to discharge under this permit to apply for and obtain an individual NPDES permit. When the Department notifies a discharger to apply for an individual permit a deadline, not longer than one year, will be established for submitting the application. If a person fails to submit an individual NPDES permit application by the deadline established by the Department under this paragraph, the applicability of this general permit to the NPDES permittee is automatically terminated at the end of the day specified for application submittal.
2. Any owner or operator authorized to discharge by this permit may request to be excluded from coverage under this permit by applying for an individual permit. The application for an individual permit shall include [industrial application](#) Form 1, ~~and~~ Form 2F, ~~and~~ Form 5 and all applicable fees and shall be submitted to the Department in accordance with subrule 567 [IAC 64.3\(4\)](#) ~~of the Iowa Administrative Code~~.
3. When an individual NPDES permit is issued to an owner or operator, the applicability of this permit to the individual NPDES permittee is automatically terminated on the issuance date of the individual [NPDES](#) permit. When an individual NPDES permit is denied to an owner or operator for a discharge otherwise subject to this permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.

D. AUTHORIZATION

1. Discharges of storm water associated with industrial activity must submit a complete Notice of Intent (NOI) in accordance with the requirements of Part II of this permit to be authorized to discharge under this general permit.
2. Unless notified by the Department to the contrary, owners or operators who submit such notification are authorized to discharge storm water associated with industrial activity under the terms and conditions of this permit. Upon review of the NOI, the Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit.

PART II. NOTICE OF INTENT ([NOI](#)) REQUIREMENTS

A. DEADLINES FOR NOTIFICATION

Facilities which begin discharging storm water associated with industrial activity after October 1, 1992 are not allowed to discharge storm water associated with industrial activity until an authorization has been issued for the facility by the Department.

B. FAILURE TO NOTIFY

Owners (or operators when owners do not operate the facility), who fail to notify the Department of their intent to be covered by this permit, and discharge pollutants to waters of the state without an NPDES permit, are in violation of the CWA and the [Iowa Code of Iowa](#).

C. CONTENTS OF ~~THE NOTICE OF INTENT~~ [A NOI](#)

A complete ~~Notice of Intent~~ [NOI](#) shall include the items described in Parts II.C.1., II.C.2., and II.C.3. of this permit.

1. A completed ~~Notice of Intent~~ [NOI](#) Form, DNR Form 542-1415, signed in accordance with Parts ~~VI.HG.~~ ~~and VI.I~~ of this permit. The information on the form shall include [all of the following information](#):
 - A. Name, address, and location of the facility for which this notification is submitted. [The location shall be provided as the 1/4 section \(NE, SE, SW, NW\), section, township, range and county where the storm water discharge is located](#);

- B. The 4-digit [Standard Industrial Classification \(SIC\)](#) code that best represents the principal products or activities provided by the facility;
- C. The operator's name, address, telephone number, and status (federal, state, private, public or other entity); ~~The location should be provided as the 1/4 section (NE, SW, SE, NW), section, township, range and county in which the storm water discharge is located;~~
- D. The type of discharge (new or existing); whether or not the discharge is to a municipal separate storm sewer system; the date the discharge is to commence; the permit status of the discharge; and, the name of the receiving water(s);
- E. An indication of whether this facility has existing quantitative data describing the concentration of pollutants in storm water discharges available and a summary of available existing data. Existing data should not be included as part of the NOI, it should be retained as part of the [Storm Water](#) Pollution Prevention Plan ([SWPPP](#)); and
- F. A certification that the terms and conditions of the general permit will be met.

2. **APPLICABLE FEES** The applicable fees specified in ~~Iowa Administrative Code~~ 567 [IAC](#) 64.16(455B).

3. **PUBLIC NOTIFICATION** A demonstration that the public notice requirements in ~~Iowa Administrative Code~~ 567 [IAC](#) 64.6(1)" c"(1) was published at least one day in the newspaper with the largest circulation in the area in which the facility is located or the activity will occur.

D. WHERE TO SUBMIT

Facilities which discharge storm water associated with industrial activity must submit items described in Part II.C. ~~1, 2, and 3~~ of this permit to the Department [online at https://programs.iowadnr.gov/stormwater/pages/home.aspx](https://programs.iowadnr.gov/stormwater/pages/home.aspx) or by mail ~~at~~to the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E 9th St., Des Moines IA 50319-0034.

E. RENOTIFICATION

Prior to the expiration of an authorization issued under this general permit, the permittee is required to resubmit [a NOI](#) ~~a Notice of Intent~~ (no additional public notice is required) with the Department for coverage under the new general permit. If a new general permit has not been reissued prior to the expiration of the current permit, the provisions and coverage of the current permit are extended until replaced by the adoption of a new general permit.

F. NOTICE OF DISCONTINUATION (NOD)

1. A notice to discontinue the activity covered by this NPDES general permit must be made in writing to the Department within 30 days of the discontinuance of the discharge.

2. ~~The Notice of Discontinuation~~ [A NOD](#) shall include the following information:

- A. the name of the owner/operator to which the permit was issued;
- B. the general permit number and permit authorization number;
- C. the date the discharge will be or has been discontinued, and,
- D. the following certification signed in accordance with Part VI. ~~HG~~ of this permit:

I certify under penalty of law that all storm water discharges associated with industrial activity from the identified facility that are authorized by this NPDES General Permit No. 1 have been eliminated. I understand that by submitting this Notice of Discontinuation, that I am no longer authorized to discharge storm water associated with industrial activity by Iowa Department of Natural Resources General NPDES Permit No. 1. and that discharging pollutants in storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit.

PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

A. PROHIBITION ON NON-STORM WATER DISCHARGES

All discharges covered by this permit shall be composed entirely of storm water except as follows: discharges from firefighting activities, fire hydrant flushings, potable water sources including waterline flushings, uncontaminated groundwater, foundation or footing drains where flows are not contaminated with process materials such as solvents, springs, riparian habitats, wetlands, irrigation water, exterior building washdown, pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used, and air conditioning condensate, that are combined with storm water discharges associated with industrial activity may be authorized by this permit provided the non-storm water component of the discharge is in compliance with Part III.C.4.H [of this permit](#).

B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES

Any owner or operator identified in the [SWPPP pollution prevention plan](#) is subject to the spill notification requirements as specified in [Iowa Code section 455B.386 of the Iowa Code](#). Iowa law requires that as soon as possible but not more than six hours after the onset of a hazardous condition² the Department and local sheriff's office or the office of the sheriff of the affected county be notified.

The [storm water pollution prevention plan SWPPP](#) described in Part III.C. of this permit must be modified within 7 calendar days of knowledge of the release to provide a description of the release and the circumstances leading to the release and to identify and provide for the implementation of steps to prevent the reoccurrence of such releases and to respond to such releases.

C. STORM WATER POLLUTION PREVENTION PLANS (SWPPP)

A [SWPPP storm water pollution prevention plan](#) shall be developed for each facility covered by this permit. [Storm water pollution prevention plans SWPPPs](#) shall be prepared in accordance with good engineering practices. The [SWPPP plan](#) shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. The [SWPPP plan](#) shall describe and ensure the implementation of practices which will be used to reduce pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the [storm water pollution prevention plan SWPPP](#) required under this part as a condition of this permit.

1. DEADLINES FOR SWPPP PLAN PREPARATION AND COMPLIANCE

The [SWPPP pollution prevention plan](#) shall be completed before ~~the a NOI~~ [Notice of Intent](#) is submitted to the Department. Full implementation of the [SWPPP pollution prevention plan](#) will be executed concurrently with operations at the facility, ~~or in~~ [in](#) the case of a new facility, with the start of operations at the facility.

2. SIGNATURE AND SWPPP REVIEW

- A. The [SWPPP pollution prevention plan](#) shall be signed in accordance with Part VI. ~~HG. of this permit (Iowa Administrative Code 567-64.3(8))~~, and shall be retained on site in accordance with Part V.E. of this permit.
- B. The owner or operator of a facility with a storm water discharge covered by this permit shall make [plans SWPPPs](#) available within three hours of being requested by the Department or, in the case of a storm water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.
- C. The Department may review the [SWPPP plan](#) at any time and may notify the permittee that the [SWPPP plan](#) does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the [SWPPP plan](#) and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the necessary changes.

² see Definitions, Part VIII

3. The permittee shall amend the SWPPPplan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the U.S. or if the SWPPP storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the SWPPPplan may be reviewed by the Department in the same manner as Part III.C.2. above.
4. **CONTENTS OF THE SWPPP** The SWPPPplan shall include, at a minimum, the following items:
 - A. **DESCRIPTION OF POTENTIAL POLLUTANT SOURCES** Each SWPPPplan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each SWPPPplan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each SWPPPplan shall include, at a minimum:
 - A.(1). A site map showing an outline of the drainage area of each storm water outfall; each existing structural control measure to reduce pollutants in storm water runoff; and each surface water body;
 - A.(2). A narrative description of:
 - A.(2).(a). known significant materials that have been treated, stored or disposed, in a manner to allow exposure to storm water, during the three years prior to the discharge authorization date of this permit;
 - A.(2).(b). the method of on-site storage or disposal;
 - A.(2).(c). materials management practices employed to minimize contact of these materials with storm water runoff;
 - A.(2).(d). materials loading and access areas;
 - A.(2).(e). the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and
 - A.(2).(f). a description of any treatment the storm water receives;
 - A.(3). A list of releases which prompted the existence of a hazardous condition (as defined in Part VIII of this permit) that occurred at the facility after the effective date of this permit;
 - A.(4). For each area of the plant that generates storm water associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges; and,
 - A.(5). A summary of existing sampling data describing pollutants in storm water discharges.
 - B. **STORM WATER MANAGEMENT CONTROLS** Each facility covered by this permit shall develop a description of storm water management controls appropriate to the facility, and, implement such controls. The appropriateness and priorities of controls in a SWPPPplan shall reflect identified potential sources of pollutants at the facility. The description of storm water management controls shall address the following minimum components, including a schedule for implementing such controls:
 - B.(1). **RESPONSIBLE PERSON** The SWPPPplan shall identify a specific individual or individuals within the organization responsible for developing the SWPPP storm water pollution prevention plan and assisting in its implementation, maintenance, and revision.
 - B.(2). **RISK IDENTIFICATION AND ASSESSMENT/MATERIAL INVENTORY** The SWPPP storm water pollution prevention plan shall assess the potential of various sources at the plant to contribute pollutants to storm water discharges associated with industrial activity. The SWPPPplan shall include an inventory of the types of materials handled. Facilities subject to SARA Title III, Section 313 shall include in the SWPPPplan a description of releases to land or water of SARA Title III water priority chemicals that have occurred during the three years prior to the discharge authorization date of this permit. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff:
 - B.(2).(a). loading and unloading operations;
 - B.(2).(b). outdoor storage activities;
 - B.(2).(c). outdoor manufacturing or processing activities;

- B.(2).(d).** dust or particulate generating processes; and
- B.(2).(e).** on-site waste disposal practices.
- Factors to consider include the toxicity of chemicals; quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; and history of hazardous condition reporting.
- B.(3).** **PREVENTIVE MAINTENANCE** The SWPPPplan shall describe a preventive maintenance program that involves inspection and maintenance of storm water management devices (e.g. cleaning oil/water separators, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.
- B.(4).** **GOOD HOUSEKEEPING** Good housekeeping requires the maintenance of a clean, orderly facility.
- B.(5).** **SPILL PREVENTION AND RESPONSE PROCEDURES** Areas where potential spills can occur, and their accompanying drainage points shall be identified clearly in the storm water pollution prevention SWPPPplan. Where appropriate, material handling procedures and storage requirements should be considered in the SWPPPplan. Procedures for cleaning up spills shall be identified in the SWPPPplan and made available to the appropriate personnel. The necessary equipment to implement a clean up shall be available to personnel.
- B.(6).** **STORM WATER MANAGEMENT** The SWPPPplan shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the source of pollutants). Based on an assessment of the potential of various sources at the plant to contribute pollutants to storm water discharges associated with industrial activity (see Part III.C.4.B.(2). of this permit), the SWPPPplan shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained.
- B.(7).** **SEDIMENT AND EROSION PREVENTION** The SWPPPplan shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify measures to limit erosion.
- B.(8).** **EMPLOYEE TRAINING** Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the storm water pollution prevention SWPPPplan. Training should address topics such as spill response, good housekeeping and material management practices. The storm water pollution prevention SWPPPplan shall identify periodic dates for such training.
- B.(9).** **RECORD KEEPING AND INTERNAL REPORTING PROCEDURES** Incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the records. Inspection and maintenance activities shall be documented and recorded.
- B.(10).** **NON-STORM WATER DISCHARGES** The SWPPPplan shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include a description of the results of any test for the presence of non-storm water discharges, the method used, the date of any testing, and the on-site drainage points that were directly observed during the test. This certification may not be feasible if the facility operating the storm water discharge does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the SWPPPstorm water pollution plan shall indicate why the certification required by this part was not feasible. A discharger that is unable to provide the certification required by this paragraph must notify the Department in accordance with Part V.A. of this permit.
- C. VISUAL INSPECTION** Qualified personnel shall inspect designated equipment and plant area at appropriate intervals specified in the SWPPPplan, but, ~~except as provided in paragraphs III.C.4.C.(4). and (5).~~, in no case less than once a year, except as provided in Parts III.C.4.C.(4). and (5) of this permit.
- C.(1).** Material handling areas and other potential sources of pollution identified in the SWPPPplan in accordance with paragraph III.C.4.A. of this permit shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention

measures identified in the SWPPP plan shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the SWPPP plan, such as spill response equipment, shall be made.

- C.(2). Based on the results of the inspection, the description of potential pollutant sources ~~identified in the plan in accordance with paragraph III.C.4.A. of this permit~~ and the pollution prevention measures identified in the SWPPP plan in accordance with paragraph III.C.4.B. of this permit shall be revised as appropriate within two weeks of ~~the~~ such inspection. The revised pollution prevention measures shall be fully implemented within twelve weeks of the inspection. and shall provide for implementation of any changes to the plan made in accordance with the plan in a timely manner, but in no case less than twelve weeks from the inspection.
- C.(3). A report shall be made and retained as part of the SWPPP for at least three years. The report shall be signed in accordance with Part VI.H. of this permit. The report shall contain the following: a summary of summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the storm water pollution prevention SWPPP plan, and actions taken in accordance with Part paragraph III.C.4.c.(2) of this the permit. ~~shall be made and retained as part of the storm water pollution prevention plan for at least three years. The report shall be signed in accordance with Part VI.G. of this permit.~~
- C.(4). Where ~~When the~~ annual site inspections ~~are shown~~ in the SWPPP are plan to be impractical because ~~for sites where~~ an employee is not stationed on site or does not routinely visit the site, then site inspections ~~required under this part~~ shall occur at least be conducted at appropriate intervals specified in the plan, but, in no case less than once every in three years.
- C.(5). Where ~~When the~~ annual site inspections ~~are shown~~ in the SWPPP are plan to be impractical for inactive sites (sites where industrial activity is no longer conducted), then site inspections ~~required under this part~~ shall occur at least be conducted at appropriate intervals specified in the plan, but, in no case less than once every in five years. After a site becomes inactive, at least one site inspection required under this part shall occur be conducted within two years. prior to the date two years after such site becomes inactive.

- D. **SPECIAL REQUIREMENTS FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY THROUGH MUNICIPAL SEPARATE STORM SEWER SYSTEMS** Facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge from the municipal separate storm sewer system that receives the facility's discharge. ~~provided the discharger has been notified of such conditions.~~
- E. **CONSISTENCY WITH OTHER PLANS** Storm water management programs may ~~reflect requirements for~~ incorporate by reference Spill Prevention Control and Countermeasure (SPCC) plans drafted pursuant to under section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by ~~an~~ another NPDES permit and may incorporate any part of such plans into the SWPPP storm water pollution prevention plan by reference.
- F. **ADDITIONAL REQUIREMENTS FOR STORM WATER DISCHARGE ASSOCIATED WITH INDUSTRIAL ACTIVITY FROM FACILITIES SUBJECT TO SARA TITLE III, SECTION 313 REQUIREMENTS** SWPPPs Storm water pollution prevention plans for facilities subject to reporting requirements under SARA Title III, Section 313 for chemicals which are classified as Section 313 water priority chemicals in accordance with the definition in Part VIII of this permit are required to include, in addition to the information listed above, a discussion of the facility's conformance with the appropriate guidelines listed below:
- F.(1). In areas where Section 313 water priority chemicals are stored, processed or otherwise handled, appropriate containment, drainage control and/or diversionary structures shall be provided. At a minimum, one of the following preventive systems or its equivalent shall be used:

- F.(1).(a).** curbing, culverting, gutters, sewers or other forms of drainage control to prevent or minimize the potential for storm water run-on to come into contact with significant sources of pollutants; or
- F.(1).(b).** roofs, covers or other forms of appropriate protection to prevent storage piles from exposure to storm water, and wind blowing.
- F.(2).** If the installation of structures or equipment listed in Parts III.C.4.F.(3).(a).(ii). or III.C.4.F.(3).(c). of this permit is not economically achievable at a given facility, the facility shall develop and implement a spill contingency and integrity testing plan which provides a description of measures that ensure spills or other releases of toxic amounts of Section 313 water priority chemicals do not occur as an alternative to Parts III.C.4.F.(3).(a).(ii). or III.C.4.F.(3).(c). of this permit. A spill contingency and integrity testing plan developed under this paragraph shall comply with the minimum requirements listed in Parts III.C.4.F.(2).(a). through (d) of this permit.
 - F.(2).(a).** The spill contingency and integrity testing plan shall include a detailed description which demonstrates that the requirements of paragraphs Parts III.C.4.F.(3).(a).(ii). and III.C.4.F.(3).(c). of this permit are not economically achievable;
 - F.(2).(b).** A spill contingency and integrity testing plan must include, at a minimum:
 - F.(2).(b).(i).** a description of response plans, personnel needs, and methods of mechanical containment;
 - F.(2).(b).(ii).** steps to be taken for removal of spilled Section 313 water priority chemicals;
 - F.(2).(b).(iii).** access to and availability of sorbents and other equipment; and
 - F.(2).(b).(iv).** such other information as required by the Department;
 - F.(2).(c).** The testing component of the alternative spill contingency and integrity testing plan must provide for conducting integrity testing of storage tanks at least once every five years, and conducting integrity and leak testing of valves and piping a minimum of every year; and
 - F.(2).(d).** A written and actual commitment of manpower, equipment and materials required to comply with the provisions of Parts III.C.4.F.(2).(b). and (c). of this permit and to expeditiously control and remove quantities of Section 313 water priority chemicals that may result in a toxic discharge.
- F.(3).** In addition to the minimum standards listed under Part~~paragraph~~ III.C.4.F.(1). of this permit, the storm water pollution prevention plan~~SWPPP~~ shall include a complete discussion of measures taken to conform with the following applicable guidelines:
 - F.(3).(a).** LIQUID STORAGE AREAS WHERE STORM WATER COMES INTO CONTACT WITH EQUIPMENT OR A TANK, CONTAINER, OR OTHER VESSEL USED FOR SECTION 313 WATER PRIORITY CHEMICALS
 - F.(3).(a).(i).** No tank or container shall be used for the storage of a Section 313 water priority chemical unless its material and construction are compatible with the material stored and conditions of storage such as pressure and temperature, etc.
 - F.(3).(a).(ii).** Secondary containment, sufficient to contain the capacity of the largest single container or tank in a drainage system where Section 313 water priority chemicals are stored shall be provided. If the secondary containment area and its upstream drainage system are subject to precipitation, an allowance for drainage from a 10-year, 24-hour precipitation event shall be provided over and above the volume necessary to contain the largest single tank or container. Either a secondary containment system shall be sufficiently impervious to contain spilled Section 313 water priority chemicals until they can be removed or treated or the plan~~SWPPP~~ must include spill contingency provisions which include, at a minimum, a description of response plans, personnel needs, and methods of mechanical containment; steps to be taken for removal of spilled Section 313 water priority chemicals; and access to and availability of

sorbents and other equipment. The plant treatment system may be used to provide secondary containment, provided it has sufficient excess holding capacity always available to hold the contents of the largest container in the drainage area plus an allowance for drainage from a 10-year, 24-hour precipitation event.

- F.(3).(b). MATERIAL STORAGE AREAS FOR SECTION 313 WATER PRIORITY CHEMICALS OTHER THAN LIQUIDS.** Material storage areas for Section 313 water priority chemicals other than liquids, which are subject to runoff, leaching, or wind blowing, shall incorporate drainage or other control features which will minimize the discharge of Section 313 water priority chemicals.
- F.(3).(c). TRUCK AND RAIL CAR LOADING AND UNLOADING AREAS FOR LIQUID SECTION 313 WATER PRIORITY CHEMICALS.** Truck and rail car loading and unloading areas for liquid Section 313 water priority chemicals shall be operated to minimize discharges of Section 313 water priority chemicals. Drip pans shall be placed at locations where spillage may occur such as hose connections, hose reels and filler nozzles. Drip pans shall always be used when making and breaking hose connections. A drip pan system shall be installed within the rails of railways to collect spillage from tank cars. Truck loading/unloading docks shall have overhangs or door skirts that enclose the trailer end.
- F.(3).(d). IN PLANT AREAS WHERE SECTION 313 WATER PRIORITY CHEMICALS ARE TRANSFERRED, PROCESSED OR OTHERWISE HANDLED** Processing equipment and material handling equipment shall be designed and operated so as to minimize discharges of Section 313 chemicals. Materials used in piping and equipment shall be compatible with the substances handled. Drainage from process and materials handling areas shall be designed as described in paragraphs F.(3).(a)., (b). and (c). of this [partsection](#). Additional protection, such as covers or guards to prevent wind blowing, spraying or releases from pressure relief vents shall be provided as appropriate to prevent discharge of Section 313 water priority chemicals. Visual inspections or leak tests shall be provided for overhead piping conveying Section 313 water priority chemicals without secondary containment.
- F.(3).(e). DISCHARGES FROM AREAS COVERED BY PARAGRAPHS F.(3).(a), (b), (c) OR (d)**
- F.(3).(e).(i).** Drainage from areas covered by paragraphs F.(3).(A), (B), (C) or (D) of this part shall be restrained by valves or other positive means to prevent the discharge of a spill or other excessive leakage of Section 313 water priority chemicals. Containment areas may be emptied by pumps or ejectors; however, these shall be manually activated.
- F.(3).(e).(ii).** Flapper-type drain valves shall not be used to drain containment areas. Valves used for the drainage of containment areas shall, as far as is practical, be of manual, open-and-closed design.
- F.(3).(e).(iii).** If plant drainage is not engineered as above, the final discharge of all in-plant storm sewers should be equipped to be equivalent with a diversion system that could, in the event of an uncontrolled spill of Section 313 water priority chemicals, return the spilled material to the facility.
- F.(3).(e).(iv).** Records shall be kept of the frequency and estimated volume (in gallons) of discharges from containment areas.
- F.(3).(f). PLANT SITE RUNOFF OTHER THAN FROM AREAS COVERED BY F.(3).(a), (b), (c) OR (d)** Other areas of the facility (those not addressed in paragraphs F.(3).(a), (b), (c) or (d)), from which runoff which may contain Section 313 water priority chemicals or spills of Section 313 water priority chemicals could cause a discharge, shall incorporate the necessary drainage or other control features to prevent the discharge of spilled or improperly disposed material and ensure the mitigation of pollutants in runoff or leachate.
- F.(3).(g). PREVENTIVE MAINTENANCE AND HOUSEKEEPING** All areas of the facility shall be inspected at specific intervals for leaks or conditions that could lead to discharges of Section 313 water priority chemicals or direct contact of storm water with raw materials, intermediate

materials, waste materials or products. In particular, plant piping, pumps, storage tanks and bins, pressure vessels, process and material handling equipment, and material bulk storage areas shall be examined for any conditions or failures which could cause a discharge. Inspections shall include examination for leaks, wind blowing, corrosion, support or foundation failure, or other forms of deterioration or noncontainment. Inspection intervals shall be specified in the ~~SWPPPplan~~ and shall be based on design and operational experience. Different areas may require different inspection intervals. Where a leak or other condition is discovered which may result in significant releases of Section 313 water priority chemicals to the drainage system, corrective action shall be immediately taken or the unit or process shut down until corrective action can be taken. When a leak or noncontainment of a Section 313 water priority chemical has occurred, contaminated soil, debris, or other material must be promptly removed and disposed in accordance with Federal and State requirements and as described in the ~~SWPPPplan~~.

- F.(3).(h). FACILITY SECURITY** Facilities shall have the necessary security systems to prevent accidental or intentional entry which could cause a discharge. Security systems described in the ~~SWPPPplan~~ shall address fencing, lighting, vehicular traffic control, and securing of equipment and buildings.
- F.(3).(i). TRAINING** Facility employees and contractor personnel using the facility shall be trained in and informed of preventive measures at the facility. Employee training shall be conducted at intervals specified in the ~~SWPPPplan~~, but not less than once per year, in matters of pollution control laws and regulations, in the ~~SWPPP, storm water pollution prevention plan~~ and in the particular features of the facility and its operation which are designed to minimize discharges of Section 313 water priority chemicals. The ~~SWPPPplan~~ shall designate a person who is accountable for spill prevention at the facility and who will set up the necessary spill emergency procedures and reporting requirements so that spills and emergency releases of Section 313 water priority chemicals can be isolated and contained before a discharge of a Section 313 water priority chemical can occur. Contractor or temporary personnel shall be informed of plant operation and design features in order to prevent discharges or spills from occurring.

G. SALT STORAGE ~~Storage piles of salt~~Salt storage piles at a facility that falls under the definition of storm water discharge associated with industrial activity ~~where the salt piles that~~ are used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation.

H. NON-STORM WATER DISCHARGES ~~Except for flows from firefighting activities, s~~sources of non-storm water listed in Part III.A. of this permit that are combined with storm water discharges associated with industrial activity must be identified in the ~~SWPPPplan~~. Flows from firefighting activities are exempt from this requirement. The ~~SWPPPplan~~ shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

5. All ~~SWPPPs~~storm water pollution prevention plans received by the Department from the permittee are considered reports that shall be available to the public under Section 308(b) of the CWA and Iowa Code Chapter 22 ~~of the Code of Iowa~~. However, the permittee may claim any portion of a ~~storm water pollution plan~~SWPPP as confidential in accordance with Iowa Code Chapter 22 ~~of the Code of Iowa~~ and Iowa Administrative Code 561 IAC 2.5.
6. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

D. AIRPORTS

Airports with 1,000 or more annual non-propeller aircraft departures are prohibited from discharging storm water containing urea (diaminomethanal). All airports with 1,000 annual non-propeller aircraft departures or more must either certify annually that airfield deicing products using urea are not used or must collect a grab sample once each month of the undiluted storm water runoff from the areas where the deicing products using urea have been used and meet a maximum daily limit of 14.7 [milligrams per liter \(mg/l\)](#) of ammonia as nitrogen. Sampling is to be conducted each month from September through May. Annual certifications ~~are to~~[shall](#) be kept with the ~~pollution prevention plan~~[SWPPP](#).

PART IV. NUMERIC EFFLUENT LIMITATIONS

COAL PILE RUNOFF Any storm water composed in part or in whole of coal pile runoff shall not exceed a maximum concentration at any time of 50.0 [milligrams per liter \(mg/l\)](#) of total suspended solids. The pH of these discharges shall be within the range of 6.5-9.0. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff which is associated with a 10 year, 24 hour rainfall event shall not be subject to the limitations of this part.

PART V. MONITORING AND REPORTING REQUIREMENTS

A. **FAILURE TO CERTIFY**

Any facility that is unable to provide the certification required under Part III.C.4.(B).(10). [of this permit](#) (testing for non-storm water discharges) within 180 days of the discharge authorization date must prepare a written description [that includes all of the following:](#)

1. the procedures used in any test conducted for the presence of non-storm water discharges;
2. the results of the test or other relevant observations;
3. potential sources of non-storm water discharges to the storm sewer; and
4. why adequate tests for such storm sewers were not feasible.

This "failure to certify" description must be kept on-site and be made available to the Department upon request.

B. **MONITORING REQUIREMENTS**

The following monitoring requirements are delineated for specific facilities that fall under the definition of storm water discharge associated with industrial activity.

1. **SARA TITLE III, SECTION 313 ~~OF SARA TITLE III~~ FACILITIES** During the period beginning on the discharge authorization date and lasting through the expiration date of this permit, facilities subject to requirements to report releases into the environment under [SARA Title III](#), Section 313 ~~of SARA Title III~~ for chemicals which are classified as Section 313 water priority chemicals are subject to the following monitoring requirements for storm water discharges associated with industrial activity that comes into contact with any equipment, tank, container or other vessel used for storage of a Section 313 water priority chemical, or located at a truck or rail car loading or unloading area where a Section 313 water priority chemical is handled;

A. **PARAMETERS** The parameters to be measured include [all of the following](#):

- oil and grease (mg/l);
- five day biochemical oxygen demand (BOD5) (mg/l);
- chemical oxygen demand (COD) (mg/l);
- total suspended solids (TSS) (mg/l);
- total Kjeldahl nitrogen (TKN) (mg/l);
- total phosphorus (mg/l);
- pH;
- any [SARA](#) Section 313 water priority chemical for which the facility is subject to reporting requirements under [SARA](#) Section 313 ~~of the Emergency Planning and Community Right to Know Act of 1986~~;
- the date and duration (in hours) of the storm event(s) sampled;

- rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
- the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and,
- an estimate of the total volume (in gallons) of the discharge sampled.

B. FREQUENCY OF MONITORING Sampling shall be conducted at least annually (1 time per year) except as provided by ~~paragraphs Parts~~ V.B.13. or V.B.14. of this permit.

2. PRIMARY METAL INDUSTRIES During the period beginning on the discharge authorization date and lasting through the expiration date of this permit, facilities classified as ~~Standard Industrial Classification (SIC)~~ 33 (Primary Metal Industry) are subject to the following monitoring requirements for storm water discharges associated with industrial activity that are discharged from the facility:

A. PARAMETERS The parameters to be measured include all of the following:

- oil and grease (mg/l);
- five day biochemical oxygen demand (BOD5) (mg/l);
- chemical oxygen demand (COD) (mg/l);
- total suspended solids (TSS) (mg/l);
- total Kjeldahl nitrogen (TKN) (mg/l);
- nitrate plus nitrite nitrogen (mg/l);
- total phosphorus (P) (mg/l);
- pH;
- total lead (Pb) (mg/l);
- total cadmium (Cd) (mg/l);
- total copper (Cu) (mg/l);
- total arsenic (As) (mg/l);
- total chromium (Cr) (mg/l);
- any pollutant limited in an effluent guideline to which the facility is subject;
- the date and duration (in hours) of the storm event(s) sampled;
- rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
- the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; ~~and,~~
- an estimate of the size of the drainage area (in square feet); and
- an estimate of the runoff coefficient of the drainage area (e.g. low (under 40%), medium (40% to 65%) or high (above 65%)).

B. FREQUENCY OF MONITORING Sampling shall be conducted at least annually (1 time per year) except as provided by ~~paragraphs Parts~~ V.B.13. or V.B.14. of this permit.

3. LAND DISPOSAL UNITS/INCINERATORS During the period beginning on the discharge authorization date and lasting through the expiration date of this permit, storm water discharge associated with industrial activity from any active or inactive landfill, land application site, or open dump that received any industrial wastes (except facilities that only receive construction debris) and that have not installed a stabilized final cover, and incinerators that burn hazardous waste and operate under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA), are subject to the following monitoring requirements:

A. PARAMETERS The parameters to be measured include all of the following:

- ammonia nitrogen (mg/l);
- bicarbonate (mg/l);
- calcium (Ca) (mg/l);
- chloride (mg/l);
- total iron (Fe) (mg/l);
- magnesium (Mg) (total) (mg/l);
- magnesium (Mg) (dissolved) (mg/l) ;

- nitrate plus nitrite nitrogen (mg/l);
- potassium (K) (mg/l);
- sodium (Na) (mg/l);
- sulfate (mg/l);
- chemical oxygen demand (COD) (mg/l);
- total dissolved solids (TDS) (mg/l);
- total organic carbon (TOC) (mg/l);
- oil and grease (mg/l);
- pH;
- total arsenic (As) (mg/l);
- total barium (Ba) (mg/l);
- total cadmium (Cd) (mg/l);
- total chromium (Cr) (mg/l);
- total cyanide (mg/l);
- total lead (Pb) (mg/l);
- total mercury (Hg) (mg/l);
- total selenium (Se) (mg/l);
- total silver (Ag) (mg/l);
- the date and duration (in hours) of the storm event(s) sampled;
- rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
- the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and,
- an estimate of the total volume (in gallons) of the discharge sampled.

B. FREQUENCY OF MONITORING Sampling shall be conducted at least annually (1 time per year) except as provided by ~~Parts~~paragraphs V.B.13. or V.B.14. of this permit.

4. WOOD TREATMENT (CHLOROPHENOLIC/CREOSOTE FORMULATIONS) During the period beginning on the discharge authorization date and lasting through the expiration date of this permit, storm water discharges associated with industrial activity from areas that are used for wood treatment, wood surface application or storage of treated or surface protected wood at any wood preserving or wood surface facilities that currently use chlorophenolic formulations and/or creosote formulation are subject to the following monitoring requirements:

A. PARAMETERS The parameters to be measured include all of the following:

- oil and grease (mg/l);
- pH;
- five day biochemical oxygen demand (BOD5) (mg/l);
- chemical oxygen demand (COD) (mg/l);
- total suspended solids (TSS) (mg/l);
- total phosphorus (P) (mg/l);
- total Kjeldahl nitrogen (TKN) (mg/l);
- nitrate plus nitrite nitrogen (mg/l);
- pentachlorophenol (mg/l);
- the date and duration (in hours) of the storm event(s) sampled;
- rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
- the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; ~~and,~~
- an estimate of the size of the drainage area (in square feet); and
- an estimate of the runoff coefficient of the drainage area (e.g. low (under 40%), medium (40% to 65%) or high (above 65%)).

- B. FREQUENCY OF MONITORING** Sampling shall be conducted at least annually (1 time per year) except as provided by [Partsparagraphs](#) V.B.13. or V.B.14. [of this permit.](#)
- 5. WOOD TREATMENT (ARSENIC OR CHROMIUM PRESERVATIVES)** During the period beginning on the discharge authorization date and lasting through the expiration date of this permit, storm water discharge associated with industrial activity from areas that are used for wood treatment or storage of treated wood at any wood preserving facilities that currently use inorganic preservatives containing arsenic or chromium are subject to the following monitoring requirements:
- A. PARAMETERS** The parameters to be measured include [all of the following](#):
- oil and grease (mg/l);
 - pH;
 - five day biochemical oxygen demand (BOD5) (mg/l);
 - chemical oxygen demand (COD) (mg/l);
 - total suspended solids (TSS) (mg/l);
 - total phosphorus ([P](#)) (mg/l);
 - total Kjeldahl nitrogen (TKN) (mg/l);
 - nitrate plus nitrite nitrogen (mg/l);
 - total arsenic (As) (mg/l);
 - total chromium (Cr) (mg/l);
 - total copper (Cu) (mg/l);
 - the date and duration (in hours) of the storm event(s) sampled;
 - rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
 - the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; ~~and,~~
 - an estimate of the size of the drainage area (in square feet); and
 - an estimate of the runoff coefficient of the drainage area (e.g. low (under 40%), medium (40% to 65%) or high(above 65%)).
- B. FREQUENCY OF MONITORING** Sampling shall be conducted at least annually (1 time per year) except as provided by [Partsparagraphs](#) V.B.13. or V.B.14. [of this permit.](#)
- 6. COAL PILE RUNOFF** During the period beginning on the discharge authorization date and lasting through the expiration date of this permit, storm water discharge associated with industrial activity from coal pile runoff are subject to the following monitoring requirements:
- A. PARAMETERS** The parameters to be measured include [all of the following](#):
- oil and grease (mg/l);
 - pH;
 - total suspended solids (TSS) (mg/l);
 - total copper (Cu) (mg/l);
 - total nickel ([Ni](#)) (mg/l);
 - total zinc ([Zn](#)) (mg/l);
 - the date and duration (in hours) of the storm event(s) sampled;
 - rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
 - the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; ~~and,~~
 - an estimate of the size of the drainage area (in square feet); and
 - an estimate of the runoff coefficient of the drainage area (e.g. low (under 40%), medium (40% to 65%) or high (above 65%)).
- B. FREQUENCY OF MONITORING** Sampling shall be conducted at least annually (1 time per year) except as provided by [Partsparagraphs](#) V.B.13. or V.B.14. [of this permit.](#)

7. **LARGE AIRPORTS** During the period beginning on the effective date and lasting through the expiration date of this permit, storm water discharge associated with industrial activity from runways and areas used for aircraft deicing at airports with over 50,000 flight operations per year are subject to the following monitoring requirements during a deicing event:
- A. **PARAMETERS** The parameters to be measured include [all of the following](#):
- oil and grease (mg/l);
 - five day biochemical oxygen demand (BOD5) (mg/l);
 - chemical oxygen demand (COD) (mg/l);
 - total suspended solids (TSS) (mg/l);
 - total Kjeldahl nitrogen (TKN) (mg/l);
 - total phosphorus ([P](#)) (mg/l);
 - pH;
 - ethylene glycol (mg/l);
 - the date and duration (in hours) of the storm event(s) sampled;
 - rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
 - the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
 - an estimate of the total volume (in gallons) of the discharge sampled ~~shall be provided~~.
- B. **FREQUENCY OF MONITORING** Sampling shall be conducted at least annually (1 time per year) during a deicing event except as provided by ~~Part~~[paragraph](#) V.B.13. or V.B.14. [of this permit](#).
8. **AIRPORTS** During the period beginning on the effective date and lasting through the expiration date of this permit, storm water discharge associated with industrial activity from areas at airports with 1,000 or more annual non-propeller aircraft departures on which urea (diaminomethanal) has been used in the current deicing season are subject to the following monitoring requirements, in addition to any other applicable monitoring requirements:
- A. **PARAMETERS** The parameters to be measured include [all of the following](#):
- ammonia as nitrogen (mg/l);
 - the date and duration (in hours) of the storm event(s) sampled;
 - rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
 - the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
 - an estimate of the total volume (in gallons) of the discharge sampled ~~shall be provided~~.
- B. **FREQUENCY OF MONITORING** Sampling shall be conducted at least monthly (1 time per month) from September through May, inclusive, except as provided by ~~Part~~[paragraph](#) V.B.13. or V.B.14. [of this permit](#).
9. **ANIMAL HANDLING / MEAT PACKING** During the period beginning on the effective date and lasting through the expiration date of this permit, storm water discharge associated with industrial activity from animal handling areas, manure management (or storage) areas, and production waste management (or storage) areas that are exposed to precipitation at meat packing plants, poultry packing plants, facilities that manufacture animal and marine fats and oils, and facilities that manufacture dog and cat food from meat are subject to the following monitoring requirements:
- A. **PARAMETERS** The parameters to be measured include [all of the following](#):
- oil and grease (mg/l);
 - five day biochemical oxygen demand (BOD5) (mg/l);
 - chemical oxygen demand (COD) (mg/l);
 - total suspended solids (TSS) (mg/l);
 - total Kjeldahl nitrogen (TKN) (mg/l);
 - total phosphorus ([P](#)) (mg/l);
 - pH;

- fecal coliform (counts per 200 ml);
- the date and duration (in hours) of the storm event(s) sampled;
- rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
- the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
- an estimate of the total volume (in gallons) of the discharge sampled ~~shall be provided~~.

B. FREQUENCY OF MONITORING Sampling shall be conducted at least annually (1 time per year) except as provided by ~~Part~~paragraph V.B.13. or V.B.14. of this permit.

10. BATTERY RECLAIMERS During the period beginning on the effective date and lasting through the expiration date of this permit, storm water discharge associated with industrial activity from facilities that reclaim lead acid batteries are subject to the following monitoring requirements:

A. PARAMETERS The parameters to be measured include all of the following:

- oil and grease (mg/l);
- five day biochemical oxygen demand (BOD5) (mg/l);
- chemical oxygen demand (COD) (mg/l);
- total suspended solids (TSS) (mg/l);
- total Kjeldahl nitrogen (TKN) (mg/l);
- total phosphorus (P) (mg/l);
- pH;
- lead (Pb) (mg/l);
- the date and duration (in hours) of the storm event(s) sampled;
- rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
- the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
- an estimate of the total volume (in gallons) of the discharge sampled ~~shall be provided~~.

B. FREQUENCY OF MONITORING Sampling shall be conducted at least annually (1 time per year) except as provided by ~~Part~~paragraph V.B.13. or V.B.14. of this permit.

11. COAL-FIRED STEAM ELECTRIC FACILITIES During the period beginning on the effective date and lasting through the expiration date of this permit, storm water discharge associated with industrial activity from coal handling sites other than coal piles at coal fired steam electric power generating facilities are subject to the following monitoring requirements:

A. PARAMETERS The parameters to be measured include all of the following:

- oil and grease (mg/l);
- total suspended solids (TSS) (mg/l);
- copper (Cu) (mg/l);
- nickel (Ni) (mg/l);
- zinc (Zn) (mg/l);
- pH;
- the date and duration (in hours) of the storm event(s) sampled;
- rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
- the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
- an estimate of the total volume (in gallons) of the discharge sampled ~~shall be provided~~

B. FREQUENCY OF MONITORING Sampling shall be conducted at least annually (1 time per year) except as provided by ~~Part~~paragraph V.B.13. or V.B.14. of this permit.

12. ADDITIONAL FACILITIES During the period beginning on the effective date and lasting through the expiration date of this permit, facilities with storm water discharge associated with industrial activity that: come in contact with

storage piles for solid chemicals used as raw materials that are exposed to precipitation at facilities classified as SIC 30 (Rubber and Miscellaneous Plastics Products) or SIC 28 (Chemicals and Allied Products); automobile junkyards with over 250 units; come into contact with sludge storage and handling areas at [publicly-owned treatment works](#) (POTWs) with a service population of over 100,000 or sludge incinerators or digesters associated with a POTW with a service population of over 100,000; come into contact with lime storage piles that are exposed to precipitation at lime manufacturing facilities; from oil handling sites at oil fired steam electric power from generating facilities; from facilities that manufacture asphalt paving mixtures and blocks; from cement manufacturing facilities and cement kilns; from ready-mixed concrete facilities; or from ship building and repairing facilities, are subject to the following monitoring requirements:

A. PARAMETERS The parameters to be measured include [all of the following](#):

- oil and grease (mg/l);
- five day biochemical oxygen demand (BOD5) (mg/l);
- chemical oxygen demand (COD) (mg/l);
- total suspended solids (TSS) (mg/l);
- total Kjeldahl nitrogen (TKN) (mg/l);
- total phosphorus (mg/l);
- pH;
- any pollutant limited in an effluent guideline to which the facility is subject;
- the date and duration (in hours) of the storm event(s) sampled;
- rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
- the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
- an estimate of the total volume (in gallons) of the discharge sampled ~~shall be provided~~.

B. FREQUENCY OF MONITORING Sampling shall be conducted at least annually (1 time per year) except as provided by [Part paragraph](#) V.B.13. or V.B.14. [of this permit](#).

13. SAMPLE TYPE For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the discharge rate) a minimum of one grab sample may be taken. For all other discharges, data shall be reported for both a grab sample and a composite sample. All samples shall be collected from a discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The grab sample shall be taken during the first hour of the discharge. The composite sample shall either be flow-weighted or time-weighted. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes. Only grab samples may be collected and analyzed for the determination of pH, temperature, cyanide, total phenols, residual chlorine, fecal coliform, fecal streptococcus, and oil and grease.

14. SAMPLING WAIVER When a discharger is unable to collect samples due to adverse climatic conditions, the discharger must explain, in writing, why samples could not be collected, including available documentation of the event, and retain a copy of the explanation in accordance with Part V.D of this permit. Adverse climatic conditions which may prohibit the collection of samples include weather that creates dangerous conditions for personnel ([e.g., such as](#) local flooding, high winds, tornadoes, electrical storms, ~~etc.~~) or otherwise make the collection of a sample impracticable ([e.g., drought, or](#) extended frozen conditions, ~~etc.~~).

15. REPRESENTATIVE DISCHARGE When a facility has two or more outfalls that, based on a consideration of features and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s). In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff

coefficient of the drainage area (e.g. low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided.

C. NONCOMPLIANCE REPORTING

Permittees that are not required to monitor must report all incidents of non-compliance to the Department at least annually.

D. REPORTING

1. Permittees which are subject to the monitoring requirements of Part IV ~~of this permit~~ NUMERIC EFFLUENT LIMITATIONS are required to submit signed copies of discharge monitoring results on Discharge Monitoring Report Forms(s) within 30 days after the sampling occurred.
2. Except as provided in paragraph D.1. of this ~~section~~part, permittees are not required to submit monitoring results. However, such permittees must retain monitoring results and submit such results to the Department upon request, in accordance with Part V.E. ~~of this permit~~ and be available to the Department upon request
3. **ADDITIONAL NOTIFICATION** Facilities with at least one storm water discharge associated with industrial activity through a municipal separate storm sewer system must submit signed copies of discharge monitoring reports or results to the operator of the municipal separate storm sewer system upon request.

E. RETENTION OF RECORDS

1. ~~For the duration of the permit or for a period of at least three years from the date of the document, the~~ permittee shall retain a copy of the ~~SWPPP storm water pollution prevention plan~~, records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the ~~NOI. Notice of Intent to be covered by this permit for the duration of the permit or for a period of at least three years from the date of the measurement, report, inspection, etc.~~
2. Permittees must submit monitoring results to the Department upon ~~the request of the Department~~, and submit a summary of monitoring results as part of the renotification requirements in ~~accordance with~~ Part II. E.F of this permit.

F. ADDRESSES

All written correspondence to the Department ~~shall~~should be emailed to npdes.mail@dnr.iowa.gov or mailed sent to the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E 9th St., Des Moines IA 50319-0034.

PART VI. STANDARD CONDITIONS

A. ADMINISTRATIVE RULES

Rules of the Department that govern the operation of a facility in connection with this permit are published in volumes 561 and 567 of the IAC. Reference to the term "rule" in this permit means the designated provision of volume 561 or 567.

B. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Iowa Code of Iowa and the CWA Clean Water Act and is grounds for enforcement action; for termination of coverage under this general permit; or for denial of a request for coverage under a reissued general permit. Coverage under this general permit does not relieve the permittee of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements.

1. **TOXIC POLLUTANTS** The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the ~~Clean Water Act~~CWA for toxic pollutants, within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
2. **PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS** Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402. Any person who violates any ~~permit~~ condition of this permit is subject to a civil penalty ~~not to exceed \$25,000 per day of such violation, as well as any~~and other appropriate sanctions ~~as~~ provided by section 309 of the CWA.

C. CONTINUATION OF THE EXPIRED GENERAL PERMIT

This permit expires on February ~~2829~~, ~~2023~~2028. However, an expired general permit shall continue in effect until replaced by adoption of a new general permit.

D. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

E. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

G. OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts, or submitted incorrect information in the ~~Notice of Intent~~NOI or in any other report to the Department, he or she shall promptly submit such facts or information.

H. SIGNATORY REQUIREMENTS

All ~~Notices of Intent~~NOIs, ~~NODs~~, ~~SWPPPs~~~~storm water pollution prevention plans~~, reports, certifications, or information either submitted to the Department or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed in accordance with subrule 567 ~~IAC~~ 64.3(8) ~~of the Iowa Administrative Code~~ as follows:

64.3(8) *Identity of signatories of operation permit applications.* The person who signs the application for an operation permit shall be:

- a. *Corporations.* In the case of corporations, a responsible corporate officer. A responsible corporate officer means: (1) A president, secretary, treasurer, or vice -president in charge of a principal business function, or any other person who performs similar policy or decision-making functions: or (2) The manager of manufacturing, production or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. *Partnerships.* In the case of a partnership, a general partner.
- c. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
- d. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes: (1) The chief executive officer of the agency, or (2) A senior executive officer having responsibility for the overall operations of a unit of the agency.

- e. *Storm water discharge associated with industrial activity from construction activities*. In the case of a storm water discharge associated with ~~construction activity~~*industrial activity from construction as identified in 40 CFR 122.26(b)(14)(x)*, either the owner of the site or the general contractor.

The person who signs NPDES reports shall be the same, except that in the case of a corporation or a public body, monitoring reports required under the terms of the permit may be submitted by the person who is responsible for the overall operation of the facility from which the discharge originated.

I. CERTIFICATION

Any person signing documents required by this permit shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.

J. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the [CWA Clean Water Act](#).

K. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

L. SEVERABILITY

~~The provisions of this permit are severable. If any provision of this permit is found to be invalid by this Department or a court of law, such a determination shall not affect validity or enforceability of any other permit term or part. Additionally, if the application of any provision to a particular circumstance is found to be invalid by the Department or a court of law, such a determination shall not affect the validity or enforceability of said provision to other circumstances. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.~~

M. TRANSFERS

This permit is not transferable to any person except after notice to the Department. The Department may require the operator to apply for and obtain an individual NPDES permit as stated in ~~paragraph Part I.C.~~ [of this permit](#).

N. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of ~~SWPPPs storm water pollution prevention plans. Proper operation and maintenance also includes a~~ Adequate laboratory controls and appropriate quality assurance procedures [shall be provided to maintain compliance with the conditions of this permit.](#) ~~Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.~~

O. MONITORING AND RECORDS

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Analyses must be performed by a laboratory certified in Iowa to perform such analyses in conformance with [567 IAC Chapter 83](#). ~~A.C~~
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit for the duration of this permit or three years after the measurement, whichever is later.
3. **RECORDS CONTENTS** Records of monitoring information shall include [all of the following](#):
 - A. The date, exact place, and time of sampling or measurements;
 - B. The initials or name(s) of the individual(s) who performed the sampling or measurements;
 - C. The date(s) analyses were performed;
 - D. The time(s) analyses were initiated;
 - E. The initials or name(s) of the individual(s) who performed the analyses;
 - F. References and written procedures, when available, for the analytical techniques or methods used; and
 - G. The results of the analyses, including, [but not limited to](#), the bench sheets, instrument readout, electronic records, ~~etc.~~ used to determine these results.
4. Monitoring must be conducted according to test procedures specified in ~~Iowa Administrative Code~~ [567 IAC Chapter 63](#) unless other test procedures have been specified in this permit.
5. [Section 309 of the CWA The Clean Water Act](#) provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both.

P. BYPASS OF TREATMENT FACILITIES

1. PROHIBITION OF BYPASS

- A. [Bypasses are prohibited. The Department may not assess a civil penalty against a permittee for a bypass if the permittee has complied with all of the following:](#)
 - (1). [The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;](#)
 - (2). [There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and](#)
 - (3). [The permittee submitted notices as required under paragraph P.2.A.\(2\). of this section.](#)
- B. [The Department may approve an anticipated bypass after considering its adverse effects, if the Department determines that it will meet the three conditions listed above and a request for bypass has been submitted to the appropriate regional field office of the Department at least ten days prior to the expected event.](#)

2. NOTICE OF BYPASS

- A. **ANTICIPATED BYPASS** [Except for bypasses that occur as a result of mechanical failure or acts beyond the control of the owner or operator \(unanticipated bypasses\), the permittee shall obtain written permission from the Department prior to any discharge not authorized this permit. The Department may approve an anticipated bypass after considering its adverse effects if the Department determines that it will meet the conditions in 567 IAC 63.6\(1\).](#)
 - (1). [The request for a bypass shall be submitted to the appropriate regional field office of the Department at least ten days prior to the expected date of the event.](#)
 - (2). [The request shall be submitted in writing and shall include the reason for the bypass, the date and time the bypass will begin, the expected duration of the bypass, an estimate of the amount of untreated or partially treated sewage or wastewater that will be discharged; the location of the bypass, the name of any body of surface water that will be affected by the bypass; and any actions the owner or operator proposes to take to mitigate the effects of the bypass upon the receiving](#)

stream or other surface water.

B. UNANTICIPATED BYPASS In the event that a bypass or upset occurs without prior notice having been provided or as a result of mechanical failure or acts beyond the control of the owner or operator, the permittee shall notify the Department by telephone as soon as possible but not later than 24 hours after the onset or discovery.

(1). Notification shall be made by contacting the appropriate field office. Notification shall include information on as many items listed in paragraph P.2.A.(2). of this section as available information will allow. When the Department has been notified of an unanticipated bypass, the Department shall determine if a public notice is necessary. If the Department determines that public notification is necessary, the owner or operator of the treatment facility or the collection system shall prepare a public notice.

(2). A written submission describing the bypass shall also be provided within five days of the time the permittee becomes aware of the bypass. The written submission shall contain the reason for the bypass, including the amount and duration of any rainfall event that may have contributed to the bypass, the date and time of onset or discovery of the bypass, the duration of the bypass, an estimate of the amount of wastewater that was discharged, the location of the bypass; and the name of any body of surface water that was affected by the bypass.

1. NOTICE

A. ANTICIPATED BYPASS If the permittee knows in advance of the need for a bypass, he or she shall submit prior notice, if possible, at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.

B. UNANTICIPATED BYPASS The permittee shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the bypass and its cause; the period of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.

2. PROHIBITION OF BYPASS

A. A bypass is prohibited and the Department may take enforcement action against a permittee for a bypass unless:

(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The permittee submitted notices as required under paragraph VI.O.1. of this section.

B. The Department may approve an anticipated bypass after considering its adverse effects, if the Department determines that it will meet the three conditions listed in paragraph VI.O.2.a. of this section.

Q. UPSET CONDITIONS

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if the requirements of paragraph 2 below are met.
2. A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
 - A. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
 - B. The permitted facility was at the time being properly operated;
 - C. The permittee submitted notice of the upset to the Department; and,
 - D. The permittee complied with any remedial measures required under Part III.C. of this permit.

3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

R. INSPECTION AND ENTRY

The permittee shall allow the Department or an authorized representative of EPA, the State, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. ~~Have~~Provide access to and copy_z at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and
4. Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the CWA.

S. PERMIT ACTIONS

Coverage under this permit may be terminated for cause. The filing of a request by the permittee for a permit discontinuance, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

PART VII. REOPENER CLAUSE

If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the permittee may be required to obtain an individual permit in accordance with Part I.C. of this permit.

PART VIII. DEFINITIONS

“Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Bypass” means the diversion of waste streams from any portion of a treatment facility or collection system. A bypass does not include internal operational waste stream diversions that are part of the design of the treatment facility, maintenance diversions where redundancy is provided, diversions of wastewater from one point in a collection system to another point in a collection system, or wastewater backups into buildings that are caused in the building lateral or private sewer line.~~the intentional diversion of waste streams from any portion of a treatment facility.~~

“Coal pile runoff” means the rainfall runoff from or through any coal storage pile.

“CFR” means the Code of Federal Regulations.

“CWA” or “Clean Water Act” means the Federal Water Pollution Control Act.

“Dedicated portable asphalt plant” means a portable asphalt plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to.

“Dedicated portable concrete plant” means a portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.

“Dedicated sand or gravel operation” means an operation that produces sand and/or gravel for a single construction project.

“Department” means the Iowa Department of Natural Resources.

“Discharge authorization date” refers to October 1, 1992 for storm water discharges associated with industrial activity with requirements to apply on or before October 1, 1992. For all other storm water discharges, the discharge authorization date will be the date that the discharge will begin or the date in which all the requirements of Part II.C. [of this permit](#) have been met, whichever is later.

“Flow-weighted composite sample” means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

“Hazardous condition” means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance on to the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. [Iowa Code 455B.381\(4\)](#) ~~2015, Code of Iowa~~

“Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United State Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act. [Iowa Code 455B.381\(5\)\(1\)](#), ~~2015 Code of Iowa.~~

“IAC” means the [Iowa Administrative Code](#).

“Landfill” means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

“Land application unit” means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

“Large and Medium municipal separate storm sewer system” means all municipal separate storm sewers that are either:

- (i) located in an incorporated place with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census; or
- (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
- (iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Department as part of the large or medium municipal separate storm sewer system.

“Municipality” means a city, town, borough, county, parish, district, association, or other public body created by or under State law.

“NOD” means [Notice of Discontinuation \(see Part II.F. of this permit.\)](#)

“NOI” means Notice of Intent to be covered by this permit (see Part II of this permit.)

“Outstanding Iowa Waters” means those waters which constitute an outstanding state resource such as waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Outstanding National Resource Waters” means those waters which constitute an outstanding national resource such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Qualified personnel” means those individuals capable enough and knowledgeable enough to perform the required functions adequately well to ensure compliance with the relevant permit conditions and requirements of the Iowa Administrative Code.

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“SARA” means the [Superfund Amendments and Reauthorization Act of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986.](#)

“Section 313 water priority chemical” means a chemical or chemical categories which are:

- 1) Listed at 40 CFR [Section 372.65](#) pursuant to ~~SARA Title III, Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right to Know Act of 1986;~~
- 2) Present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and
- 3) Meet at least one of the following criteria:
 - (i) are listed in Appendix D of 40 CFR [Part 122](#) on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances);
 - (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR [Section 116.4](#); or
 - (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

“Severe Property Damage” means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

“Storm Water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm water discharge associated with industrial activity” means the discharge from any conveyance ~~which-that~~ is used for collecting and conveying storm water and ~~which-that~~ is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. For the categories of industries identified in ~~paragraphs (i) through (x)~~ of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and ~~finished-final~~ products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the purposes of this definition, ~~categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph,~~ material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, ~~finished~~ final product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated) that meet the description of the facilities listed in these paragraphs (i) to (xi) of ~~the~~ this definition) include those facilities designated under 40 CFR Section 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this definition:

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under ~~paragraph~~category (xi) of this definition);
- (ii) Facilities classified within Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR Sections 122.27(b)(2)-(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities) as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR Section 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA);
- (v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition subsection) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including, but not limited to, those classified as Standard Industrial Classifications 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i) to (vii) or (ix) to (xi) of this definition are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including

land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR [Part 403](#). Not included are farmlands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with ~~40 CFR 503~~[section 405 of the CWA](#);

- (x) Construction activity including clearing, grading and excavation, ~~activities~~ except operations that result in the disturbance of less than one acre of total land area. [Construction activity also includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more; which are not part of a larger common plan of development or sale;](#)
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, [and 4221-4225](#), ~~(and which are not otherwise included within categories (ii)-(x))~~;

“Storm water discharge associated with industrial activity from asphalt plants, concrete batch plants and rock crushing plants” means storm water discharge associated with industrial activity from facilities engaged in manufacturing asphalt paving mixtures and which are classified under Standard Industrial Classification 2951, primarily engaged in manufacturing portland cement concrete delivered to a purchaser in a plastic and unhardened state and which is classified under Standard Industrial Classification 3273 and those facilities which are classified under Standard Industrial Classifications 1422 or 1423 which are primarily engaged in the crushing, grinding or pulverizing of limestone or granite.

“Storm water discharge associated with industrial activity for construction activities” means storm water discharges from activities that fall under subparagraph (x) [in the definition of storm water discharge associated with industrial activity](#).

“SWPPP” means [storm water pollution prevention plan](#).

“10-year, 24-hour precipitation event” means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in “Weather Bureau Technical Paper No. 40,” May 1961 and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

“Time-weighted composite” means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

“Uncontaminated groundwater” means water that is potable for humans, meets the narrative water quality standards in subrule 567 [IAC 61.3\(2\)](#) ~~of the Iowa Administrative Code~~, contains no more than half the listed concentration of any pollutants in subrule 567 [IAC 61.3\(3\)](#) ~~of the IAC~~, has a pH of 6.5-9.0, and is located in soil or rock strata.

“Uncontrolled sanitary landfill” means a landfill or open dump, whether in operation or closed, that does not meet the requirements for runoff or runoff controls established pursuant to subtitle D of the Solid Waste Disposal Act.

“Water(s) of the State” means [any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system and any other body or accumulation of water, surface or underground, natural or artificial, public or private which are contained within, flow through or border upon the State of Iowa or any portion thereof](#).

IOWA DEPARTMENT OF NATURAL RESOURCES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

GENERAL PERMIT NO. 2

EFFECTIVE DATES

MARCH 1, ~~2018~~2023 THROUGH FEBRUARY ~~28~~29, ~~2023~~2028

FOR

STORM WATER DISCHARGE ASSOCIATED WITH
CONSTRUCTION ACTIVITIES

NPDES GENERAL PERMIT NO. 2
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PART I. COVERAGE UNDER THIS PERMIT

A. PERMIT AREA

This permit covers all areas of the State of Iowa.

B. ELIGIBILITY

1. **A.** Except for discharges identified under Parts I.B.2. and I.B.3., this permit may authorize the discharge of storm water associated with industrial activity from construction sites, (those sites or common plans of development or sale that will result in the disturbance of one or more acres total land area, including the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more), (hereafter referred to as storm water discharge associated with industrial activity for construction activities), occurring after the effective date of this permit (including discharges occurring after the effective date of this permit where the construction activity was initiated before the effective date of this permit), including storm water discharge associated with industrial activity from areas that are dedicated to producing earthen materials, such as soils, sand and gravel, for use at a single construction site. This permit may also authorize areas where soil is placed permanently or temporarily, also known as fill sites.
 - B.** This permit may authorize storm water discharge from a construction site that is mixed with storm water discharge associated with industrial activity from sources other than construction activities provided that the storm water discharge from the industrial (non-construction) source is in compliance with the terms of a NPDES general permit, other than this general permit, or an individual permit authorizing such discharge. In addition, the storm water other than from construction shall be in compliance with Part IV.D.6. of this permit.
2. **LIMITATIONS ON COVERAGE** The following discharges associated with industrial activity for construction activities are NOT authorized by this permit:
 - A.** storm water discharges that are mixed with sources of non-storm water other than discharges identified in Part III.A.2. of this permit;
 - B.** storm water discharges associated with industrial activity for construction activities which are covered by an existing individual NPDES permit or which are issued a permit in accordance with Part I.C. of this permit. Storm water discharges authorized by an existing individual NPDES permit will be eligible to apply for coverage under this general permit as the existing individual permit expires;
 - C.** storm water discharges associated with industrial activity for construction activities that the Iowa Department of Natural Resources has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard;
 - D.** new or expanded storm water discharge associated with industrial activity that discharges to Outstanding Iowa Waters or to Outstanding National Resource Waters; and
 - E.** discharges from concrete washout activities and from wet sawing of concrete. Waste from concrete washout and wet sawing of concrete is not allowed to be discharged to surface waters and is not allowed to adversely affect a water of the state.
 3. **EXCLUSIONS**

The following storm water discharges associated with industrial activity from construction activities do not require a NPDES permit: discharges from soil disturbing activities from sites where less than 5 acres is disturbed and the soil disturbing activities are due to routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or original purpose of the site and discharges from agricultural and silvicultural activities including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23, concentrated aquatic production facilities as defined in 40 CFR Section 122.24, discharges to aquaculture projects as defined in 40 CFR Section 122.25, and discharges from silvicultural point sources as defined in 40 CFR Section 122.27.

C. REQUIRING AN INDIVIDUAL PERMIT

1. The Department may require any person authorized by this permit to apply for and obtain an individual NPDES permit. The Department may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit, coverage under this general permit shall automatically terminate. If an owner or operator fails to submit an individual NPDES permit application required by the Department under this paragraph, coverage of this general permit automatically is terminated at the end of the day specified for submittal of the individual NPDES application.
2. Any person authorized to discharge under this permit may apply for an individual NPDES permit. In such cases, the discharger shall submit the following in accordance with the requirements of subrule 567 [IAC 64.3\(4\)](#) ~~in the Iowa Administrative Code~~:
 - A. an individual application, using [DNR industrial application Form 1](#), [Form 2F](#), and [Form 5EPA Form 2F](#); and,
 - B. all applicable fees identified in rule 567 [IAC 64.16](#) ~~in the Iowa Administrative Code~~.
3. When an individual NPDES permit is issued to a discharger covered under this general permit, the applicability of this general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual NPDES permit. When an individual NPDES permit is denied to a discharger otherwise subject to this permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.

D. AUTHORIZATION

A discharger must submit a Notice of Intent (NOI) in accordance with the requirements of Part II of this permit in order for storm water discharge associated with industrial activity for construction activities pursuant to Part I.B. of this permit to be authorized to discharge under this general permit.

PART II. NOTICE OF INTENT (NOI) REQUIREMENTS

A. DEADLINES FOR ~~FILING A NOTICE OF INTENT~~NOTIFICATION

For storm water discharge associated with industrial activity for construction activities, such activities shall not commence until an authorization has been issued for the project by the Department.

B. FAILURE TO NOTIFY

Dischargers who fail to notify the Department of their intent to be covered, and discharge pollutants to water of the United States within Iowa, without an NPDES permit, are in violation of the [Clean Water Act-CWA](#) and the Code of Iowa.

C. CONTENTS OF ~~THE NOTICE OF INTENT~~A NOI

A complete ~~Notice of Intent~~NOI shall include the items described in Parts II.C.1., II.C.2., and II.C.3. of this permit.

1. A completed ~~Notice of Intent~~ (NOI) form, DNR Form 542-1415, signed in accordance with Parts ~~VI.HG. and VI.I~~ of this permit. The information on the form shall include all of the following:
 - A. Name, address, and location of the construction site for which this notification is submitted. The location ~~should~~ shall be provided as the 1/4 section ([NE](#), [SE](#), [SW](#), [NW](#)), township, range, and ~~the~~ county ~~in which~~ where the storm water discharge is located;
 - B. The owner's name, address, telephone number, and status (federal, state, private, public or other entity);
 - C. The name, address and telephone number of any operator (contractor) that has been identified as having a role in the storm water pollution prevention plan ([SWPPP](#)) for the site required under Part IV.D.7. of this

permit. Contractors (operators) identified after the submittal of the completed [Notice of Intent NOI](#) shall be identified in the [pollution prevention plan SWPPP](#);

- D. The type of discharge (new or existing as related to October 1, 1992); whether or not the discharge is to a municipal separate storm sewer system; the date the discharge is to commence; the permit status of the discharge; and, the name of the receiving water(s);
- E. An indication if any existing quantitative data is available describing the concentration of pollutants in storm water discharges and a summary of available existing data. Existing data should not be included as part of the NOI, it should be retained as part of the [Pollution Prevention Plan SWPPP](#);
- F. A brief description of the project; an estimated timetable for major activities; and, an estimate of the number of acres of the site on which soil will be disturbed; [and](#)
- G. A certification that compliance with G.(1). through G.(4). are met:
 - G.(1). the [SWPPP pollution prevention plan](#) has been developed before [this Notice of Intent the NOI](#) is submitted to the Department;
 - G.(2). the [pollution prevention plan SWPPP](#) will be implemented on October 1, 1992 for any existing storm water discharge associated with industrial activity for construction activities. For a storm water discharge associated with industrial activity for construction activities that commence after October 1, 1992, the [pollution prevention plan SWPPP](#) shall be implemented with the start of construction activities;
 - G.(3). [the NOI this Notice of Intent](#) will be included and incorporated into the [pollution prevention plan SWPPP](#) and will be updated as required; and,
 - G.(4). the [SWPPP storm water pollution prevention plan](#) provides compliance with [Iowa Code](#) section 161A.64 ~~of the Code of Iowa~~ and local sediment and erosion plans and are consistent with the requirements of Part IV of this general permit.

2. **APPLICABLE FEES** The applicable fees specified in [Iowa Administrative Code 567 IAC 64.16\(455B\)](#).

3. **PUBLIC NOTIFICATION** A demonstration that the public notice specified in [Iowa Administrative Code 567 IAC 64.6\(1\) "c" \(1\)](#) was published at least one day in one newspaper with the largest circulation in the area in which the facility is located or the activity will occur.

D. WHERE TO SUBMIT

Facilities which discharge storm water associated with industrial activity for construction activities must submit items described in Parts II.C. ~~1., 2., and 3.~~ of this permit to the Department [online at: <https://programs.iowadnr.gov/stormwater/pages/home.aspx> or by mail at](#) the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E 9th St., Des Moines IA 50319-0034.

E. RENOTIFICATION

Prior to the expiration of an authorization issued under this general permit, the permittee is required to resubmit [a NOI a Notice of Intent](#) (no additional public notice is required) with the Department for coverage under the new general permit. If a new general permit has not been reissued prior to the expiration of the current permit, the provisions and coverage of the current permit are extended until replaced by the adoption of a new general permit.

F. TRANSFER OF COVERAGE UNDER THIS PERMIT

For storm water discharge associated with industrial activity for construction activities where the ownership changes, the Department must be notified of the title transfer within 30 days. Both the previous owner(s) and the new owner(s) are responsible for notifying the Department of the transfer and the new owner's name and contact information. This requirement shall be satisfied upon the Department's receipt of the notification of this information by either the previous owner(s) or the new owner(s).

If a storm water discharge associated with industrial activity for construction activities is covered by this general permit, the new owner(s) shall be subject to all terms and conditions of this general permit. A copy of the notice of transfer that was sent to the Department shall be included in the [pollution prevention plan/SWPPP](#).

For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, if a permittee transfers ownership of all or any part of property subject to this permit, both the permittee and transferee shall be responsible for compliance with the provisions of this permit for that portion of the project which has been transferred including when the transferred property is less than one acre in area. If the new owner(s) agree in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred, then the existing permittee(s) shall be relieved of responsibility for compliance with this permit for the transferred property, from and after the date the transfer of responsibility is signed. A copy of the notice of transfer of responsibility shall be included in the [pollution prevention plan/SWPPP](#).

G. NOTICE OF DISCONTINUATION (NOD)

1. Within 30 days after final stabilization at a construction site (as defined in Part VIII of this permit), the operator or owner of the facility shall submit a Notice of Discontinuation ([NOD](#)) to the Department.
2. ~~The Notice of Discontinuation~~[A NOD](#) shall include the following information:
 - A. the name of the owner/operator to which the permit was issued;
 - B. the general permit number and permit authorization number;
 - C. the date the construction site reached final stabilization; and,
 - D. the following certification signed in accordance with Part VI.[HG](#). of this permit:

I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time. I understand that by submitting this Notice of Discontinuation, that I am no longer authorized to discharge storm water associated with industrial activity for construction activities by Iowa Department of Natural Resources General NPDES Permit No. 2. and that discharging pollutants from storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit.

PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

A. PROHIBITION ON NON-STORM WATER DISCHARGES

1. All discharges authorized by this permit shall be composed entirely of storm water except for non-storm discharges listed in Part III.A.2 [of this permit](#).
2. Discharges from firefighting activities; fire hydrant flushings; waters used to wash vehicles in accordance with Part III.C. and Part IV.D.2.c.(2). [of this permit](#); potable water sources including waterline flushings; irrigation drainage; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents; may be authorized by this permit provided the non-storm water component of the discharge is in compliance with Part IV.D.5. of this permit.

B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES

Any owner or operator identified in the [pollution prevention plan/SWPPP](#) is subject to the spill notification requirements as specified in [Iowa Code 455B.386](#) ~~of the Iowa Code~~. Iowa law requires that as soon as possible but not more than six hours after the onset of a hazardous condition¹ the Department and local sheriff's office or the

¹ see Definitions, Part VIII

office of the sheriff of the affected county be notified.

The SWPPP storm water pollution prevention plan described in Part IV of this permit must be modified within 7 calendar days of knowledge of the release to provide a description of the release and the circumstances leading to the release and to identify and provide for the implementation of steps to prevent the reoccurrence of such releases and to respond to such releases.

C. FEDERAL CONSTRUCTION AND DEVELOPMENT EFFLUENT GUIDELINES

In addition to all other requirements in this permit, all sites and activities required to be authorized under this permit shall comply with the following federal effluent guidelines as applicable to each site and activity.

1. **EROSION AND SEDIMENT CONTROLS** Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:
 - A. Control storm water volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
 - B. Control storm water discharges, including both peak flow rates and total storm water volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
 - C. Minimize the amount of soil exposed during construction activity;
 - D. Minimize the disturbance of steep slopes;
 - E. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff and soil characteristics including the range of soil particle sizes expected to be present on the site; and
 - F. Provide and maintain natural buffers around waters of the United States, direct storm water to vegetated areas and maximize storm water infiltration to reduce pollutant discharges, unless infeasible.
2. **SOIL COMPACTION AND TOPSOIL PRESERVATION** Practices to minimize soil compaction and preserve topsoil shall be implemented as described in Part IV.D.2.A.(2)(c) of this permit.
3. **SOIL STABILIZATION** Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In drought-stricken areas and areas that have recently received such high amounts of rain that seeding with field equipment is impossible and initiating vegetative stabilization immediately is infeasible, alternative stabilization measures must be employed as specified by the Department. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
4. **DEWATERING** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.
5. **POLLUTION PREVENTION MEASURES** Design, install, implement and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:
 - A. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - B. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and storm water. Minimization of exposure is not required in cases where the exposure to precipitation and to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended for outdoor use); and

- C. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
6. **PROHIBITED DISCHARGES** The following discharges are prohibited:
 - A. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
 - B. Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance; and
 - C. Soaps or solvents used in vehicle and equipment washing.
 7. **SURFACE OUTLETS** When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

PART IV. STORM WATER POLLUTION PREVENTION PLANS (SWPPP)

A storm water pollution prevention plan (SWPPP) shall be developed for each construction site covered by this permit. SWPPP Storm water pollution prevention plans shall be prepared in accordance with good engineering practices. The SWPPP plan shall identify potential sources of pollution which may reasonably be expected to affect the quality of the storm water discharge from the construction activities. In addition, the SWPPP plan shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharge associated with industrial activity for construction activities at the construction site and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the SWPPP storm water pollution prevention plan required under this part as a condition of this permit.

A. DEADLINES FOR POLLUTION PREVENTION PLAN SWPPP PREPARATION AND COMPLIANCE

1. **POLLUTION PREVENTION PLAN SWPPP PREPARATION DEADLINE** The pollution prevention plan SWPPP shall be completed prior to the submittal of a NOI to the Department to be covered under this permit and shall be updated as appropriate.
2. **POLLUTION PREVENTION PLAN SWPPP COMPLIANCE DEADLINE** The pollution prevention plan SWPPP shall provide for compliance with the terms and schedule of the SWPPP plan prior to the initiation of construction activities.

B. SIGNATURE AND PLAN SWPPP REVIEW

1. The SWPPP plan shall be signed in accordance with Part VI.H.G of this permit.
2. The permittee shall make SWPPP plans available to the Department upon request; or in the case of a storm water discharge associated with industrial activity for construction activities which that discharges through a municipal separate storm sewer system with an NPDES permit, shall make the SWPPP available to the municipal operator of the system.
3. The Department may notify the permittee at any time that the SWPPP plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the SWPPP plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 3 business days after such notification to make the necessary changes.
4. All storm water pollution prevention SWPPP plans received by the Department from the permittee are considered reports that shall be available to the public under Section 308(b) of the CWA and Iowa Code Chapter 22 of the Code of Iowa. However, the permittee may claim any portion of a SWPPP storm water pollution plan as confidential in accordance with Iowa Code Chapter 22 of the Code of Iowa and Iowa Administrative Code 561 IAC 2.5.

C. KEEPING SWPPP PLANS CURRENT

The permittee shall amend the plan SWPPP whenever any of the following occurs: (1) there is a change in design, construction, operation, or maintenance, which that has a significant effect on the potential for the discharge of pollutants to the waters of the U.S. and which has not been addressed in the SWPPP plan; or (2) if the SWPPP storm water pollution prevention plan proves to be ineffective in eliminating or significantly minimizing pollutants from

sources identified in Part IV.D.2. of this permit, or (3) the SWPPP fails to ~~in~~ otherwise ~~achieving~~ achieve the general objectives of controlling pollutants in storm water discharge associated with industrial activity for construction activities. In addition, the ~~pollution prevention plan~~ SWPPP shall be updated to: expeditiously change the site map to include changes at the site, ~~include~~ including contractors identified after the submittal of the ~~Notice of Intent~~ NOI as Co-permittees, described in Part IV.D.7. of this permit; identify any change in ownership or transference of the permit and permit responsibilities; or, if required, by the occurrence of a hazardous condition (as defined in Part VIII of this permit). Amendments to the ~~plan~~ SWPPP may be reviewed by the Department ~~of Natural Resources~~ in the same manner as Part IV.B.2 ~~of this permit~~.

D. CONTENTS OF THE ~~POLLUTION PREVENTION PLAN~~ SWPPP

The ~~storm water pollution prevention plan~~ SWPPP shall include the following items:

1. **SITE DESCRIPTION** Each ~~plan~~ SWPPP shall provide a description of the following:
 - A. a description of the nature of the construction activity;
 - B. estimates of the total area of the site and the area of the site that is expected to be disturbed by excavation, grading, or other activities;
 - C. an estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
 - D. a site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, the location of structural and nonstructural controls identified in the ~~plan~~ SWPPP, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to a surface water; and
 - E. the name of the receiving water(s) and the ultimate receiving water(s).

2. **CONTROLS** Each ~~plan~~ SWPPP shall include a description of controls that will be implemented at the construction site. The ~~plan~~ SWPPP will clearly describe the intended sequence of major activities and for each activity, the appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description of controls shall address the following minimum components:
 - A. **EROSION AND SEDIMENT CONTROLS**
 - A.(1). **STABILIZATION PRACTICES** A description of temporary and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Stabilization practices may include: temporary or permanent seeding after germination and establishment of vegetative cover of sufficient density and height to preclude erosion has been achieved, as well as permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Temporary or continued stabilization must be implemented and maintained when necessary to prevent erosion of seeded areas prior to the establishment of vegetative cover of sufficient density and height to preclude erosion.
 - A.(2). **STRUCTURAL PRACTICES** A description of structural practices to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas of the site. Such practices may include silt fences, earth dikes, brush barriers, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.
 - A.2.(a). For common drainage locations that serve an area with more than 10 disturbed acres at one time, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained shall be provided where attainable until final stabilization of the site has been

achieved. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around the sediment basin. For drainage locations which serve more than 10 disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained is not attainable, sediment traps, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.

- A.2.(b).** For drainage locations serving 10 or fewer acres, sediment traps, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area or a sediment basin providing for 3,600 cubic feet of storage per acre drained.
- A.2.(c).** Unless infeasible, the following measures shall be implemented at all sites: utilize outlet structures that withdraw water from the surface when discharging from basins, provide and maintain natural buffers around surface waters and direct storm water to vegetated areas to both increase sediment removal and maximize storm water infiltration.

The permittee(s) shall minimize soil compaction and, unless infeasible, preserve topsoil. "Infeasible" shall mean not technologically possible, or not economically practicable and achievable in light of the best industry practices. "Unless infeasible, preserve topsoil" shall mean that, unless infeasible, topsoil from any areas of the site where the surface of the ground for the permitted construction activities is disturbed shall remain within the area covered by the applicable General Permit No. 2 authorization. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. The permittee(s) shall control storm water volume and velocity to minimize soil erosion in order to minimize pollutant discharges and shall control storm water discharges, including both peak flowrates and total storm water volume, to minimize channel and stream bank erosion and scour in the immediate vicinity of discharge points. An affidavit signed by the permittee(s) may be submitted to demonstrate compliance.

For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, in which a new owner agrees in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred or in which the new owner has obtained authorization under this permit for a lot or lots (as specified in subrule 567 [IAC 64.6\(6\)](#) ~~of the Iowa Administrative Code~~), the topsoil preservation requirements described above must be met no later than at the time the lot or lots have reached final stabilization as described in this permit.

The topsoil preservation requirement described above shall be implemented for projects that have not received an authorization under this permit prior to October 1, 2012. The topsoil preservation requirements are not required to be implemented for projects that have been authorized prior to October 1, 2012. In residential and commercial developments, a plat is considered a project. For other large areas that have been authorized for multiple construction sites, including those to be started at a future date, such as those located at industrial facilities, military installations and universities, a new construction project not yet surveyed and platted out is considered a project. This stipulation is intended to be interpreted as requiring the topsoil preservation requirements on development plats and construction activities on other extended areas that may have several construction projects permitted under the same authorization to be implemented on those projects not yet surveyed and platted out prior to October 1, 2012 even if other

plats and construction activities in the same development or other extended area were authorized prior to October 1, 2012.

- B. STORM WATER MANAGEMENT** A description of measures that will be installed during construction to control pollutants in storm water discharges that will occur after construction operations have been completed. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.
- B.(1).** Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; and infiltration of runoff onsite; and sequential systems (which combine several practices). A goal of 80 percent removal of total suspended solids from those flows which exceed predevelopment levels should be used in designing and installing storm water management controls (where practicable). Where this goal is not met, the permittee shall provide justification for rejecting each practice based on site conditions.
- B.(2).** Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. maintenance of hydrologic conditions present prior to the initiation of construction activities).
- C. OTHER CONTROLS**
- C.(1).** WASTE DISPOSAL All wastes composed of building materials must be removed from the site for disposal in permitted disposal facilities. No building material wastes or unused building materials shall be buried, dumped, or discharged at the site.
- C.(2).** Off-site vehicle tracking of sediments shall be minimized.
- C.(3).** The SWPPP plan shall ensure and demonstrate compliance with applicable State or local waste disposal, sanitary sewer or septic system regulations.
- D. APPROVED STATE OR LOCAL PLANS** A SWPPP that is submitted by a facility that~~Facilities which~~ discharges storm water associated with industrial activity for construction activities must include in their storm water pollution prevention plan the procedures and requirements specified in any applicable sediment and erosion site plans or storm water management plans approved by State or local officials. A~~Any~~ applicable requirements specified in sediment and erosion plans, site permits, or storm water management plans approved by State or local officials that are applicable to protecting surface water resources are, upon submittal of an NOI ~~to be authorized to discharge under this permit~~, incorporated by reference and are enforceable under this permit even if they are not specifically included in a storm water pollution prevention plan the SWPPP required under this permit.

Operators of facilities seeking alternative permit requirements shall submit an individual permit application in accordance with Part I.C.2. of this permit along with a description of why the requirements in approved State or local plans should not be applicable as a condition of an NPDES permit.

- 3. MAINTENANCE** A description of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures identified in the site plan.
- 4. INSPECTIONS** Qualified personnel (provided by the discharger) shall inspect disturbed areas of the construction site that have not been stabilized with a perennial, vegetative cover of sufficient density to preclude erosion at least once every seven calendar days. Unless erosion is evident or other conditions warrant them, regular

inspections are not required on areas that have been stabilized with a perennial, vegetative cover of sufficient density to preclude erosion.

- A. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the ~~plan~~ SWPPP shall be observed to ensure that they are operating correctly. ~~Where~~When discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
 - B. Based on the results of the inspection, ~~the storm water~~ pollution prevention measures identified in the ~~SWPPP plan in accordance with paragraph IV.D.2. of this permit~~ shall be revised at the construction site as appropriate as soon as practicable after the inspection and ~~added to the SWPPP within to the plan as soon as practicable after the inspection but in no case more than 7~~ calendar days ~~off~~following the inspection. If the permittee determines that making these changes at the construction site ~~or to the plan less than~~within 72 hours ~~after~~of the inspection is impracticable, the permittee shall document in the ~~SWPPP plan~~ why it is impracticable and indicate an estimated date by which the changes will be made.
 - C. A report ~~shall be made and retained as part of the SWPPP for at least three years after final stabilization has been achieved and a NOD has been submitted to the Department. The report shall be signed in accordance with Part VI.H. of this permit. The report shall contain the following: a summary of~~ summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the ~~storm water pollution prevention plan~~SWPPP and actions taken in accordance with ~~paragraph Part~~ IV.D.4.B. of ~~this~~the permit. ~~shall be made and retained as part of the storm water pollution prevention plan for at least three years after final stabilization has been achieved and a Notice of Discontinuation has been submitted to the Department. The report shall be signed in accordance with Part VI.G. of this permit.~~
5. **NON-STORM WATER DISCHARGES** ~~Except for flows from firefighting activities, s~~ources of non-storm water listed in Part III.A.2. of this permit that are combined with storm water discharges associated with industrial activity from construction activities must be identified in the ~~plan~~SWPPP. ~~Flows from firefighting activities are exempt from this requirement.~~ The ~~SWPPP plan~~ shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
6. **ADDITIONAL REQUIREMENTS FOR STORM WATER DISCHARGE FROM INDUSTRIAL ACTIVITIES OTHER THAN CONSTRUCTION, INCLUDING DEDICATED ASPHALT PLANTS AND DEDICATED CEMENT PLANTS** This permit may only authorize a storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where all of the following conditions are met:
- A. the industrial source other than construction is located on the same site as the construction activity;
 - B. storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and,
 - C. storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated cement plants) are in compliance with the terms and conditions, including applicable NOI or application requirements, of a different NPDES general permit or individual permit authorizing such discharges.
7. **CONTRACTORS**
- A. The ~~SWPPP storm water pollution prevention plan~~ must clearly identify, for each measure in the ~~SWPPP plan~~, the contractor(s) and/or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the ~~SWPPP plan~~ must sign a copy of the certification statement in Part IV.D.7.B. of this permit in accordance with ~~Part VI.GH.~~ Part VI.GH. of this permit. Upon signing the certification, the contractor or sub-contractor is a co-permittee with the owner and other co-permittee contractors. All certifications must be included in the ~~SWPPP storm water pollution prevention plan~~.

- B. CERTIFICATION STATEMENT** All contractors and subcontractors identified in a [SWPPP storm water pollution prevention plan](#) in accordance with Part IV.D.7.A. of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the [storm water pollution prevention plan SWPPP](#):

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site as part of this certification. Further, by my signature, I understand that I am [becoming](#) a co-permittee, along with the owner(s) and other contractors and subcontractors signing such certifications, to the Iowa Department of Natural Resources NPDES General Permit No. 2 for Storm Water Discharge Associated with Industrial Activity for Construction Activities at the identified site. As a co-permittee, I understand that I, and my company, are legally required under the Clean Water Act and the Code of Iowa, to ensure compliance with the terms and conditions of the storm water pollution prevention plan ([SWPPP](#)) developed under this NPDES permit and the terms of this NPDES permit.

The certification must include [the following](#):

1. ~~the~~ The name and title of the person providing the signature;
2. ~~the~~ The name, address and telephone number of the contracting firm;
3. ~~the~~ The address (or other identifying description) of the site; and
4. ~~the~~ The date the certification is made.

PART V. RETENTION OF RECORDS

- A.** [For a period of at least three years from the date of the document or the date the site is finally stabilized and a NOD has been submitted,](#) ~~the~~ permittee shall retain copies of [storm water pollution prevention plans SWPPPs](#), and all reports required by this permit, and records of all data used to complete the [NOI Notice of Intent to be covered by this permit, for a period of at least three years from the date that the site is finally stabilized and a Notice of Discontinuation has been submitted to the Department.](#)
- B.** If there is a construction trailer, shed or other covered structure located on the property, the permittee shall retain a copy of the [SWPPP storm water pollution prevention plan](#) required by this permit at the construction site from the date of project initiation to the date of final stabilization. If there is no construction trailer, shed or other covered structure located on the property, the permittee shall retain a copy of the [SWPPP plan](#) from the date of project initiation to the date of final stabilization at a readily available alternative site approved by the Department and provide it for inspection upon request. If the [SWPPP plan](#) is maintained at an off-site location such as a corporate office, it shall be provided for inspection no later than three hours after being requested.
- C. ADDRESSES**
All written correspondence to the Department ~~should~~ shall be [emailed to npdes.mail@dnr.iowa.gov](mailto:npdes.mail@dnr.iowa.gov) or mailed sent to the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E 9th St., Des Moines IA 50319-0034.

PART VI. STANDARD PERMIT CONDITIONS

- A. ADMINISTRATIVE RULES**
[Rules of the Department that govern the operation of a facility in connection with this permit are published in volumes 561 and 567 of the IAC. Reference to the term "rule" in this permit means the designated provision of volume 561 or 567.](#)
- B. DUTY TO COMPLY**

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the [Iowa Code of Iowa](#) and the [Clean Water Act \(CWA\)](#) and is grounds for enforcement action; for termination of coverage under this general permit; or, for denial of a request for coverage under a reissued general permit. [Coverage under this general permit does not relieve the permittee of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements.](#)

2. **TOXIC POLLUTANTS** The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the [Clean Water Act \(CWA\)](#) for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

C. CONTINUATION OF THE EXPIRED GENERAL PERMIT

This permit expires on February ~~2829~~, ~~2028~~2023. An expired general permit continues in force until replaced by adoption of a new general permit.

D. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

E. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within three hours, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

G. OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the [Notice of Intent \(NOI\)](#) or in any other report to the Department, he or she shall promptly submit such facts or information.

H. SIGNATORY REQUIREMENTS

All [Notices of Intent \(NOIs\)](#), [NODs](#), [SWPPPs](#), ~~storm water pollution prevention plans~~, reports, certifications, or information either submitted to the Department or the operator of a municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed in accordance with subrule 567 [IAC](#) 64.3(8) ~~of the Iowa Administrative Code~~ as follows:

64.3(8) *Identity of signatories of operation permit applications.* The person who signs the application for an operation permit shall be:

- a. *Corporations.* In the case of corporations, a responsible corporate officer. A responsible corporate officer means: (1) A president, secretary, treasurer, or vice-president in charge of a principal business function or any other person who performs similar policy or decision-making functions; or (2) The manager of manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. *Partnerships.* In the case of a partnership, a general partner.
- c. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
- d. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public

agency includes: (1) The chief executive officer of the agency; or (2) A senior executive officer having responsibility for the overall operations of a unit of the agency.

- e. *Storm water discharge associated with industrial activity from construction activities.* In the case of a storm water discharge associated with ~~industrial activity for construction~~ activity, either the owner of the site or the general contractor.

The person who signs NPDES reports shall be the same, except that in the case of a corporation or a public body, monitoring reports required under the terms of the permit may be submitted by the person who is responsible for the overall operation of the facility from which the discharge originated.

I. CERTIFICATION

Any person signing documents ~~under paragraph VI.G. required by this permit~~ shall make the following certification: I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.

J. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Clean Water Act.

K. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

L. SEVERABILITY

~~The provisions of this permit are severable. If any provision of this permit is found to be invalid by this Department or a court of law, such a determination shall not affect validity or enforceability of any other permit term or part. Additionally, if the application of any provision to a particular circumstance is found to be invalid by the Department or a court of law, such a determination shall not affect the validity or enforceability of said provision to other circumstances. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.~~

M. TRANSFERS

This permit is not transferable to any person except after notice to the Department. The Department may require the discharger to apply for and obtain an individual NPDES permit as stated in Part I.C of this permit.

N. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans SWPPPs. Adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this permit. ~~Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of this permit.~~

O. INSPECTION AND ENTRY

The permittee shall allow the Department or an authorized representative of EPA, the State, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. ~~Have~~Provide access to and copy at reasonable times, any records that must be kept under the conditions of this permit; ~~and,~~
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), ~~and-~~
4. Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the CWA.

P. PERMIT ACTIONS

Coverage under this permit may be terminated for cause. The filing of a request by the permittee for a permit discontinuance, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Q. ENVIRONMENTAL LAWS

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

PART VII. REOPENER CLAUSE

If there is evidence indicating potential or realized impacts or water quality due to any storm water discharge associated with industrial activity for construction activities covered by this permit, the owner or operator of such discharge may be required to obtain individual permit in accordance with Part I.C of this permit.

PART VIII. DEFINITIONS

"Best Management Practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Construction site" means a site or common plan of development or sale on which construction activity, including clearing, grading and excavating, results in soil disturbance. A construction site is considered one site if all areas of the site are contiguous with one another and one entity owns all areas of the site.

"CFR" means the Code of Federal Regulations.

"CWA" or "Clean Water Act" means the Federal Water Pollution Control Act.

"Dedicated portable asphalt plant" means a portable asphalt plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to.

"Dedicated portable concrete plant" means a portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.

"Dedicated sand or gravel operation" means an operation that produces sand and/or gravel for a single construction project.

"Department" means the Iowa Department of Natural Resources.

“Final Stabilization” means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70%, sufficient to preclude erosion, for the entire disturbed area of the permitted project has been established or equivalent stabilization measures have been employed, or which is covered by a permanent structure that ensures the ground surface will not be eroded or otherwise impacted by precipitation or runoff, or which has been returned to agricultural production.

“Hazardous condition” means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. See Iowa Code § 455B.381(4) 2015, Code of Iowa

“Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes but is not limited to a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United State Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act. See Iowa Code § 455B.381(5), 2015 Code of Iowa

“IAC” means the Iowa Administrative Code.

“Infeasible” means not technologically possible, or not economically practicable and achievable in light of best industry practices.

“Municipality” means a city, town, borough, county, parish, district, association, or other public body created by or under State law.

“NOD” means Notice of Discontinuation (see Part II.G. of this permit.)

“NOI” means Notice of Intent to be covered by this permit (see Part II of this permit.)

“Outstanding Iowa Waters” means those waters which constitute an outstanding state resource such as waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Outstanding National Resource Waters” means those waters which constitute an outstanding national resource such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Permittee” means the owner of the facility or site.

“Qualified personnel” means those individuals capable enough and knowledgeable enough to perform the required functions adequately well to ensure compliance with the relevant permit conditions and requirements of the Iowa Administrative Code.

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“Stabilization” or “Soil Stabilization” means the prevention of soil particles from being dislodged and moving therefore preventing erosion from initiating or continuing.

“Storm Water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm water discharge associated with industrial activity” means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. For the categories of industries identified in paragraphs (i) through (x) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the ~~purposes of this definition, categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph,~~ material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, ~~finished-final~~ product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant’s industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in these paragraphs (i) to (xi) of ~~this~~ the definition) include those facilities designated under 40 CFR Section 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in “industrial activity” for purposes of this definition:

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under ~~paragraph category~~ (xi) of this definition);
- (ii) Facilities classified within Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR Sections 122.27(b)(2)-(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities) as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under Section 40 CFR 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, by-products or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined

materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of [the Resource Conservation and Recovery Act \(RCRA\)](#);
- (v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this [subsection definition](#)) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including, but [not](#) limited to, those classified as Standard Industrial Classifications 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i) to (vii) or (ix) to (xi) of this definition are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR [Part 403](#). Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with [40-CFR-503 section 405 of the CWA](#);
- (x) Construction activity including clearing, grading and excavation, ~~activities~~ except operations that result in the disturbance of less than one acre of total land area. [Construction activity also includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more which are not part of a larger common plan of development or sale](#);
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, [and](#) 4221-4225, ~~(and which are not otherwise included within categories (ii) (x))~~;

“Storm water discharge associated with industrial activity for construction activities” means activities that fall under subparagraph (x) in the definition of storm water discharge associated with industrial activity.

“SWPPP” means [storm water pollution prevention plan](#).

“Topsoil” means the fertile, uppermost part of the soil containing significant organic matter largely devoid of debris and rocks and often disturbed in cultivation.

“Uncontaminated groundwater” means water that is potable for humans, meets the narrative water quality standards in subrule 567 [IAC 61.3\(2\)](#) ~~of the Iowa Administrative Code~~, contains no more than half the listed concentration of any pollutants in subrule 567 [IAC 61.3\(3\)](#) ~~of the IAC~~, has a pH of 6.5-9.0 and is located in soil or rock strata.

“Water(s) of the State” means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system and any other body or accumulation of water, surface or underground, natural or artificial, public or private which are contained within, flow through or border upon the State of Iowa or any portion thereof.

IOWA DEPARTMENT OF NATURAL RESOURCES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

GENERAL PERMIT NO. 3

EFFECTIVE DATES

MARCH 1, ~~2018~~2023 THROUGH FEBRUARY ~~28~~29, ~~2023~~2028

FOR

**STORM WATER DISCHARGE ASSOCIATED WITH
INDUSTRIAL ACTIVITY FOR ASPHALT PLANTS,
CONCRETE BATCH PLANTS, ROCK CRUSHING PLANTS,
AND CONSTRUCTION SAND AND GRAVEL FACILITIES**

NPDES GENERAL PERMIT NO. 3
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PART I. COVERAGE UNDER THIS PERMIT

A. PERMIT AREA

This permit covers all areas of the State of Iowa.

B. ELIGIBILITY

1. Except for storm water discharges identified under Part I.B.2., this permit may authorize the discharge of all new and existing storm water discharge associated with industrial activity from asphalt plants, concrete batch plants, rock crushing plants, and construction sand and gravel facilities (*defined in Part VIII of this permit*) that are composed entirely of storm water or storm water mixed with non-storm water listed in Part III.A [of this permit](#).
2. **LIMITATIONS ON COVERAGE** The following types of discharges associated with industrial activity from asphalt plants, concrete batch plants, rock crushing plants, and construction sand and gravel facilities are NOT authorized by this permit:
 - A. storm water discharge associated with industrial activity from asphalt plants, concrete batch plants, rock crushing plants, and construction sand and gravel facilities which are subject to an existing effluent guideline limitation for a discharge of storm water or a discharge which is a combination of storm water and process water;
 - B. storm water discharge associated with industrial activity from asphalt plants, concrete batch plants, rock crushing plants, and construction sand and gravel facilities with an existing NPDES individual permit for the storm water discharge or which are issued an individual permit in accordance with Part I.C. of this permit. Storm water discharge under an existing individual NPDES permit may be authorized by this permit after the existing [individual](#) permit expires;
 - C. storm water discharge associated with industrial activity from asphalt plants, concrete batch plants, rock crushing plants, and construction sand and gravel facilities that the Department has shown to be or may reasonably be expected to be contributing to a violation of a water quality standard;
 - D. dewatering operations at quarrying facilities, mining facilities, sand pits, and gravel pits;
 - E. storm water discharge associated with industrial activity from asphalt plants, concrete batch plants, rock crushing plants, and construction sand and gravel facilities which are subject to requirements to report releases into the environment under [Title III, Section 313 of the Superfund Amendments and Reauthorization Act \(SARA\)](#) Title III for chemicals which are classified as Section 313 water priority chemicals;
 - F. new or expanded storm water discharge associated with industrial activity that discharges to Outstanding Iowa Waters or to Outstanding National Resource Waters; [and](#)
 - G. discharges from vehicle washwaters.
3. Storm water discharges [associated](#) with industrial activity from asphalt plants, concrete batch plants, rock crushing plants, and construction sand and gravel facilities which are authorized by this permit may be combined with other sources of storm water which are not classified as associated with industrial activity pursuant to 40 CFR 122.26(b)(14).

C. REQUIRING AN INDIVIDUAL PERMIT

1. The Department may require any person authorized to discharge under this permit to apply for and obtain an individual NPDES permit. When the Department notifies a discharger to apply for an individual permit a deadline, not longer than one year, will be established for submitting the application. If a person fails to submit an individual NPDES permit application by the deadline established by the Department under this paragraph, the applicability of this general permit to the NPDES permittee is automatically terminated at the end of the day specified for application submittal.
2. Any owner or operator authorized to discharge by this permit may request to be excluded from coverage under this permit by applying for an individual permit. The application for an individual permit shall include [industrial](#)

[application](#) Form 1, ~~and~~ Form 2F, [and Form 5](#) and all applicable fees and shall be submitted to the Department in accordance with subrule 567 [IAC 64.3\(4\)](#) ~~of the Iowa Administrative Code~~.

3. When an individual NPDES permit is issued to an owner or operator, the applicability of this permit to the individual NPDES permittee is automatically terminated on the issuance date of the individual [NPDES](#) permit. When an individual NPDES permit is denied to an owner or operator for a discharge otherwise subject to this permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.

D. AUTHORIZATION

1. Discharges of storm water associated with industrial activity must submit a complete Notice of Intent (NOI) in accordance with the requirements of Part II of this permit to be authorized to discharge under this general permit.
2. Unless notified by the Department to the contrary, owners or operators who submit such notification are authorized to discharge storm water associated with industrial activity under the terms and conditions of this permit. Upon review of the NOI, the Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit.

PART II. NOTICE OF INTENT ([NOI](#)) REQUIREMENTS

A. DEADLINES FOR NOTIFICATION

Facilities which begin discharging storm water associated with industrial activity from asphalt plants, concrete batch plants, rock crushing plants and construction sand and gravel facilities after October 1, 2002 are not allowed to discharge storm water associated with industrial activity until an authorization has been issued for the facility by the Department.

B. FAILURE TO NOTIFY

Owners (or operators when owners do not operate the facility), who fail to notify the Department of their intent to be covered by this permit, and discharge pollutants to waters of the state without an NPDES permit, are in violation of the [CWA Clean Water Act](#) and the Code of Iowa.

C. CONTENTS OF ~~THE NOTICE OF INTENT~~ A NOI

A complete [Notice of Intent](#) ~~NOI~~ shall include the items described in Parts II.C.1., II.C.2., and II.C.3. of this permit.

1. A completed [Notice of Intent](#) ~~NOI~~ Form, DNR Form 542-1415, signed in accordance with Parts ~~VI.GH. and VI.I~~ of this permit. The information on the form shall include [all of](#) the following ~~information~~:
 - A. Name, address, and location of the facility for which this notification is submitted. [The location shall be provided as the 1/4 section \(NE, SE, SW, NW\), section, township, range and county where the storm water discharge is located;](#)
 - B. The 4-digit [Standard Industrial Classification \(SIC\)](#) code that best represents the principal products or activities provided by the facility;
 - C. The operator's name, address, telephone number, and status (federal, state, private, public or other entity); ~~The location should be provided as the 1/4 section (NE, SE, SW, NW), section, township, range and county in which the storm water discharge is lo~~
 - D. The type of discharge (new or existing); whether or not the discharge is to a municipal separate storm sewer system; the date the discharge is to commence; the permit status of the discharge; and, the name of the receiving water(s);
 - E. An indication of whether this facility has existing quantitative data describing the concentration of pollutants in storm water discharges available and a summary of available existing data. Existing data should not be included as part of the NOI, it should be retained as part of the [Storm Water](#) Pollution Prevention Plan ([SWPPP](#)); and

F. A certification that the terms and conditions of the general permit will be met.

2. **APPLICABLE FEES** The applicable fees specified in ~~Iowa Administrative Code 567 IAC 64.16(455B)~~.

3. **PUBLIC NOTIFICATION** When the permit is initially issued to a facility a demonstration that the public notice requirements in ~~Iowa Administrative Code 567 IAC 64.6(1)“c”(1)~~ was published at least one day in one newspaper with the largest circulation in the area in which the activity will occur. Any number of sites may be included in the public notice. When a facility is re-located to a site not included in the original notice, the public notice must be published at least one day in one newspaper with the largest circulation in the area in which the facility is to be located or where the activity will occur, unless notification for the new location was made previously as described earlier in this paragraph.

D. WHERE TO SUBMIT

Facilities which discharge storm water associated with industrial activity must submit items described in Part II.C.1, 2, and 3 of this permit to the Department [online at https://programs.iowadnr.gov/stormwater/pages/home.aspx](https://programs.iowadnr.gov/stormwater/pages/home.aspx) or by mail ~~at~~to the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E 9th St., Des Moines IA 50319-0034.

E. RENOTIFICATION

Prior to the expiration of an authorization issued under this general permit, the permittee is required to resubmit a ~~Notice of Intent~~NOI (no additional public notice is required) with the Department for coverage under the new general permit. If a new general permit has not been reissued prior to the expiration of the current permit, the provisions and coverage of the current permit are extended until replaced by the adoption of a new general permit.

F. NOTICE OF DISCONTINUATION (NOD)

1. A notice to discontinue the activity covered by this NPDES general permit must be made in writing to the Department within 30 days of the discontinuance of the discharge at a site location. A Notice of Discontinuation (NOD) is not required to be sent when the operation of a mobile facility has ceased at a location and the facility is to be moved to another site.

2. ~~The Notice of Discontinuation~~A NOD shall include the following information:

- A. the name of the owner/operator to which the permit was issued;
- B. the general permit number and permit authorization number;
- C. the site location;
- D. the date the discharge will be or has been discontinued, and,
- E. the following certification signed in accordance with Part VI.HG. of this permit:

I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time. I understand that by submitting this Notice of Discontinuation, that I am no longer authorized to discharge storm water at this site location, as established by Iowa Department of Natural Resources NPDES General Permit No. 3. Discharging pollutants to the waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit.

3. When a portable facility is re-located to a new site, ~~a notice of discontinuation~~ a NOD is required to close the site before relocating to a new location.

G. RELOCATION

When a facility is moved to another site while still covered by ~~a storm water~~this general permit, the Department must be notified in writing at least 24 hours prior to being moved. The notification shall include all information in Part II.C.1.A. through Part II.C.1.G. of this permit, the complete permit authorization number and a proof of public notice as required in Part II.C.3. of this permit if ~~it has a notice~~ not already been received by the Department.

PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

A. PROHIBITION ON NON-STORM WATER DISCHARGES

All discharges covered by this permit shall be composed entirely of storm water except as follows: discharges from firefighting activities, fire hydrant flushings, potable water sources including waterline flushings, uncontaminated groundwater, foundation or footing drains where flows are not contaminated with process materials such as solvents, springs, riparian habitats, wetlands, irrigation water, exterior building washdown, pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred and where detergents are not used, and air conditioning condensate, that are combined with storm water discharges associated with industrial activity may be authorized by this permit provided the non-storm water component of the discharge is in compliance with Part III.C.4.G [of this permit](#).

B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES

Any owner or operator identified in the ~~SWPPP~~[pollution prevention plan](#) is subject to the spill notification requirements as specified in [Iowa Code section 455B.386](#) ~~of the Iowa Code~~. Iowa law requires that as soon as possible but not more than six hours after the onset of a hazardous condition¹ the Department and local sheriff's office or the office of the sheriff of the affected county be notified.

The ~~storm water pollution prevention plan~~[SWPPP](#) described in Part III.C. of this permit must be modified within 7 calendar days of knowledge of the release to provide a description of the release and the circumstances leading to the release and to identify and provide for the implementation of steps to prevent the reoccurrence of such releases and to respond to such releases.

C. STORM WATER POLLUTION PREVENTION PLANS (SWPPP)

A ~~SWPPP~~[storm water pollution prevention plan](#) shall be developed for each facility covered by this permit. ~~Storm water pollution prevention plans~~[SWPPPs](#) shall be prepared in accordance with good engineering practices. The ~~plan~~[SWPPP](#) shall identify potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges associated with industrial activity from the facility. The ~~plan~~[SWPPP](#) shall describe and ensure the implementation of practices which will be used to reduce pollutants in storm water discharges associated with industrial activity at the facility and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the ~~storm water pollution prevention plan~~[SWPPP](#) required under this part as a condition of this permit.

1. DEADLINES FOR SWPPP PLAN PREPARATION AND COMPLIANCE Preparation of and compliance with the ~~pollution prevention plan~~[SWPPP](#) shall be as follows:

- A. The ~~pollution prevention plan~~[SWPPP](#) shall be completed before ~~the a NOI~~[Notice of Intent](#) is submitted to the Department. Full implementation of the ~~SWPPP~~[pollution prevention plan](#) will be executed concurrently with operations at the facility. In the case of a new facility, with the start of operations at the facility.
- B. The update of the ~~SWPPP~~[pollution prevention plan](#) for portable facilities relocating to a new site in accordance with [Part III.C.3.B.](#) of this permit must be completed before the updated [Notice of Intent](#)~~NOI~~ is submitted to the Department. Full implementation of the ~~pollution prevention plan~~[SWPPP](#) must be in accordance with Part III.C.4. of this permit.

2. SIGNATURE AND SWPPP REVIEW

- A. The ~~SWPPP~~[pollution prevention plan](#) shall be signed in accordance with Part VI.[GH. of this permit](#) ~~(Iowa Administrative Code 567-64.3(8))~~, and shall be retained on site in accordance with Part V.E. of this permit.
- B. The owner or operator of a staffed facility with a storm water discharge covered by this permit shall make ~~SWPPP~~[plans](#) available within three hours of being requested by the Department, or in the case of a storm

¹ see Definitions, Part VIII

water discharge associated with industrial activity which discharges through a municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system. For an unstaffed facility, the owner or operator shall provide SWPPP plans by the end of the business day following the request by the Department or the municipal operator of the municipal separate storm sewer system with an NPDES permit.

- C. The Department may review the SWPPP plan at any time and may notify the permittee that the SWPPP plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the SWPPP plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 30 days after such notification to make the necessary changes.

3. SWPPP POLLUTION PREVENTION PLAN AMENDMENTS

- A. The permittee shall amend the SWPPP plan whenever there is a change in design, construction, operation, or maintenance, which has a significant effect on the potential for the discharge of pollutants to waters of the U.S. or if the SWPPP storm water pollution prevention plan proves to be ineffective in achieving the general objectives of controlling pollutants in storm water discharges associated with industrial activity. Amendments to the SWPPP plan may be reviewed by the Department in the same manner as Part III.C.2. above.
- B. Portable facilities relocating to a new site must amend the SWPPP plan to reflect any necessary changes resulting from the relocation. Amendments to the SWPPP plan may be reviewed by the Department in the same manner as Part III.C.2. above.

4. CONTENTS OF THE SWPPP The SWPPP plan shall include, at a minimum, the following items:

- A. **DESCRIPTION OF POTENTIAL POLLUTANT SOURCES** Each SWPPP plan shall provide a description of potential sources which may reasonably be expected to add significant amounts of pollutants to storm water discharges or which may result in the discharge of pollutants during dry weather from separate storm sewers draining the facility. Each SWPPP plan shall identify all activities and significant materials which may potentially be significant pollutant sources. Each SWPPP plan shall include, at a minimum:
- A.(1). A site map showing an outline of the drainage area of each storm water outfall; each existing structural control measure to reduce pollutants in storm water runoff; and each surface water body;
- A.(2). A narrative description of:
- A.(2).(a). known significant materials that have been treated, stored or disposed, in a manner to allow exposure to storm water, during the three years prior to the discharge authorization date of this permit and for the duration of this permit;
- A.(2).(b). the method of on-site storage or disposal;
- A.(2).(c). materials management practices employed to minimize contact of these materials with storm water runoff;
- A.(2).(d). materials loading and access areas;
- A.(2).(e). the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and
- A.(2).(f). a description of any treatment the storm water receives;
- A.(3). A list of releases which prompted the existence of a hazardous condition (as defined in Part VIII of this permit) that occurred at the facility after the effective date of this permit;
- A.(4). For each area of the site that generates storm water associated with industrial activity with a reasonable potential for containing significant amounts of pollutants, a prediction of the direction of flow, and an estimate of the types of pollutants which are likely to be present in storm water discharges; and,
- A.(5). A summary of existing sampling data describing pollutants in storm water discharges.
- B. **STORM WATER MANAGEMENT CONTROLS** Each facility covered by this permit shall develop a description of storm water management controls appropriate to the facility, and, implement such controls. The appropriateness and priorities of controls in the SWPPP plan shall reflect identified potential sources of pollutants at the

facility. The description of storm water management controls shall address the following minimum components, ~~and include including~~ a schedule for implementing such controls:

- B.(1).** **RESPONSIBLE PERSON** The ~~SWPPPplan~~ shall identify a specific individual or individuals within the organization responsible for developing the ~~SWPPP storm water pollution prevention plan~~ and assisting in its implementation, maintenance, and revision.
- B.(2).** **RISK IDENTIFICATION AND ASSESSMENT/MATERIAL INVENTORY** The ~~SWPPPstorm water pollution prevention plan~~ shall assess the potential of various sources at the site to contribute pollutants to storm water discharges associated with industrial activity. The ~~SWPPPplan~~ shall include an inventory of the types of materials handled. Each of the following shall be evaluated for the reasonable potential for contributing pollutants to runoff:
- B.(2).(a).** loading and unloading operations;
 - B.(2).(b).** outdoor storage activities;
 - B.(2).(c).** outdoor manufacturing or processing activities;
 - B.(2).(d).** dust or particulate generating processes; and
 - B.(2).(e).** on-site waste disposal practices.
- Factors to consider include the toxicity of chemicals, quantity of chemicals used, produced, or discharged; the likelihood of contact with storm water; and history of hazardous condition reporting.
- B.(3).** **PREVENTIVE MAINTENANCE** The ~~SWPPPplan~~ shall describe a preventive maintenance program that involves inspection and maintenance of storm water management devices (e.g. cleaning oil/water separators, catch basins) as well as inspecting and testing plant equipment and systems to uncover conditions that could cause breakdowns or failures resulting in discharges of pollutants to surface waters.
- B.(4).** **GOOD HOUSEKEEPING** Good housekeeping requires the maintenance of a clean, orderly facility.
- B.(5).** **SPILL PREVENTION AND RESPONSE PROCEDURES** Areas where potential spills can occur, and their accompanying drainage points shall be identified clearly in the ~~SWPPPstorm water pollution prevention plan~~. ~~Where~~When appropriate, material handling procedures and storage requirements should be considered in the ~~plan~~SWPPP. Procedures for cleaning up spills shall be identified in the ~~SWPPPplan~~ and made available to the appropriate personnel. The necessary equipment to implement a clean up shall be available to personnel.
- B.(6).** **STORM WATER MANAGEMENT** The ~~SWPPPplan~~ shall contain a narrative consideration of the appropriateness of traditional storm water management practices (practices other than those which control the source of pollutants). ~~This narrative shall be b~~ased on an assessment of the potential of various sources at the site to contribute pollutants to storm water discharges associated with industrial activity (see Part III.C.4.B.(2). of this permit), the ~~SWPPPplan~~ shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained.
- B.(7).** **SEDIMENT AND EROSION PREVENTION** The ~~SWPPPplan~~ shall identify areas which, due to topography, activities, or other factors, have a high potential for significant soil erosion, and identify measures to limit erosion.
- B.(8).** **EMPLOYEE TRAINING** Employee training programs shall inform personnel at all levels of responsibility of the components and goals of the ~~SWPPPstorm water pollution prevention plan~~. Training should address topics such as spill response, good housekeeping and material management practices. ~~TheA SWPPPpollution prevention plan~~ shall identify periodic dates for such training.
- B.(9).** **RECORD KEEPING AND INTERNAL REPORTING PROCEDURES** Incidents such as spills, or other discharges, along with other information describing the quality and quantity of storm water discharges shall be included in the records. Inspection and maintenance activities shall be documented and recorded.
- B.(10).** **NON-STORM WATER DISCHARGES** The ~~SWPPPplan~~ shall include a certification that the discharge has been tested or evaluated for the presence of non-storm water discharges. The certification shall include a description of the results of any test for the presence of non-storm water discharges, the method used, the date of any testing, and the on-site drainage points that were directly observed during the test. This certification may not be feasible if the facility operating the storm water

discharge does not have access to an outfall, manhole, or other point of access to the ultimate conduit which receives the discharge. In such cases, the source identification section of the SWPPP storm water pollution plan shall indicate why the certification required by this part was not feasible. A discharger that is unable to provide the certification required by this paragraph must notify in accordance with Part V.A. of this permit.

- C. **VISUAL INSPECTION** Qualified personnel shall inspect designated equipment and plant area at appropriate intervals specified in the SWPPP plan, in no case less than once per year, but, except as provided in Part paragraphs III.C.4.c.(4). and (5) of this permit, in no case less than once a year;
- C(1).** Material handling areas and other potential sources of pollution identified in the SWPPP plan in accordance with paragraph III.C.4.A. of this permit shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Structural storm water management measures, sediment and erosion control measures, and other structural pollution prevention measures identified in the plan-SWPPP shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the SWPPP plan, such as spill response equipment, shall be made.
- C(2).** Based on the results of the inspection, the description of potential pollutant sources identified in the plan in accordance with paragraph III.C.4.A. of this permit and the pollution prevention measures identified in the SWPPP plan shall be revised as appropriate within two weeks of the such inspection. The revised pollution prevention measures shall be fully implemented within twelve weeks of the inspection, and shall provide for implementation of any changes to the plan made in accordance with the plan in a timely manner, but in no case less than twelve weeks from the inspection.
- C(3).** A report shall be made and retained as part of the SWPPP for at least three years. The report shall be signed in accordance with Part VI.H. of this permit. The report shall contain the following: a summary of summarizing the scope of the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of SWPPP the storm water pollution prevention plan, and actions taken in accordance with Part paragraph III.C.4.c.(2). of this the permit. shall be made and retained as part of the storm water pollution prevention plan for at least three years. The report shall be signed in accordance with Part VI.G. of this permit.
- C(4).** Where When the annual site inspections are shown in the SWPPP are plan to be impractical because for sites where an employee is not stationed on site or does not routinely visit the site, then site inspections required under this part shall occur at least be conducted at appropriate intervals specified in the plan, but, in no case less than once every in three years.
- C(5).** After a site becomes inactive, At at least one site inspection required under this part shall occur be conducted prior to the date two years after such site becomes inactive within two years.
- D. **SPECIAL REQUIREMENTS FOR STORM WATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY THROUGH MUNICIPAL SEPARATE STORM SEWER SYSTEMS** Facilities covered by this permit must comply with applicable requirements in municipal storm water management programs developed under NPDES permits issued for the discharge from the municipal separate storm sewer system that receives the facility's discharge. provided the discharger has been notified of such conditions.
- E. **CONSISTENCY WITH OTHER PLANS** Storm water management programs may reflect requirements for incorporate by reference Spill Prevention Control and Countermeasure (SPCC) plans drafted pursuant to under section 311 of the CWA or Best Management Practices (BMP) Programs otherwise required by an another NPDES permit and may incorporate any part of such plans into the storm water pollution prevention plan SWPPP by reference.
- F. **SALT STORAGE** Storage piles of salt Salt storage piles at a site that falls under the definition of storm water discharge associated with industrial activity where the salt piles that are used for deicing or other commercial or industrial purposes shall be enclosed or covered to prevent exposure to precipitation.

- G. NON-STORM WATER DISCHARGES** ~~Except for flows from firefighting activities, s~~ Sources of non-storm water listed in Part III.A.2. of this permit that are combined with storm water discharges associated with industrial activity must be identified in the ~~SWPPP plan~~. ~~Flows from firefighting activities are exempt from this requirement.~~ The ~~SWPPP plan~~ shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
5. All ~~SWPPP storm water pollution prevention plans~~ received by the Department from the permittee are considered reports that shall be available to the public under Section 308(b) of the CWA and Iowa Code Chapter 22 of the Code of Iowa. However, the permittee may claim any portion of a SWPPP storm water pollution plan as confidential in accordance with Iowa Code Chapter 22 of the Code of Iowa and Iowa Administrative Code 561 IAC 2.5.
6. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

PART IV. NUMERIC EFFLUENT LIMITATIONS

COAL PILE RUNOFF Any storm water composed in part or in whole of coal pile runoff shall not exceed a maximum concentration at any time of 50.0 milligrams per liter (mg/l) of total suspended solids. The pH of these discharges shall be within the range of 6.0-9.0. Any untreated overflow from facilities designed, constructed and operated to treat the volume of coal pile runoff which is associated with a 10 year, 24 hour rainfall event shall not be subject to the limitations of this part.

PART V. MONITORING AND REPORTING REQUIREMENTS

A. FAILURE TO CERTIFY

Any facility that is unable to provide the certification required under Part III.C.4.(B).(10). of this permit (testing for non-storm water discharges) within 180 days of the discharge authorization date must prepare a written description that includes all of the following:

1. the procedures used in any test conducted for the presence of non-storm water discharges;
2. the results of the test or other relevant observations;
3. potential sources of non-storm water discharges to the storm sewer; and
4. why adequate tests for such storm sewers were not feasible.

This "failure to certify" description must be kept on-site and be made available to the Department upon request.

B. MONITORING REQUIREMENTS

The following monitoring requirements are delineated for specific facilities that fall under the definition of storm water discharge associated with industrial activity from asphalt plants, concrete batch plants, rock crushing plants, and construction sand and gravel facilities.

1. **ASPHALT PLANTS AND ROCK CRUSHING PLANTS** During the period beginning on the effective date and lasting through the expiration date of this permit, facilities with storm water discharge associated with industrial activity from asphalt plants and rock crushing plants are subject to the following monitoring requirements:

A. PARAMETERS The parameters to be measured include all of the following:

- total suspended solids (TSS) (mg/L);
- any pollutant limited in an effluent guideline to which the facility is subject;
- the date and duration (in hours) of the storm event(s) sampled;
- rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;

- the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
- an estimate of the total volume (in gallons) of the discharge sampled ~~shall be provided~~.

B. FREQUENCY OF MONITORING Sampling shall be conducted at least annually (1 time per year) for each facility except as provided by ~~paragraph Part~~ V.B.4. [of this permit.](#)

C. SAMPLE TYPE A minimum of one grab sample shall be taken. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the site. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or non-process water, then where practicable, permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.

2. CONCRETE BATCH PLANTS During the period beginning on the effective date and lasting through the expiration date of this permit, facilities with storm water discharge associated with industrial activity from concrete batch plants are subject to the following monitoring requirements:

A. PARAMETERS The parameters to be measured include [all of the following](#):

- total suspended solids (TSS) (mg/L);
- pH;
- any pollutant limited in an effluent guideline to which the facility is subject;
- the date and duration (in hours) of the storm event(s) sampled;
- rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
- the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
- an estimate of the total volume (in gallons) of the discharge sampled ~~shall be provided~~.

B. FREQUENCY OF MONITORING Sampling shall be conducted at least annually (1 time per year) for each facility except as provided by ~~paragraph Part~~ V.B.4. [of this permit.](#)

C. SAMPLE TYPE A minimum of one grab sample shall be taken. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the site. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or non-process water, then where practicable, permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.

3. **CONSTRUCTION SAND AND GRAVEL FACILITIES** During the period beginning on the effective date and lasting through the expiration date of this permit, facilities with storm water discharge associated with industrial activity from construction sand and gravel are subject to the following monitoring requirements:
- A. **PARAMETERS** The parameters to be measured include [all of the following](#):
- total suspended solids (TSS) (mg/L);
 - nitrate plus nitrite nitrogen (mg/L);
 - any pollutant limited in an effluent guideline to which the facility is subject;
 - the date and duration (in hours) of the storm event(s) sampled;
 - rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff;
 - the duration between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and
 - an estimate of the total volume (in gallons) of the discharge sampled ~~shall be provided~~.
- B. **FREQUENCY OF MONITORING** Sampling shall be conducted at least annually (1 time per year) for each facility except as provided by ~~Part~~[paragraph](#) V.B.4 [of this permit](#).
- C. **SAMPLE TYPE** A minimum of one grab sample shall be taken. All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. The required 72-hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge from the site. The required 72-hour storm event interval may also be waived where the permittee documents that less than a 72-hour interval is representative for local storm events during the season when sampling is being conducted. The grab sample shall be taken during the first 30 minutes of the discharge. If the collection of a grab sample during the first 30 minutes is impracticable, a grab sample can be taken during the first hour of discharge, and the discharger shall submit with the monitoring report a description of why a grab sample during the first 30 minutes was impracticable. If storm water discharges associated with industrial activity commingle with process or non-process water, then where practicable, permittees must attempt to sample the storm water discharge before it mixes with the non-storm water discharge.
4. **SAMPLING WAIVER** When a discharger is unable to collect samples due to adverse climatic conditions, the discharger must explain, in writing, why samples could not be collected, including available documentation of the event, and retain a copy of the explanation in accordance with Part V.D of this permit. Adverse climatic conditions which may prohibit the collection of samples include weather that creates dangerous conditions for personnel (~~e.g., such as~~ local flooding, high winds, tornadoes, or electrical storms, ~~etc.~~) or otherwise make the collection of a sample impracticable (~~e.g., drought or~~ extended frozen conditions, ~~etc.~~).
5. **REPRESENTATIVE DISCHARGE** When a facility has two or more outfalls that, based on a consideration of features and activities within the area drained by the outfall, the permittee reasonably believes discharge substantially identical effluents, the permittee may test the effluent of one of such outfalls and report that the quantitative data also applies to the substantially identical outfall(s). In addition, for each outfall that the permittee believes is representative, an estimate of the size of the drainage area (in square feet) and an estimate of the runoff coefficient of the drainage area (e.g. low (under 40%), medium (40% to 65%) or high (above 65%)) shall be provided.
- D. **NONCOMPLIANCE REPORTING**
Permittees that are not required to monitor must report all incidences of non-compliance to the Department at least annually.
- E. **REPORTING**

1. Permittees which are subject to the monitoring requirement of Part IV ~~NUMERIC EFFLUENT LIMITATIONS~~of this ~~permit~~ are required to submit signed copies of discharge monitoring results on Discharge Monitoring Report Forms(s) within 30 days after the sampling occurred.
2. Except as provided in ~~Part paragraph D.1E.1.~~ of this ~~permit~~Part, permittees are not required to submit monitoring results. However, such permittees must retain monitoring results ~~and submit such results to the Department upon request,~~ in accordance with Part V.F. of this permit.~~E. and these results must be available to the Department upon request.~~
3. **ADDITIONAL NOTIFICATION** Facilities with at least one storm water discharge associated with industrial activity through a large or medium municipal separate storm sewer system (systems serving a population of 100,000 or more) must submit signed copies of discharge monitoring reports or results to the operator of the municipal separate storm sewer system upon request.

F. **RETENTION OF RECORDS**

1. ~~For the duration of the permit or for a period of at least three years from the date of the document, t~~The permittee shall retain a copy of the ~~SWPPPstorm water pollution prevention plan,~~ records of all monitoring information, copies of all reports required by this permit, and records of all data used to complete the ~~NOI. Notice of Intent to be covered by this permit for the duration of the permit or for a period of at least three years from the date of the measurement, report, inspection, etc.~~
2. Permittees must submit monitoring results to the Department upon ~~the request of the Department,~~ and submit a summary of monitoring results as part of ~~the~~ renotification requirements in ~~accordance with~~ Part II.~~EF. of this permit.~~

G. **ADDRESSES**

All written correspondence to the Department ~~should~~shall be ~~emailed to npdes.mail@dnr.iowa.gov or mailed sent~~ to the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E. 9th St., Des Moines, IA 50319-0034.

PART VI. STANDARD PERMIT CONDITIONS

A. **ADMINISTRATIVE RULES**

~~Rules of the Department that govern the operation of a facility in connection with this permit are published in volumes 561 and 567 of the IAC. Reference to the term "rule" in this permit means the designated provision of volume 561 or 567.~~

B. **DUTY TO COMPLY**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the ~~Iowa Code of Iowa~~ and the ~~Clean Water Act~~CWA and is grounds for enforcement action; for termination of coverage under this general permit; or for denial of a request for coverage under a reissued general permit. ~~Coverage under this general permit does not relieve the permittee of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements.~~

1. **TOXIC POLLUTANTS** The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the ~~Clean Water Act~~CWA for toxic pollutants, within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.
2. **PENALTIES FOR VIOLATIONS OF PERMIT CONDITIONS** Section 309 of the CWA provides significant penalties for any person who violates a permit condition implementing sections 301, 302, 306, 307, 308, 318, or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402. Any person who violates any ~~permit~~ condition of this permit is subject to a civil penalty ~~not to exceed \$25,000 per day of such violation, as well as any~~and other appropriate sanctions ~~as~~ provided by section 309 of the CWA.

C. CONTINUATION OF THE EXPIRED GENERAL PERMIT

This permit expires on February ~~2829, 2023~~2028. However, an expired general permit shall continue in effect until replaced by adoption of a new general permit.

D. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

E. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

F. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

G. OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts, or submitted incorrect information in the [Notice of Intent/NOI](#) or in any other report to the Department, he or she shall promptly submit such facts or information.

H. SIGNATORY REQUIREMENTS

All [Notices of Intent, NOIs, NODs, SWPPPs-storm water pollution prevention plans](#), reports, certifications, or information either submitted to the Department or the operator of a large or medium municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed in accordance with subrule 567 [IAC](#) 64.3(8) ~~of the Iowa Administrative Code~~ as follows:

64.3(8) *Identity of signatories of operation permit applications.* The person who signs the application for an operation permit shall be:

- a. *Corporations.* In the case of corporations, a responsible corporate officer. A responsible corporate officer means: (1) A president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy or decision-making functions; or (2) The manager of manufacturing, production, or operating facilities. If authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. *Partnerships.* In the case of a partnership, a general partner.
- c. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
- d. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes: (1) The chief executive officer of the agency, or (2) A senior executive officer having responsibility for the overall operations of a unit of the agency.
- e. *Storm water discharge associated with industrial activity from construction activities.* In the case of a storm water discharge associated with construction activity, either the owner of the site or the general contractor.

The person who signs NPDES reports shall be the same, except that in the case of a corporation or a public body, monitoring reports required under the terms of the permit may be submitted by the person who is responsible for the overall operation of the facility from which the discharge originated.

I. CERTIFICATION

Any person signing documents required by this permit shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for known violations.

J. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the [Clean Water Act](#) CWA.

K. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

L. SEVERABILITY

~~The provisions of this permit are severable. If any provision of this permit is found to be invalid by this Department or a court of law, such a determination shall not affect validity or enforceability of any other permit term or part. Additionally, if the application of any provision to a particular circumstance is found to be invalid by the Department or a court of law, such a determination shall not affect the validity or enforceability of said provision to other circumstances. The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.~~

M. TRANSFERS

This permit is not transferable to any person except after notice to the Department. The Department may require the operator to apply for and obtain an individual NPDES permit as stated in [paragraph Part I.C. of this permit](#).

N. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of ~~SWPPS storm water pollution prevention plans. Adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of the permit.~~

O. MONITORING AND RECORDS

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. Analyses must be performed by a laboratory certified in Iowa to perform such analyses in conformance with [567 IAC Chapter 83.1.A.C](#)
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit for the duration of this permit or three years after the measurement, whichever is later.
3. **RECORDS CONTENTS** Records of monitoring information shall include [all of the following](#):
 - A. The date, exact place, and time of sampling or measurements;
 - B. The initials or name(s) of the individual(s) who performed the sampling or measurements;

- C. The date(s) analyses were performed;
 - D. The time(s) analyses were initiated;
 - E. The initials or name(s) of the individual(s) who performed the analyses;
 - F. References and written procedures, when available, for the analytical techniques or methods used; and
 - G. The results of the analyses, including, but not limited to, the bench sheets, instrument readouts, computer disks or tapes, ~~etc.~~, used to determine these results.
4. Monitoring must be conducted according to test procedures specified in ~~Iowa Administrative Code 567 IAC~~ Chapter 63 unless other test procedures have been specified in this permit.
5. ~~The Section 309 of the CWA~~Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 2 years per violation, or by both.

P. BYPASS OF TREATMENT FACILITIES

1. PROHIBITION OF BYPASS

- A.** Bypasses are prohibited. The Department may not assess a civil penalty against a permittee for a bypass if the permittee has complied with all of the following:
- (1). The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2). There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3). The permittee submitted notices as required under paragraph P.2.A.(2). of this section.
- B.** The Department may approve an anticipated bypass after considering its adverse effects, if the Department determines that it will meet the three conditions listed above and a request for bypass has been submitted to the appropriate regional field office of the Department at least ten days prior to the expected event.

2. NOTICE OF BYPASS

- A. ANTICIPATED BYPASS** Except for bypasses that occur as a result of mechanical failure or acts beyond the control of the owner or operator (unanticipated bypasses), the permittee shall obtain written permission from the Department prior to any discharge not authorized this permit. The Department may approve an anticipated bypass after considering its adverse effects if the Department determines that it will meet the conditions in 567 IAC 63.6(1).
- (1). The request for a bypass shall be submitted to the appropriate regional field office of the Department at least ten days prior to the expected date of the event.
 - (2). The request shall be submitted in writing and shall include the reason for the bypass, the date and time the bypass will begin, the expected duration of the bypass, an estimate of the amount of untreated or partially treated sewage or wastewater that will be discharged; the location of the bypass, the name of any body of surface water that will be affected by the bypass; and any actions the owner or operator proposes to take to mitigate the effects of the bypass upon the receiving stream or other surface water.
- B. UNANTICIPATED BYPASS** In the event that a bypass or upset occurs without prior notice having been provided or as a result of mechanical failure or acts beyond the control of the owner or operator, the permittee shall notify the Department by telephone as soon as possible but not later than 24 hours after the onset or discovery.
- (1). Notification shall be made by contacting the appropriate field office. Notification shall include information on as many items listed in paragraph P.2.A.(2). of this section as available information will allow. When the Department has been notified of an unanticipated bypass, the Department shall determine if a public notice is necessary. If the Department determines that public notification is necessary, the owner or operator of the treatment facility or the collection system shall prepare a

public notice.

(2). A written submission describing the bypass shall also be provided within five days of the time the permittee becomes aware of the bypass. The written submission shall contain the reason for the bypass, including the amount and duration of any rainfall event that may have contributed to the bypass, the date and time of onset or discovery of the bypass, the duration of the bypass, an estimate of the amount of wastewater that was discharged, the location of the bypass; and the name of any body of surface water that was affected by the bypass.

1. NOTICE

- ~~A. **ANTICIPATED BYPASS** If the permittee knows in advance of the need for a bypass, he or she shall submit prior notice, if possible, at least ten days before the date of the bypass; including an evaluation of the anticipated quality and effect of the bypass.~~
- ~~B. **UNANTICIPATED BYPASS** The permittee shall submit notice of an unanticipated bypass. Any information regarding the unanticipated bypass shall be provided orally within 24 hours from the time the permittee became aware of the circumstances. A written submission shall also be provided within 5 days of the time the permittee becomes aware of the circumstances. The written submission shall contain a description of the bypass and its cause; the period of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.~~

2. PROHIBITION OF BYPASS

- ~~A. A bypass is prohibited and the Department may take enforcement action against a permittee for a bypass unless:~~
- ~~(1) The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;~~
 - ~~(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment down time. This condition is not satisfied if the permittee should, in the exercise of reasonable engineering judgment, have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and~~
 - ~~(3) The permittee submitted notices as required under paragraph VI.O.1. of this section.~~
- ~~B. The Department may approve an anticipated bypass after considering its adverse effects, if the Department determines that it will meet the three conditions listed in paragraph VI.O.2.a. of this section.~~

Q. UPSET CONDITIONS

1. An upset constitutes an affirmative defense to an action brought for noncompliance with technology-based permit limitations if the requirements of paragraph 2 below are met.
2. A permittee who wishes to establish the affirmative defense of an upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence, that:
 - A. An upset occurred and that the permittee can identify the specific cause(s) of the upset;
 - B. The permitted facility was at the time being properly operated;
 - C. The permittee submitted notice of the upset to the Department; and,
 - D. The permittee complied with any remedial measures required under Part III.C. of this permit.
3. In any enforcement proceeding the permittee seeking to establish the occurrence of an upset has the burden of proof.

R. INSPECTION AND ENTRY

The permittee shall allow the Department or an authorized representative of EPA, the State, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. ~~Have~~[Provide](#) access to and copy at reasonable times, any records that must be kept under the conditions of this permit; and
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); ~~and~~
4. [Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the CWA.](#)

S. PERMIT ACTIONS

Coverage under this permit may be terminated for cause. The filing of a request by the permittee for a permit discontinuance, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

PART VII. REOPENER CLAUSE

If there is evidence indicating potential or realized impacts on water quality due to any storm water discharge associated with industrial activity covered by this permit, the permittee may be required to obtain an individual permit in accordance with Part I.C. of this permit.

PART VIII. DEFINITIONS

“Asphalt plant” means a facility, portable or stationary, which is primarily engaged in manufacturing asphalt paving mixtures and which is classified under Standard Industrial Classification 2951.

“Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“Bypass” means [the diversion of waste streams from any portion of a treatment facility or collection system. A bypass does not include internal operational waste stream diversions that are part of the design of the treatment facility, maintenance diversions where redundancy is provided, diversions of wastewater from one point in a collection system to another point in a collection system, or wastewater backups into buildings that are caused in the building lateral or private sewer line.](#) ~~the intentional diversion of waste streams from any portion of a treatment facility.~~

“Coal pile runoff” means the rainfall runoff from or through any coal storage pile.

“Concrete batch plant” means a facility, portable or stationary, which is primarily engaged in manufacturing portland cement concrete delivered to a purchaser in a plastic and unhardened state and which is classified under Standard Industrial Classification 3273.

“Construction sand and gravel facility” means a facility which is primarily engaged in operating a sand or gravel pit and dredge and in washing, screening, or otherwise preparing sand and gravel for construction uses and which is classified under Standard Industrial Classification 1442.

“CFR” means [the Code of Federal Regulations.](#)

“CWA” or “Clean Water Act” means the Federal Water Pollution Control Act.

“Department” means the Iowa Department of Natural Resources.

“Discharge authorization date” refers to October 1, 1992 for storm water discharges associated with industrial activity with requirements to apply on or before October 1, 1992. For all other storm water discharges, the discharge authorization date will be the date that the discharge will begin or the date in which all the requirements of Part II.C. [of this permit](#) have been met, whichever is later.

“Flow-weighted composite sample” means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

“Hazardous condition” means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance on to the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. [See Iowa Code § 455B.381\(4\)](#) ~~2015, Code of Iowa~~

“Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons, radioactive materials; sludges; and organic solvents. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United State Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act. [See Iowa Code § 455B.381\(5\)](#), ~~2015 Code of Iowa~~

“IAC” means the [Iowa Administrative Code](#).

“Landfill” means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.

“Land application unit” means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.

“Municipality” means a city, town, borough, county, parish, district, association, or other public body created by or under State law.

“NOD” means [Notice of Discontinuation \(see Part II.F. of this permit.\)](#)

“NOI” means Notice of Intent to be covered by this permit (see Part II of this permit.)

“Outstanding Iowa Waters” means those waters which constitute an outstanding state resource such as waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Outstanding National Resource Waters” means those waters which constitute an outstanding national resource such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Qualified personnel” means those individuals capable enough and knowledgeable enough to perform the required functions adequately well to ensure compliance with the relevant permit conditions and requirements of the Iowa Administrative Code.

“Rock crushing plant” means a facility, portable or stationary, which is primarily engaged in the crushing, grinding, pulverizing, sizing, or screening of limestone or granite and which is classified under Standard Industrial Classifications (SIC) 1422 or 1423.

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“SARA” means the Superfund Amendments and Reauthorization Act of 1986, also titled the Emergency Planning and Community Right-to-Know Act of 1986.

“Section 313 water priority chemical” means a chemical or chemical categories which are:

- 1) Listed at 40 CFR Section 372.65 pursuant to SARA Title III, Section 313 of Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, also titled the Emergency Planning and Community Right to Know Act of 1986;
- 2) Present at or above threshold levels at a facility subject to SARA Title III, Section 313 reporting requirements; and
- 3) Meet at least one of the following criteria:
 - (i) are listed in Appendix D of 40 CFR Part 122 on either Table II (organic priority pollutants), Table III (certain metals, cyanides, and phenols) or Table V (certain toxic pollutants and hazardous substances);
 - (ii) are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR Section 116.4; or
 - (iii) are pollutants for which EPA has published acute or chronic water quality criteria.

“Severe Property Damage” means substantial physical damage to property, damage to treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

“Staffed facility” means a facility at which one or more employees of the permittee are currently located.

“Storm Water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm water discharge associated with industrial activity” means the discharge from any conveyance that which is used for collecting and conveying storm water and that which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. For the categories of industries identified in paragraphs (i) through (x) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and final finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water.

For the purposes of this definition, categories of industries identified in paragraph (xi) of this definition, the term includes only storm water discharges from all the areas (except access roads and rail lines) that are listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final finished product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant’s industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained

from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in these paragraphs (i) to (xi) of ~~this~~the definition) include those facilities designated under 40 CFR Section 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in “industrial activity” for purposes of this definition:

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under ~~category paragraph~~ (xi) of this definition);
- (ii) Facilities classified within Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR Sections 122.27(b)(2)-(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities) as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR Section 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA);
- (v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definitions subsection) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including, but not limited to, those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i) to (vii) or (ix) to (xi) of this definition are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with ~~40 CFR 503~~section 405 of the CWA;
- (x) Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than one acre of total land area. Construction activity also includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger

~~common plan will ultimately disturb one acre or more; which are not part of a larger common plan of development or sale;~~

- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, and 4221-4225, ~~and which are not otherwise included within categories (ii)-(x);~~

“Storm water discharge associated with industrial activity from asphalt plants, concrete batch plants, rock crushing plants, and construction sand and gravel facilities” means storm water discharge associated with industrial activity from facilities primarily engaged in manufacturing asphalt paving mixtures and which are classified under Standard Industrial Classification 2951, primarily engaged in manufacturing portland cement concrete delivered to a purchaser in a plastic and unhardened state and which is classified under Standard Industrial Classification 3273 and those facilities which are classified under Standard Industrial Classifications 1422 or 1423 which are primarily engaged in the crushing, grinding, pulverizing, sizing, or screening of limestone or granite and facilities primarily engaged in operating sand or gravel pits and dredges and in washing, screening, or otherwise preparing sand and gravel for construction purposes and which are classified under Standard Industrial Classification 1442.

“SWPPP” means storm water pollution prevention plan.

“Time-weighted composite” means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

“10-year, 24-hour precipitation event” means the maximum 24-hour precipitation event with a probable reoccurrence interval of once in 10 years. This information is available in “Weather Bureau Technical Paper No. 40,” May 1961 and may be obtained from the National Climatic Center of the Environmental Data Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

“Uncontaminated groundwater” means water that is potable for humans, meets the narrative water quality standards in subrule 567 IAC 61.3(2) ~~of the Iowa Administrative Code~~, contains no more than half the listed concentration of any pollutants in subrule 567 IAC 61.3(3) ~~of the IAC~~, has a pH of 6.5-9.0 and is located in soil or rock strata.

“Water(s) of the State” means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system and any other body or accumulation of water, surface or underground, natural or artificial, public or private which are contained within, flow through or border upon the State of Iowa or any portion thereof.

IOWA DEPARTMENT OF NATURAL RESOURCES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

GENERAL PERMIT NO. 4

EFFECTIVE DATES

MARCH 1, ~~2018~~2023 THROUGH FEBRUARY ~~2829~~, ~~2023~~2028

FOR

DISCHARGE FROM PRIVATE SEWAGE DISPOSAL SYSTEMS

~~502 East 9th Street, Des Moines, IA 50319~~
~~515-725-8200 FAX 515-725-8202~~

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Part I. Coverage Under This Permit

A. Permit Area

This permit covers all the areas of the State of Iowa.

B. Eligibility

1. This permit covers the discharge from any Private Sewage Disposal System ~~which that~~ discharges to a designated surface water of the state or a subsurface drainage tile and is constructed in accordance with 567 IAC Chapter 69.
2. Limitations on Coverage. This permit does not cover the following types of discharges:
 - 1) Discharge from any system which does not meet the minimum construction standards described in 567 IAC Chapter 69;
 - 2) Any non-domestic wastewater discharge such as a car wash, autobody shop, or any other source of industrial wastewater;
 - 3) Any private sewage disposal system with a currently effective individual NPDES permit; ~~and-~~
 - 4) Any private sewage disposal system that discharges to a state owned natural or artificial lake, an Outstanding Iowa Water or an Outstanding National Water as defined in [567 IAC 567-61.2\(2\)](#).
3. Exclusions. The following private sewage disposal systems' discharges do not require an NPDES permit:
 - 1) Private sewage disposal systems which discharge to the surface of the ground where the effluent will not reach a designated water of the state or a subsurface drainage tile; ~~and-~~
 - 2) Private sewage disposal systems that discharge to the subsurface. Such systems include soil absorption trenches, mound systems, drip irrigation systems, or any other system with subsurface absorption.

C. Requiring An Individual Permit

1. The Iowa Department of Natural Resources (Department) may require any person authorized to discharge under this [general](#) permit to apply for and obtain an individual NPDES permit. The causes for such a request may include, but are not limited to [the following](#): location of the discharge, amount of discharge, and history of non-compliance with ~~a~~the general permit condition. When the Department notifies a discharger to apply for an individual permit, a deadline, not longer than one year, will be established for submitting the application. If a person fails to submit an individual NPDES permit application by the deadline established by the Department under this paragraph, ~~his/her~~ coverage under this general permit is automatically terminated at the end of the day specified for the application submittal.
2. Any person authorized to discharge by this permit may apply for an individual permit from the Department. The application for an individual permit shall ~~include DNR Form 30 (542-3220)~~ [be made on forms provided by the Department, and shall include](#) all applicable fees, and shall be submitted to the Department in accordance with 567 IAC 64.3(4)"a".
3. When an individual NPDES permit is issued to a discharger, the applicability of this general permit to the individual NPDES permit applicant is automatically terminated on the issuance date of the individual permit. When an individual NPDES permit is denied to a person for a discharge otherwise subject to this general permit, the applicability of this general permit to the individual NPDES permit applicant is automatically terminated on the date of such denial, unless otherwise specified by the Department.

D. Authorization

1. If the owner of a private sewage disposal system proposes to discharge from the disposal system to a designated water of the state or a subsurface drainage tile, he/she must submit a complete Notice of Intent (NOI) in accordance with the requirements of Part II of this ~~general~~ permit to be authorized to discharge under this ~~general~~ permit.
2. Unless notified by the Department to the contrary, owners who have submitted complete NOIs are authorized to discharge effluent from a private sewage disposal system constructed in accordance with ~~IAC~~567 ~~IAC~~ Chapter 69 and meet all the terms and conditions of this permit for a period of five years. Upon review of the NOI, the Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit pursuant to Part I.C.1. of this ~~general~~ permit. If the Department determines that the discharge is eligible for coverage under this ~~general~~ permit, an authorization will be sent to the applicant.

E. Reauthorization

1. The permit will be reauthorized and reissued prior to the expiration date of this permit.
2. Prior to the expiration of an authorization issued under this permit, the owner of a system covered by this permit shall resubmit a NOI ~~with the Department~~ for coverage under the reissued ~~general~~ permit.
3. If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with 40 CFR Section 122.6 and 567 ~~IAC~~ 64.8 and it will remain in force and effect for discharges that were covered prior to the permit expiration date. If a system was granted permit coverage prior to the permit expiration date and the owner resubmitted NOI as specified above, the system will automatically remain covered by this permit until the earliest occurrence of one of the following:
 - 1) Authorization for coverage granted by the Department under a ~~reissued~~reissuance or replacement of this ~~general~~ permit, ~~following owner's timely submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or~~
 - 2) ~~The~~ Owner's submittal of a Notice of Discontinuation (NOD); ~~or~~
 - 3) Issuance of an individual permit for the system's discharge; or
 - 4) A formal decision by the Department not to require permit coverage for the discharge.

Part II. Notice of Intent (NOI) Requirements

A. Deadlines for Filing a ~~Notice of Intent~~NOI

1. The owner shall file a NOI for coverage under this ~~general~~ permit with the Department when the construction permit is issued by the local administrative authority. A copy of the NOI must also be filed with the local administrative authority.
2. Owners of existing private sewage disposal systems constructed prior to the effective date of this ~~general~~ permit shall file a NOI by December 31, ~~2018~~2023.

B. Failure to Notify

Owners who fail to notify the Department of their intent to be covered by this ~~general~~ permit, or who discharge pollutants to designated waters of the state or a subsurface drainage tile without an NPDES permit, are in violation of the Clean Water Act, ~~and the Code of Iowa~~Iowa Code Section 455B, ~~and~~ 567 IAC Chapter 69.

C. Contents of ~~the Notice of Intent~~ NOI

A complete NOI shall include DNR Form 542-1541, signed in accordance with Part IV.~~DC~~ of this permit. The information on the form shall include all of the following:

- 1) The owner's name, address, email address, and telephone number;
- 2) The location of the private sewage disposal system. Location shall be provided as the property address, ¼, ¼, ¼ Section, Township, Range, and County, and legal description (Latitude and Longitude, if available, or Section Township, Range) in which the system discharges, or as the GPS coordinates and County;
- 3) The type of secondary treatment system from which the discharge originates (i.e., sand filter, aerobic treatment unit, packaged treatment unit, peat filter, textile filter, waste stabilization pond, constructed wetland, or other);
- 4) A certification that the information provided is accurate;
- 5) A certification that the terms and conditions of ~~this the general~~ permit will be met; and
- 6) A certification that the system will be constructed in conformance with the requirements of ~~IAC 567~~ IAC Chapter 69, if permit coverage is for a new or replacement private sewage disposal system.

D. Where to Submit

1. ~~The NOI must be filed with the Department at the following address (or as directed by the Department) NPDES Section Iowa Department of Natural Resources 502 E. 9th Street Des Moines, IA 50319-0034 as directed in this section.~~
 - 1) Electronic copies shall be sent to the following email address: npdes.permit.application@dnr.iowa.gov.
 - 2) Paper copies may be sent to: NPDES Section, Onsite Coordinator, Iowa Department of Natural Resources, 502 E. 9th Street, Des Moines, IA 50319-0034.
 - 3) The director may specify other means of electronic submittal as needed.
2. A copy of ~~the~~ completed NOI shall be submitted to the local administrative authority after applying for a construction permit for a private sewage disposal system.

Part III. Compliance Requirements

A. Compliance

The system owner shall be responsible for assuring ~~that~~ compliance with all the terms and conditions of this permit~~terms and conditions is met~~.

B. Effluent Sampling by Qualified Samplers

The owner is responsible to have the private sewage disposal system sampled to ensure compliance with this general permit. Only a "qualified sampler" as defined in Part VI of this permit shall conduct effluent sampling for compliance monitoring. ~~"Qualified samplers" shall be one of the following:~~

- ~~1) A county or city environmental health staff person;~~
- ~~2) An Iowa certified wastewater treatment operator; or~~
- ~~3) An individual who has received training approved by the Department to conduct effluent sampling.~~

C. Sampling Frequency and Testing Parameters.

All permitted discharging private sewage disposal systems shall be sampled and tested no less than twice a year at

six-month intervals for Carbonaceous Biochemical Oxygen Demand, five day (CBOD5) and Escherichia coli (E. coli), and once a year for total suspended solids (TSS).

D. Effluent ~~quality~~ limits are as follows:

Effluents Discharging To	E. coli cfu/100 ml ¹	CBOD5 mg/l ²	TSS mg/l ²
Class "A1" <u>and</u> , "A3" waters	235	25	25 30
Class "A2" waters	2880	25	25 30

¹ cfu/100 ml = colony forming units per milliliter

² mg/L = milligrams per liter

E. Sampling Location and Procedures

1. Sample Collection

- 1) Effluent samples must be collected from an approved sampling port or from the end of the discharge pipe (if accessible) following the final treatment component of the system.
- 2) If the system is not discharging at time of sampling, but appears to have been discharging, water must be added to the system through the building plumbing to create a discharge.
- 3) The sample must be collected from a free falling effluent pipe or sampling port where the effluent is flowing. Samples shall not be taken from a pooled location.
- 4) If there is no evidence of a discharge from the system within the previous six months, only a physical inspection of the discharge area for any signs of surfacing effluent is required.
- 5) If no sample was collected, a brief inspection report must be submitted to the local administrative authority and to the Department explaining why no sample was collected.

2. Sample Analysis

1. Effluent samples must be analyzed by a laboratory certified by the Department. A list of certified laboratories is available from the Department or the local administrative authority.
2. Sample containers provided by the laboratory must be used for the sample. ~~The sample must be collected from a free falling effluent pipe or sampling port where the effluent is flowing. Samples shall not be taken from a pooled location.~~
3. Samples must be cooled to 4 degrees C (38 degrees F) immediately after collection and be maintained at this temperature during transport to the laboratory. Packing the sample in ice is satisfactory.
4. The sampler must ensure that the laboratory receives samples within the 8 hour maximum holding time specified in 40 CFR Part 136~~within one day (24 hours) of collection.~~

F. Reporting of Sample Results and Repeat Sampling

The owner ~~shall~~must submit all required sample test results to the Department and to the local administrative authority. All required sample test results ~~shall~~must also be sent to the maintenance contractor, if applicable. Electronic copies shall be sent to the following email address: npdes.permit.application@dnr.iowa.gov. Paper copies may be sent to: NPDES Section, Onsite Coordinator, Iowa Department of Natural Resources, 502 E. 9th Street, Des Moines, IA 50319-0034.

G. Duty to Mitigate

If a sample does not meet the effluent limits, the owner ~~must~~shall investigate the potential causes of the problem, and a repeat sample ~~must~~shall be taken within 30 days for the specific parameter that was out of compliance. If three consecutive samples do not meet the effluent limits, the owner ~~shall~~must take corrective actions to bring the

system into compliance. The owner shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

H. Retention of Records

1. The owner shall retain records of all monitoring information required by this permit for a ~~period~~minimum of three years.
2. The records of monitoring information shall include:
 - 1) The date, exact place, and time of sampling or measurement;
 - 2) The name of the individual who performed the sampling or measurement;
 - 3) The date analyses were performed;
 - 4) The name of the laboratory that performed the analyses; and,
 - 5) The results of the analyses.

Part IV. Standard ~~Permit~~ Conditions

A. Administrative Rules

Rules of the Iowa Department of Natural Resources (Department) that govern the operation of a facility in connection with this permit are published in volume 567 of the Iowa Administrative Code (IAC) in Chapters 60-64 and 69. Reference to the term “rule” in this permit means the designated provision of volume 567. Reference to the term “CFR” means the Code of Federal Regulations.

B. Duty to Comply

The owner of a private sewage disposal system that discharges to a designated water of the state or a subsurface drainage tile must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the ~~Code of Iowa~~ Code section 455B, 567 IAC Chapter 69, and the Clean Water Act and is grounds for enforcement action, termination of coverage under this ~~general~~ permit, or for denial of a request for coverage under a reissued ~~general~~ permit. Coverage under this permit does not relieve the owner of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements. {40 CFR 122.41(a)}

C. Duty to Provide Information

The owner shall furnish to the Department or to the local administrative authority, within a reasonable time, any information relative to the construction, operation, or maintenance of the permitted facility, including effluent sample test results, ~~within the time period specified by the Department.~~ The owner shall also furnish to the Department, upon request, copies of any records required to be kept by this permit. Where the owner becomes aware of a failure to submit any relevant facts in the submission of any report to the director, including records of operation, the owner shall promptly submit such facts or information. {567 IAC 60.4(2)“a”, 567 IAC 63.7(6), 40 CFR 122.41(h)}

D. Signatory Requirements and Certification

An NOI for this permit shall be signed by the owner of the system. If the owner is not an individual, the person signing the NOI shall be as follows: Notices of Intent, Notices of Discontinuation, or other information submitted to the Department in connection with this permit must be signed and certified in accordance with 567 IAC 64.3(8).

- ~~1.—Corporations. In the case of corporations, a principal executive officer of at least the level of vice president.~~
- ~~2.—Partnerships. In the case of a partnership, a general partner.~~

~~3. Sole proprietorships. In the case of a sole proprietorship, the proprietor.
Estate or Trusts. In the case of an estate or trust, the executor. Severability. If any provision or application of any
provision to any circumstances is found to be invalid by this Department or by a court of law, all other provisions
and conditions shall remain effective.~~

E. Permit Actions

Coverage under this ~~general~~ permit may be terminated for cause. The filing of a request by the owner for a permit discontinuance, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. {567 IAC 64.3(11)“d” and 64.6(3)}

F. Legal and Financial Liability Waiver

No legal or financial responsibility arising from the operation or maintenance of any disposal system or part thereof installed by the permittee to achieve compliance with this permit shall attach to the State of Iowa or the Department.

G. Transfer of Coverage Under this Permit

For discharges covered under this ~~general~~ permit, when the property with a private sewage system changes ownership, the Department must be notified of the title transfer prior to the new owner taking possession of the property. After the Department is thus notified, the new owner(s) shall be subject to all terms and conditions of this ~~general~~ permit from and after the date the Department receives written notice of the title transfer of responsibility. No transfer of the authorization to discharge under this permit shall take place prior to notification of the Department of the title transfer. Prior to any transfer of ownership of a building where a person resides, congregates, or is employed that is served by a private sewage disposal system, the sewage disposal system serving the building shall be inspected according to the requirements in rule 567 IAC 69.2. {567 IAC 64.14}

H. Notice of Discontinuation (NOD)

1. If a private sewage disposal system is modified to a system that does not discharge to a designated water of the state or a subsurface drainage tile, the owner of the system shall submit a Notice of Discontinuation (NOD) to the Department.
2. ~~The A NOD Notice of Discontinuation~~ shall include the following information:
 - 1) the name of the owner to which the permit authorization was issued;
 - 2) the general permit authorization number; and
 - 3) the date the discharge is discontinued; and,
 - 4) ~~the following certification signed in accordance with Part IV.C.2 of this permit:~~
"I certify under penalty of law that discharge from the above private sewage system is discontinued. I understand that by submitting this Notice of Discontinuation, I am no longer authorized to discharge from my private sewage disposal system by Iowa Department of Natural Resources NPDES General Permit No. 4 and that discharging pollutants from my private sewage disposal system to designated waters of the state or a subsurface drainage tile is unlawful under the Clean Water Act and Code of Iowa.
3. A NOD must be signed and certified in accordance with Part V.D. of this permit.

I. Construction Permit Required

No private sewage disposal system shall be installed or altered unless a construction permit issued by the local administrative authority has been obtained. The installation shall be in accordance with 567 IAC Chapter 69.

J. Twenty-four hour Reporting and Noncompliance

The owner shall report any noncompliance that may endanger human health or the environment. Information shall be provided orally to the appropriate regional field office of the department within 24 hours from the time the owner becomes aware of the circumstances. A written submission that includes a description of noncompliance and its cause; the period of noncompliance including exact dates and times, whether the noncompliance has been corrected or the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a reoccurrence of the noncompliance must be provided to the appropriate field office within 5 days of the occurrence. The owner shall give advance notice to the appropriate regional field office of the department of any planned activity which may result in noncompliance with permit requirements. Notice is required only when previous notice has not been given to any other section of the department. {567 IAC 63.12 and 63.14}

K. Need to Halt or Reduce Activity

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. {567 IAC 64.7(5)"j", 40 CFR 122.41(c)}

L. Property Rights

This permit does not convey any property rights of any sort or any exclusive privileges. {567 IAC 64.4(3)"b", 40 CFR 122.41(q)}

M. Effect of the Permit

Compliance with this permit during its term constitutes compliance, for purposes of enforcement, with Sections 301, 302, 306, 307, 318, 403, and 405 (a)-(b) of the Clean Water Act, and equivalent limitations and standards set out in 567 IAC Chapters 61 and 62. {567 IAC 64.4(3)"a"}

N. Severability

The provisions of this permit are severable and if any provision or application of any provision to any circumstance is found to be invalid by this Department or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding.

Part V. Reopener Clause

If there is evidence indicating potential or realized impacts to water quality due to any discharge from an authorized private sewage disposal system covered by this ~~general~~ permit, the owner of such system may be required to obtain an individual permit in accordance with Part I.C of this ~~general~~ permit.

Part VI. Definitions

"Administrative Authority" means the ~~Department and the local board of health as authorized by Iowa Code section 455B.172 and Iowa Code Chapter 137. local (county or city) or regional Board of Health authorized under Code of Iowa 455B.172 to regulate private sewage disposal systems and the Department.~~

"Carbonaceous Biochemical Oxygen Demand (five day) (CBOD5)" means ~~the amount of oxygen consumed in the biological processes that break down carbonaceous organic matter in water by aerobic biochemical action in five days at 20°C. a five-day measurement of the amount of oxygen used by microorganisms in the biochemical oxidation of organic matter.~~

"Class 'A1' water," also referred to as a primary contact recreational use water, means waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

"Class 'A2' water," also referred to as a secondary contact recreational use water, means waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. [During the recreational use, the probability of ingesting appreciable quantities of water is minimal.](#) Class A2 ~~Such~~ uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity.

"Class 'A3' water," also referred to as a children's recreational use water, means waters in which recreational uses by children are common. [Class A3](#)~~Such~~ waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas.

"Department" means the [Iowa](#) Department of Natural Resources ~~of the State of Iowa~~.

"Private sewage disposal system" means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than sixteen individuals on a continuing basis. ~~This includes including~~ domestic waste, whether residential or nonresidential, but ~~does not include including~~ industrial waste of any flow rate except as provided for in ~~IAC 567~~ [IAC 68.11](#). "Private sewage disposal system" includes, but is not limited to, septic tanks, holding tanks for waste, chemical toilets, impervious vault toilets and portable toilets.

"Qualified sampler," ~~means one of the following persons,~~ for the purposes of collecting compliance effluent samples required under ~~NPDES General Discharge Permit No. 4~~[this permit, means one of the following persons](#): a [city or county](#) ~~or city~~ environmental health staff person, an Iowa-certified wastewater treatment operator, or an individual who has received training approved by the Department to conduct effluent sampling.

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM	#7	DECISION
TOPIC		Final Rule - Chapter 64 - Renewal of General Permits Nos. 5, 6, 7, 8 and 9 with Cleanup and Clarification

The Commission is requested to adopt the attached amendments to Chapter 64. In brief, the amendments renew five of the National Pollutant Discharge Elimination System (NPDES) general permits (General Permit Nos. 5, 6, 7, 8 and 9). The current expiration dates for these five general permits vary, with General Permit Nos. 8 and 9 expiring first on June 30, 2023. The amendments will streamline future renewals by aligning the effective dates for all five of the general permits. The effective dates for all five general permits will be July 1, 2023, through June 30, 2028. Edits to these five general permits are summarized below.

The edits to General Permit Nos. 5, 6, and 7 do the following:

- Align definitions with recently-revised definitions in Chapter 60.

The edits to General Permit No. 8 do the following:

- Clarify requirements for electronic Notice of Intent submittals;
- Extend applicable timeframes;
- Insert consistent terminology;
- Add eligibility criteria for ammonia; and
- Update the eligibility criteria for lead and aluminum.

The edits to General Permit No. 9 do the following:

- Clarify requirements for electronic Notice of Intent submittals;
- Extend applicable timeframes; and
- Insert consistent terminology.

Notice of Intended Action for this rule making came before the Commission on April 19, 2022. The Commission voted to approved the NOIA and begin the rule making process. The NOIA was published on June 15, 2022, as **ARC 6358C**. A public hearing was held via Zoom on July 6, 2022, at 1 p.m. Twenty-two people attended the hearing. Written comments were accepted until July 8, 2022. No public comments were received during the public hearing or public notice period. No changes from the Notice have been made.

If this rule is adopted by the Commission, the effective date of the final rule will be July 1, 2023.

David Schelling, Environmental Specialist
NPDES Section, Water Quality Bureau
Environmental Services

August 16, 2022

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Rule making related to general permits

The Environmental Protection Commission (Commission) hereby adopts Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 455B.173(11).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.173(11), 455B.183 and 455B.186.

Purpose and Summary

This rule making renews five National Pollutant Discharge Elimination System (NPDES) general permits (General Permit Nos. 5, 6, 7, 8 and 9). General permits authorize certain types or classes of facilities to discharge wastewater without having to obtain an individual NPDES permit. General permits are required by law to be adopted through rule making.

The renewal of all five permits in one rule making will streamline future renewals by aligning the permits’ respective effective dates. The effective dates for all five general permits will be July 1, 2023, through June 30, 2028.

This rule making includes changes to General Permit Nos. 5 through 7 to align the permits with recently revised definitions in 567—Chapter 60. More substantive changes are made to General Permit Nos. 8 and 9. This is the first renewal for these two permits. The changes to both of these permits are necessary to clarify and revise regulatory requirements. Among other updates, the changes clarify requirements for electronic Notice of Intent submittals, extend applicable time

frames, and insert consistent terminology. Further changes to General Permit No. 8 add eligibility criteria for ammonia and update the eligibility criteria for lead and aluminum.

The permits can be viewed in full at <https://www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Wastewater-Permitting/NPDES-Rules> .

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 15, 2022, as **ARC 6358C**. A public hearing was held via video/conference call on July 6, 2022, at 1 p.m. Twenty-two people attended the hearing. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on August 16, 2022.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request

by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on July 1, 2023.

The following rule-making action is adopted:

Amend subrules 64.15(5) to 64.15(9) as follows:

64.15(5) "Discharge from Mining and Processing Facilities," NPDES General Permit No. 5, effective ~~July 20, 2024~~July 1, 2023, to ~~July 19, 2026~~June 30, 2028.

64.15(6) "Discharge Associated with Well Construction Activities," NPDES General Permit No. 6, effective ~~March 1, 2020~~July 1, 2023, to ~~February 28, 2025~~June 30, 2028.

64.15(7) "Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States from the Application of Pesticides," NPDES General Permit No. 7, effective ~~May 18, 2024~~July 1, 2023, to ~~May 17, 2026~~June 30, 2028.

64.15(8) "Discharge from Hydrostatic Testing, Tank Ballasting and Water Lines," NPDES General Permit No. 8, effective July 1, ~~2018~~2023, to June 30, ~~2023~~2028.

64.15(9) "Discharge from Dewatering and Residential Geothermal Systems," NPDES General Permit No. 9, effective July 1, ~~2018~~2023, to June 30, ~~2023~~2028.

IOWA DEPARTMENT OF NATURAL RESOURCES

**NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES)**

GENERAL PERMIT NO. 5

EFFECTIVE DATES

~~JULY 20, 2021~~ JULY 1, 2023 THROUGH ~~JULY 19, 2026~~ JUNE 30, 2028

FOR

**DISCHARGE FROM
MINING AND PROCESSING FACILITIES**

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Part I. Coverage Under This Permit

A. Discharges Covered Under This Permit

This permit authorizes discharge of the following to waters of the United States within the State of Iowa:

1. Materials wash water;
2. Materials transport water;
3. Scrubber water used for air pollution control;
4. Water used for dust suppression;
5. Mine or quarry dewatering; and
6. Non-contact cooling water used for cooling of crusher bearings, drills, saws, dryers, pumps and air compressors.

From facilities primarily engaged in mining or quarrying the following materials:

1. Dimension Stone (SIC 1411, NAICS 212311);
2. Crushed and Broken Limestone (SIC 1422, NAICS 212312);
3. Construction Sand and Gravel (SIC 1442, NAICS 212321); or
4. Clay, Ceramic, and Refractory Minerals, NEC (SIC 1459, NAICS 212325), except bentonite and magnesite.

Storm water associated with industrial activity that is discharged into an active mine or quarry, and is mixed with one or more sources of wastewater identified in the preceding paragraph, may be discharged under this permit. Separate storm water discharges, that is, storm water that is not discharged into an active mine or quarry before being discharged to a water of the United States, must be permitted under General Permits #3.

B. Limitations on Coverage

The following discharges are not authorized by this permit:

1. Domestic sewage whether treated or untreated;
2. Non-storm water discharges unless specifically identified in Part I.A. of this permit;
3. Discharges from open dumps as defined under RCRA;
4. The discharge of hazardous substances or oil resulting from an on-site spill;
5. Water used in air pollution control devices by asphalt and concrete manufacturing facilities;
6. Any wastewater not generated at the site of the mine or quarry;
7. Storm water discharges associated with industrial activity defined in Part VI of this permit except those identified in Part I.A. of this permit;
8. Any new or expanded discharge to Outstanding Iowa Waters (OIW), or any new or expanded discharge to Outstanding National Resource Waters (ONRW);
9. Any discharge to a state-owned natural or artificial lake;
10. Any discharge with a sulfate concentration higher than 1,514 mg/L; and
11. Any discharge that the department has shown to be or may reasonably be expected to be contributing to a violation of a water quality standard.

C. Requiring an Individual Permit

1. The department may require any person authorized to discharge under this permit to apply for and obtain an individual NPDES permit by notifying the permittee in writing that an individual permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a

statement setting a deadline to submit the application, and a statement that on the effective date of the individual NPDES permit, coverage under this general permit shall automatically terminate. If a person fails to submit an individual NPDES permit application required by the department under this paragraph, coverage of this general permit automatically is terminated at the end of the day specified for submittal of the individual NPDES permit application.

2. Any person authorized to discharge under this permit may apply for an individual NPDES permit. In such cases, the discharger shall submit an individual application using DNR Forms 1, 2, and 5 in accordance with 567 IAC 64.3(4).
3. When an individual NPDES permit is issued for a discharge authorized under this general permit, the applicability of this general permit is automatically terminated on the effective date of the individual NPDES permit. When an individual NPDES permit is denied for a discharge otherwise subject to this general permit, the applicability of this general permit is automatically terminated on the date of such denial, unless otherwise specified by the department.

D. Authorization

Where a mine or quarry is owned by one person but operated by another person, it is the operator's duty to obtain coverage under this permit.

1. A Notice of Intent (NOI) must be submitted in accordance with the requirements of Part II of this permit to be authorized to discharge under this general permit.
2. Within 30 days of the receipt of a complete NOI, the department will either:
 - a. Issue an authorization to discharge; or
 - b. Deny coverage under this general permit and require submittal of an application for an individual NPDES permit in accordance with Part I.C.1 of this permit.

If the department does not respond within 30 days of the receipt of a completed NOI, the discharge is automatically authorized.

Part II. Notice of Intent (NOI) Requirements

A. Deadlines for Filing a Notice of Intent

1. Existing dischargers who had coverage under the general permit that expired July 19, 2021 and who intend to obtain coverage under this general permit shall submit to the department the NOI specified in Part II.C. of this permit no later than January 15, 2022.
2. For new dischargers the NOI specified in this Part shall be submitted to the department at least 30 days prior to the commencement of discharge.

B. Failure to Notify

Dischargers who fail to submit an NOI to be covered by this general permit or an application for an individual permit, and nonetheless discharge pollutants to a water of the United States within the State of Iowa, are in violation of the Clean Water Act and the ~~Code of Iowa~~ Code.

C. Contents of the Notice of Intent

A complete NOI shall include a completed Notice of Intent (NOI) form, DNR Form 542-4006, or electronic equivalent, signed in accordance with Standard Condition #5 of this permit, and the applicable fee as specified in 567 IAC 64.16(455b). The following information shall be provided in the NOI:

1. Name, street address, and location of the site for which this notification is submitted. The site location must include the 1/4 section, section, township, and range, the latitude and longitude, and the county in which the discharge is located;
2. The owner's name, address, email address, and telephone number;
3. The name, address and telephone number of any operator (contractor);
4. The name, title, email address, and telephone number of a contact person;
5. A description of the discharge which includes:
 - a. The type of discharge (new or existing);
 - b. Whether or not the discharge is to a municipal separate storm sewer system;
 - c. The number of discharge points;
 - d. What the discharge includes (quarry dewatering, materials wash water, non-contact cooling water, or air scrubber water);
 - e. The name of the receiving stream; and
 - f. For new discharges, the date the discharge is to commence.
6. An indication of whether any existing quantitative data collected within three years prior to the effective date of this permit are available describing the concentration of pollutants in discharges;
7. The results of analysis of at least one representative sample of the discharge from each outfall for sulfate. If a discharge is not occurring when the NOI is being completed, a sample result for sulfate shall be submitted within sixty (60) days following the next discharge.
For sites that are renewing an authorization under General Permit #5, a sample result for sulfate collected within 10 years prior to submittal of the NOI is sufficient; and
8. The Standard Industrial Classification (SIC) code and the North American Industry Classification System (NAICS) for the facility.

D. Where to Submit

Paper Notices of Intent must be submitted to the department at the following address:

NPDES Section
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, IA 50319-0034

E. Continuing Coverage

Any authorization to discharge under this permit that is submitted and approved on or after July 20, 2021, will remain is-valid only through until the permit expiration date. Coverage under this permit remains in effect beyond the expiration date only if the permittee:

1. Has filed a complete Notice of Intent to be covered by a reissued general permit within 180 days after the expiration of this permit; or
2. Has filed a complete application for an individual NPDES permit in accordance with 567 IAC 64.3(4).

This continuing coverage remains in effect only until the department takes final action on the NOI or individual permit application. If this general permit is not reissued, the department will notify each discharger covered by this permit to apply for an individual NPDES permit according to the procedures identified 567 IAC 64.3(4) and Part I.C.1.

F. Transfer of Coverage Under this Permit

See Standard Condition #7.

G. Notice of Discontinuation

1. Within 30 days prior to or after elimination of the wastewater discharge, the operator or owner of the facility shall submit a Notice of Discontinuation (DNR Form 542-8038 or electronic equivalent) to the department.
2. The Notice of Discontinuation shall contain the following information:
 - a. The name of the owner/operator to which the permit was issued;
 - b. The permit authorization number;
 - c. The date the discharge was, or will be, eliminated; and
 - d. A signed certification in accordance with Standard Condition #5.

Part III. Effluent Limitations

Any discharge authorized by this permit shall not exceed a maximum concentration for any day of 45 mg/l of Total Suspended Solids (TSS) or a 30 day average concentration of 30 mg/l Total Suspended Solids (TSS), nor shall the pH of the discharge be less than 6.5 or greater than 9.0. Dischargers subject to this permit must be in compliance with these limits upon commencement of coverage and for the entire term of this permit.

Part IV. Monitoring and Reporting Requirements

A. Monitoring Requirements

The following monitoring is required for all facilities subject to this permit. If a facility has multiple discharge points, each discharge point must be monitored.

1. For quarry dewatering and other authorized discharges (except for materials wash water), a representative sample shall be collected at least annually and shall be analyzed for total suspended solids and pH; and
2. For discharges of materials wash water or materials wash water in combination with any other authorized discharge, discharge samples shall be collected at least monthly for each month the discharge occurs. The discharge samples shall be analyzed for total suspended solids and pH. A discharge is considered to contain wash water when there is a wash plant operating at the facility and for one calendar month after the wash plant ceases operation.

B. Reporting

All permittees are required to submit discharge monitoring results on the Annual Discharge Monitoring form, DNR Form 542-8035 or the electronic equivalent, by January 15th each year for the previous calendar year. The Annual Discharge Monitoring form must contain all monitoring as required in Part IV.A and must be signed in accordance with

Standard Condition #5 of this permit. Paper Annual Discharge Monitoring forms must be submitted to NPDES Section, Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, IA 50319-0034.

C. Notification

Facilities with at least one discharge through a large or medium municipal separate storm sewer system must submit signed copies of discharge monitoring reports or results to the operator of the municipal separate storm sewer system upon request.

D. Hazardous Condition Documentation and Reporting

1. Six (6) Hour Hazardous Condition Notification

If you observe or are otherwise made aware of a hazardous condition, as defined in Part VI, which may have resulted from a discharge authorized under this permit, you must immediately notify the department. As required at 567 IAC Chapter 131.2, this notification must be made by telephone within six (6) hours of you becoming aware of the hazardous condition. Notification shall be made by calling the department's Environmental Emergency Reporting Hotline at (515)725-8694. At a minimum, notifications must include the following:

- a. The caller's name and telephone number;
- b. Operator name and mailing address;
- c. The name and telephone number of a contact person, if different than the person providing the 6-hour notice;
- d. How and when you became aware of the hazardous condition;
- e. The exact location of the hazardous condition;
- f. Name of any waterbody affected by the hazardous condition;
- g. Description of the hazardous condition; and
- h. Description of any steps you have taken or will take to contain any hazardous effects.

2. Thirty (30) Day Hazardous Condition Written Report

Within thirty (30) days of becoming aware of the hazardous condition reported pursuant to Part IV.D.1, you must postmark a written report of the hazardous condition to the appropriate regional department Field Office. The Field Office addresses are available at <http://www.iowadnr.gov>. Your hazardous condition report must include the information required in 567 IAC Chapter 131.2, Report of Hazardous Conditions. Contact the appropriate department Field Office for more information. A copy of the hazardous condition report submitted to the department must be retained in accordance with Standard Condition #4 of this permit.

E. Retention of Records

See Standard Condition #4.

Part V. Best Management Practices for New and Expanded Dischargers

All new and expanded dischargers must provide settling and pH adjustment sufficient to comply with the numeric effluent limitations in Part III of this permit and, in addition, shall use best management practices which will reduce the discharge of pollutants including the following:

1. Use settled wash water and/or quarry water for dust suppression when dust suppression is necessary; and

2. Locate, design and operate quarry sumps, settling ponds and pumping equipment to maximize the settling of suspended solids prior to discharge.

New and expanded dischargers shall also implement other best management practices which are practical, cost effective and economically efficient including but not limited to the following:

1. Implement recycling of water used for materials washing and classifying whenever it is practical; and
2. Use hydraulic dredging whenever practical and affordable (applicable only to sand and gravel facilities).

Part VI. Definitions

“CWA or Clean Water Act” - means the Federal Water Pollution Control Act.

“Department” - means the Iowa Department of Natural Resources.

“Existing discharge” - means a discharge from a mine or quarry that commenced prior to July 20, 2011.

“Expanded discharge” - means a discharge from a mine or quarry from which: (i) any material was extracted prior to July 20, 2011; and, (ii) new activities will be conducted that will result in a new or increased discharge of pollutants; or, the point of discharge is moved to an upstream location on the same stream. For example, a wash plant is set-up on the site for the first time. An increase in the areal extent of a mine or quarry at an existing site as a result of normal mining does not constitute an expanded discharge for purposes of this permit.

“Facility or activity” - means any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

“Hazardous condition” - any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment. [567 IAC Chapter 131]

“Hazardous substance” - means any substance or mixture of substances that presents a danger to the public health or safety and includes but is not limited to a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substances" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act. [Iowa Code § 455B.381\(5\)](#), ~~2019 Code of Iowa~~.

“Large and Medium municipal separate storm sewer system” - means all municipal separate storm sewers that are either:

- (i) located in an incorporated place with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census; or
- (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
- (iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Department as part of the large or medium municipal separate storm sewer system.

“Municipality” - means a city, town, borough, county, parish, district, association, or other public body created by or under State law.

“New discharge” - means a mine or quarry the construction of which is commenced after July 20, 2011 and from which there is or will be a new, altered or increased discharge of pollutants. A new discharge also includes a mine or quarry the construction of which commenced prior to July 20, 2011 where there will be a discharge into a stream or a stream segment not previously affected by a discharge from the mine or quarry. Construction will be deemed to have commenced beginning with the start of removing overburden.

“Owner or operator” - means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

“Representative sample” – means a sample which can be expected to exhibit the average properties of the discharge.

“Storm water” - means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm water discharge associated with industrial activity” - means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. The term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR ~~part~~Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in the following paragraphs (i)-(xi) of this definition) include those facilities designated under 40 CFR § 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this definition;

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this definition);
- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR § 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate

products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i)-(vii) or (ix)-(xi) of this definition are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR [Part 403](#). Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR [Part 503](#);
- (x) Construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than one acre of total land. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more;
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39 and 4221-4225.

“Water of the United States or Waters of the U.S.” - means those waters defined at 40 CFR §122.2 ~~(June 22, 2020)~~.

“Water quality standard” - means water quality standards established by 567 IAC 61, including the general water quality criteria (narrative standards) in 567 IAC 61.3(2) and the specific water quality criteria (numeric standards) in 567 IAC 61.3(3).

Part VII. Standard Conditions

1. Administrative Rules

Rules of this department that govern the operation of your facility in connection with this permit are published in Part 567 of the Iowa Administrative Code (IAC) in Chapters 60-65, 67 and 121. Reference to the term “rule” in this permit

means the designated provision of Part 567 of the IAC. Reference to the term “CFR” means the Code of Federal Regulations.

2. Definitions

- (a) 30 day average means the sum of the total daily discharges by concentration during a calendar month, divided by the total number of days during the month that measurements were made.
- (b) Daily maximum means the total discharge by concentration during a twenty-four hour period.

3. Duty to Provide Information

You must furnish to the Director, within a reasonable time, any information the Director may request to determine compliance with this permit or determine whether cause exists for terminating coverage under this permit, in accordance with 567 IAC 64.3(11)“c”. You must also furnish to the Director, upon request, copies of any records required to be kept by this permit.

4. Monitoring and Records of Operation

- (a) Maintenance of records. You shall retain for a minimum of three years all paper and electronic records of monitoring activities and results including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records. **{See 567 IAC 63.2(3)}**
- (b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both. **{See 40 CFR § 122.41(j)(5)}**

5. Signatory Requirements

Applications, reports or other information submitted to the department in connection with this permit must be signed and certified as required by 567 IAC 64.3(8).

6. Other Information

Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, you must promptly submit such facts or information. Where you become aware that you failed to submit any relevant facts in the submission of in any report to the Director, including records of operation, you shall promptly submit such facts or information. **{See 567 IAC 60.4(2)“a” and 567 IAC 63.7}**

7. Transfer of Coverage Under the Permit

Where the owner and/or operator of the facility changes, the department must be notified of the transfer within 30 days. If a discharge is covered by this general permit, the operator of record shall be subject to all terms and conditions of this general permit. The Director shall be notified in writing within 30 days of the transfer. No transfer of the authorization to discharge from the facility represented by the permit shall take place prior to notifying the department of the transfer. Whenever the address of the operator is changed, the department shall be notified in writing within 30 days of the address change.

8. Proper Operation and Maintenance

All facilities and control systems shall be operated as efficiently as possible and maintained in good working order. A sufficient number of staff, adequately trained and knowledgeable in the operation of your facility shall be retained at all times and adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this permit. **{See 40 CFR § 122.41(e) and 567 IAC 64.7(7)“f”}**

9. Permit Modification, Suspension or Revocation

- (a) Coverage under this permit may be revoked for cause including but not limited to those specified in 567 IAC 64.3(11) and 567 IAC 64.6(3).
- (b) This permit may be modified due to conditions or information on which this permit is based, including any new standard the department may adopt that would change the required effluent limits. ***{See 40 CFR § 122.62(a)(2) and 567 IAC 64.3(11)}***

The filing of a request for permit modification, revocation or suspension, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

10. Duty to Comply

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; termination of coverage under this permit; or denial of coverage under a reissued general permit. Authorization to discharge under this permit does not relieve you of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements applying to the operation of your facility. ***{See 40 CFR § 122.41(a) and 567 IAC 64.7(4)“e”}***

11. Duty to Mitigate

You shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. ***{See 40 CFR § 122.41(d) and 567 IAC 64.7(5)“i”}***

12. Twenty-four Hour Reporting

You shall report any noncompliance that may endanger human health or the environment, including, but not limited to, violations of maximum daily limits for any toxic pollutant (listed as toxic under 307(a)(1) of the Clean Water Act) or hazardous substance (as designated in 40 CFR Part 116 pursuant to 311 of the Clean Water Act). Information shall be provided orally within 24 hours from the time you become aware of the circumstances. A written submission that includes a description of noncompliance and its cause; the period of noncompliance including exact dates and times, whether the noncompliance has been corrected or the anticipated time it is expected to continue; and the steps taken or planned to reduce, eliminate, and prevent a reoccurrence of the noncompliance must be provided within 5 days of the occurrence. ***{See 567 IAC 63.12}***

13. Noncompliance

You shall report all instances of noncompliance not reported under the Hazardous Condition reporting requirements contained in Part IV at the time monitoring reports are submitted. You shall give advance notice to the appropriate regional field office of the department of any planned activity which may result in noncompliance with permit requirements. ***{See 567 IAC 63.14}***

14. Inspection of Premises, Records, Equipment, Methods and Discharges

You are required to permit authorized personnel to:

- (a) Enter upon the premises where a regulated facility or activity is located or conducted or where records are kept under conditions of this permit.
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
- (c) Inspect, at reasonable times, any facilities, equipment, practices or operations regulated or required under this permit.
- (d) Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the Clean Water Act.

15. Failure to Submit Fees

Authorization to discharge under this permit may be revoked, if the required permit fees are not submitted within thirty (30) days of the date of notification that such fees are due. *{See 567 IAC 64.16(1)}*

16. Need to Halt or Reduce Activity

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

{See 40 CFR § 122.41(c) and 567 IAC 64.7(7)“j”}

17. Notice of Changed Conditions

You are required to notify the director of any changes in existing conditions or information on which this permit is based. This includes, but is not limited to, the following:

- (a) As soon as you know or have reason to believe that any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in this permit. *{See 40 CFR § 122.42(a)}*
- (b) If you have begun or will begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.
- (c) No construction activity that will result in disturbance of one acre or more shall be initiated without first obtaining coverage under NPDES General Permit No. 2 for “Storm water discharge associated with construction activity”.

18. Use of Certified Laboratories

Analyses of wastewater that are required to be submitted to the department as a result of this permit must be performed by a laboratory certified by the State of Iowa. Routine, on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine and other pollutants that must be analyzed immediately upon sample collection, settleable solids, physical measurements, and operational monitoring tests specified in 567 IAC 63.3(4) are excluded from this requirement.

19. Bypasses

- (a) Definition – “Bypass” means the diversion of waste streams from any portion of a treatment facility or collection system. A bypass does not include internal operational waste stream diversions that are part of the design of the treatment facility, maintenance diversions where redundancy is provided, diversions of wastewater from one point in a collection system to another point in a collection system, or wastewater backups into buildings that are caused in the building lateral or private sewer line.
- (b) Prohibitions
 - i. Bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited.
 - ii. Bypass is prohibited and the department may not assess a civil penalty against a permittee for bypass if the permittee has complied with all of the following:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required by paragraph “d” of this section.

- (c) The Director may approve an anticipated bypass after considering its adverse effects if the Director determines that it will meet the three conditions listed above and a request for bypass has been submitted to the department in accordance with 567 IAC 63.6(2).
- (d) Reporting bypasses. Bypasses shall be reported in accordance with 567 IAC 63.6.

20. Upset Provision

- (a) Definition - "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense in an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph "c" of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for demonstration of an upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed operating logs or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated;
 - (iii) The permittee submitted notice of the upset to the department in accordance with 567 IAC 63.6(3); and
 - (iv) The permittee complied with any remedial measures required in accordance with 567 IAC 63.6(6).
- (d) Burden of Proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

21. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege. *{See 567 IAC 64.4(3)"b"}*

22. Effect of a Permit

Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with sections 301, 302, 306, 307, 318, 403 and 405(a)-(b) of the Clean Water Act, and equivalent limitations and standards set out in 567 IAC Chapters 61 and 62. *{See 567 IAC 64.4(3)"a"}*

23. Severability

The provisions of this permit are severable and if any provision or application of any provision to any circumstance is found to be invalid by this department or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding.

24. Responsible Person

An operator authorized to discharge under this general permit is responsible for compliance with all terms and conditions of this permit including but not limited to all discharges caused by or resulting from activities by leaseholders, contractors and subcontractors.

IOWA DEPARTMENT OF NATURAL RESOURCES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

GENERAL PERMIT NO. 6

EFFECTIVE DATES

**~~MARCH 1, 2020~~ JULY 1, 2023 THROUGH ~~FEBRUARY 28, 2025~~ JUNE 30,
2028**

FOR

WELL CONSTRUCTION AND WELL SERVICE DISCHARGES

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PART I. COVERAGE UNDER THIS PERMIT

A. PERMIT AREA

This permit covers all areas of the State of Iowa

B. ELIGIBILITY

1. COVERAGE

Except for discharges identified under Part I.B.2, this permit authorizes well construction and well service related discharges that reach a Water of the United States.

2. LIMITATIONS ON COVERAGE

The following discharges are **not** authorized by this permit:

- A. Well construction and well service discharges mixed with sources other than well construction and well service discharges.
 - B. Well construction and well service discharges resulting in an acutely toxic condition in a Water of the United States.
 - C. Any well construction and well service discharge covered by an existing individual NPDES permit or which is issued an individual permit in accordance with Part I.C. of this permit.
 - D. Any well construction or well service discharge not adequately treated to meet 567 Iowa Administrative Code (IAC) 61.3(2). The portion of drilling fluid and drilling mud that cannot be adequately treated must be disposed of in an alternate manner that complies with federal, state and local requirements.
 - E. Stormwater associated with industrial or construction activities.
 - F. Discharges from geothermal supply wells also known as “pump and dump wells” that are not under construction or reconstruction.
 - G. Any new or expanded discharge to Outstanding Iowa Waters (OIW) or Outstanding National Resource Waters (ONRW) (See Attachment 1). Persons seeking to discharge to OIW may apply for an individual permit. Discharges to ONRW cannot be authorized in Iowa.
- 3. EXCLUSIONS** NPDES permits are not required for well construction and well service discharges that do not reach Waters of the United States.

C. REQUIRING AN INDIVIDUAL PERMIT

1. The Department may require any person authorized to discharge under this permit to apply for and obtain an individual NPDES permit. The causes for such a request may include but are not limited to location of the discharge, amount of discharge or history of non-compliance with the general permit. When the Department notifies a discharger to apply for an individual permit, a deadline, not longer than one year, will be established for submitting the application. If a person fails to submit a complete individual NPDES permit application by the deadline established by the Department under this paragraph, his/her coverage under this general permit is automatically terminated at the end of the day specified for the application submittal.
2. Any person authorized to discharge by this permit may apply for an individual permit from the Department. The application for an individual permit shall include DNR NPDES Application Forms 1, 2 and 5, an antidegradation alternatives analysis (or justification for temporary and limited degradation) and all applicable fees and shall be submitted to the Department in accordance with 567 IAC 64.3(4)(a).
3. When an individual NPDES permit is issued to a discharger, the applicability of this general permit to the individual NPDES permit applicant is automatically terminated on the issuance date of the individual permit. When an individual NPDES permit is denied to a person for a discharge otherwise subject to this general permit, the applicability of this general permit to the individual NPDES permit applicant is automatically terminated on the date of such denial, unless otherwise specified by the Department.

D. AUTHORIZATION

1. Well construction and well service discharges that reach Waters of the United States are authorized so long as the conditions of this permit are satisfied.
2. Permittees shall notify the Department no earlier than five (5) calendar days prior to and no later than 24 hours after commencing well construction and/or well service activities on a site. Failure to notify the Department is a violation of this General Permit. Instructions for notification are included in the DNR supplement named "Guidance Document for Well Construction and Well Service Discharges" and can be viewed or downloaded on the DNR web site: www.iowadnr.gov.

PART II. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS**A. PROHIBITION ON NON-WELL CONSTRUCTION AND WELL SERVICE DISCHARGES**

All discharges authorized by this permit shall be composed entirely of well construction and well service discharge.

B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES

Any owner or operator identified in the Well Water Pollution Prevention Plan (WWPPP or Plan) is subject to the spill notification requirements as specified in [Iowa Code § 455B.386](#) ~~of the Iowa Code~~. Iowa law requires that as soon as possible but not more than six hours after the onset of a "hazardous condition" the Department and local police department or the office of the sheriff of the affected county be notified. Well construction and well service activities must cease until the WWPPP described in Part III of this permit is modified to provide a description of the release and the circumstances leading to the release and to identify and provide for the implementation of steps to prevent the reoccurrence of such releases and to respond to such releases.

C. COMPLIANCE WITH EXISTING RULES

Well construction and well service discharges shall be in compliance with 567 IAC. 61.3(2).

PART III. WELL WATER POLLUTION PREVENTION PLANS

A site-specific WWPPP shall be developed or obtained by the permittee prior to commencement of well construction or service activities. Plans for public water supply wells must be developed prior to letting bids for the construction project. All well activities that use the services of an engineer shall have an engineer: a) prepare the WWPPP, b) prepare all revisions pursuant to Part III.C, and c) provide the following certification for the WWPPP and any revisions: "The WWPPP is designed using good engineering practices."

The Plan shall identify the anticipated quantities of pollutants which may reasonably be expected to affect the quality of the well construction and well service discharge. In addition, the Plan shall describe and ensure the implementation of controls, identified as Best Management Practices (BMPs), which will be used to reduce the pollutants in well construction and well service discharge at the construction site and to assure compliance with the terms and conditions of this permit. Suggested BMPs are listed in the DNR supplement named "Guidance Document for Well Construction and Well Service Discharges" and can be viewed or downloaded on the DNR web site: www.iowadnr.gov.

A. DEADLINES FOR WWPPP PREPARATION AND COMPLIANCE

1. WWPPP PREPARATION DEADLINE

- A. For public water supply wells, the WWPPP must be developed prior to letting bids for the construction project. The WWPPP shall be updated as needed to ensure that the discharge complies with 567 IAC 61.3(2).
- B. For all other water wells, the WWPPP shall be completed prior to the commencement of well construction and well service activities and shall be updated as needed to ensure that the discharge complies with 567 IAC 61.3(2).

2. WWPPP COMPLIANCE DEADLINE

The WWPPP shall provide for compliance with the terms and schedule of the Plan prior to the commencement of well construction and well service activities.

B. SIGNATURE AND PLAN REVIEW

1. The Plan shall be signed in accordance with Part V.G. and be retained according to Part IV of this permit.
2. The permittee shall make Plans available to the Department for review upon request, or in the case of a discharge associated with well construction and well service activities that discharges through a large or medium municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.
3. The Department may notify the permittee at any time that the Plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the Plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have seven (7) days after such notification to make the necessary changes.
4. All WWPPPs are considered reports that shall be available to the public under Section 308(b) of the CWA and [Iowa Code](#) Chapter 22 ~~of the Code of Iowa~~. However, the permittee may request that any portion of a WWPPP be treated as confidential in accordance with 561 IAC 2.5.

C. KEEPING PLANS CURRENT

The permittee shall amend the Plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the discharge of pollutants to a Water of the United States and which has not been addressed in the Plan, or if the Plan proves to be ineffective in significantly minimizing pollutants from well construction and well service activity, or in otherwise achieving the general objectives of controlling pollutants in discharge associated with well construction and well service activity. In addition, the Plan shall be updated to identify any change or transfer of the permit and permit responsibilities or, if required, by the occurrence of a hazardous condition (as defined in Part VII.G of this permit). Amendments to the Plan may be reviewed by the Department in the same manner as Part III.B.2. The Department retains the right to request and review the Plan before or during the well construction and well service and for a period of six months after permit authorization as noted in Part IV.

D. CONTENTS OF THE WWPPP

The WWPPP shall include the following items:

1. SITE DESCRIPTION

Each Plan shall provide a description of the following:

- A. A description of the planned activity. (For example, construction of a water supply well approximately 400 feet in depth.) The description must also include the types of constituents generated and products used in the well construction and well service activities that may be present

in the wastewater discharge, e.g. bentonite drilling fluid, polymers, foaming agents, and other chemicals or products needed in well construction and well services that may be discharged with the wastewater.

- B. Estimates of the total amount of well construction and well service wastewater to be discharged.
- C. A site map indicating drainage patterns and approximate slopes, the location of structural and non-structural controls identified in the WWPPP, surface waters (including wetlands), and locations where well construction and well service wastewater is discharged to a surface water; and
- D. The location of the discharge, the point of entrance into the water body, and the name of the receiving water(s).

2. CONTROLS

Each Plan shall include a description of Best Management Practices that will be implemented at the well construction and well service site. The Plan will clearly describe the appropriate BMPs and the timing during the well construction and well service process that the measures will be implemented. (For example, retention ponds with a minimum of 10 minutes retention time will be utilized for air drilling, followed by retention ponds with 3 minutes retention time will be utilized for test pumping.) The description of BMPs shall address the following minimum components:

A. EROSION AND SEDIMENT CONTROLS

1. **STABILIZATION PRACTICES** A description of temporary and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed areas are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.
2. **STRUCTURAL PRACTICES** A description of structural practices to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas of the site. Such practices may include silt fences, earth dikes, brush barriers, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

B. OTHER CONTROLS

1. **WASTE DISPOSAL** All wastes composed of building materials or other solid or hazardous substances must be removed from the site for disposal in permitted disposal facilities. No such wastes or unused building materials shall be buried, dumped, or discharged at the site.
2. Off-site vehicle tracking of sediments shall be minimized.
3. The Plan shall ensure and demonstrate compliance with applicable State and local waste disposal, sanitary sewer or septic system regulations.

3. INSPECTIONS

Qualified personnel (provided by the permittee) shall inspect all control measures at least once every 6 hours during well construction and well service activities that result in discharge.

- A. Based on the results of the inspection, the description of potential pollutant, the types of pollutants to be treated as identified in the Plan in accordance with paragraph III.D.1 of this permit and pollution prevention measures identified in the Plan in accordance with paragraph III.D.2. of this permit shall be revised as appropriate as soon as practicable after such inspection.
- B. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date of the inspection, the time of inspection, major observations relating to the performance of the BMPs, and any actions taken to alter the BMPs shall be documented and retained as part of the WWPPP. The report shall be signed by the permittee or co-permittee in accordance with Part V.G. of this permit.

c. Any discharge deficiencies that are found during inspection that are not consistent with this permit require immediate corrective action and modification of the WWPPP.

4. **CONTRACTORS**

A. CO-PERMITTEE

The WWPPP must clearly identify for each BMP in the Plan the contractor(s) and/or subcontractor(s) that will install, manage, or alter the BMPs. All contractors and subcontractors identified in the Plan must sign a copy of the certification statement in Part III.D.4.B. of this permit in accordance with Part V.G. of this permit. Upon signing the certification, the contractor or sub-contractor is a co-permittee with the owner and other co-permittee contractors. All signatures and certifications must be included in the WWPPP.

B. CERTIFICATION STATEMENT

All contractors and subcontractors identified in a WWPPP in accordance with Part III.D.4.A. of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the WWPPP:

"I certify under penalty of law that I understand the terms and conditions of National Pollutant Discharge Elimination System (NPDES) general permit #6 that authorizes well construction and well service discharges from the construction or well services site. Further, by my signature, I understand that I am becoming a co-permittee, along with the owner(s) and other contractors and subcontractors signing such certifications. As a co-permittee, I understand that I, and my company, are legally required under the Clean Water Act and the ~~Code of Iowa~~ Code, to ensure compliance with the terms and conditions of the Well Water Pollution Prevention Plan developed under this NPDES permit and other terms and conditions of this NPDES permit."

The certification must include the name and title of the person providing the signature; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

The failure of any qualifying individual to provide a signed certification statement does not exempt that individual, or entity from whom they are employed, from meeting the requirements as found in the general permit if they meet the qualifications of a co-permittee.

PART IV. RETENTION OF RECORDS

The permittee shall retain copies of the WWPPP and all records required to be kept by this permit for a period of at least six months from the completion date of well services that require the use of this permit.

If there is a construction trailer, shed, portable document mailbox or other covered structure located on the property the permittee shall retain a copy of the WWPPP and all associated records required by this permit at the construction site from the date of project initiation to the date of completion. If there is no construction trailer, shed or other covered structure located on the property, the permittee shall retain a copy of the Plan and associated records at a readily available alternative site and provide it for inspection upon request. If these documents are maintained at an off-site location such as a corporate office, it shall be provided for inspection no later than three hours after being requested.

PART V. STANDARD PERMIT CONDITIONS

A. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the ~~Code of Iowa Code~~ and the Clean Water Act and is grounds for enforcement action; for termination of coverage under this general permit; and/or, for denial of a request for coverage under a reissued general permit.

B. CONTINUATION OF THE EXPIRED GENERAL PERMIT

This permit expires on February 28, 2025. An expired general permit continues in force until replaced by adoption of a new general permit.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

F. OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Department, he or she shall promptly submit such facts or information.

G. SIGNATORY REQUIREMENTS

All WWPPPs, certifications or other information either submitted to the Department or that this permit requires be maintained by the permittee, shall be signed by the appropriate party as indicated in this general permit. If the signatory is not an individual, the person signing shall be as follows:

1. *Corporations*. In the case of corporation, a responsible corporate officer means:
 - A. A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
 - B. The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. *Partnerships*. In the case of a partnership, a general partner.
3. *Sole proprietorships*. In the case of a sole proprietorship, the proprietor.
4. *Municipality, state, federal, or other public agency*. In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:
 - A. The chief executive officer of the agency; or
 - B. A senior executive officer having responsibility for the overall operations of a unit of the agency.

H. CERTIFICATION

Any person signing documents under paragraph V.G. shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

J. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

K. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

L. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of the WWPPPs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of this permit.

M. INSPECTION AND ENTRY

The permittee shall allow the Department or an authorized representative of EPA, the State, county, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and
4. Sample any discharge of pollutants.

N. PERMIT ACTIONS

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

O. ENVIRONMENTAL LAWS

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

PART VI. ADDITIONAL PERMITTING CLAUSE

If there is evidence indicating potential or realized impacts to water quality due to any discharge from an authorized well construction and well service activity covered by this permit, the owner of such system may be required to obtain an individual permit in accordance with Part I.C. of this permit.

PART VII. DEFINITIONS

- A. **"Acutely Toxic Condition"** means that level of pollutants which would rapidly induce a severe and unacceptable impact on organisms.
- B. **"Best Management Practices"** ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- C. **"Contractor(s) and/or Subcontractor(s)"** means any individual or entity who performs work on the well construction/service site involved in installing, managing, and/or altering BMPs intended to manage and treat well construction/service wastewater, or whose on-site work may alter the effectiveness of the BMPs that have been deployed, increase the amount of discharge wastewater, or reduce the quality of the discharge wastewater.
- D. **"CWA" or "Clean Water Act"** means the Federal Water Pollution Control Act.
- E. **"Co-permittee"** means any individual who performs work on the well construction/service site involved in installing, managing, and/or altering BMPs intended to manage and treat well construction/service wastewater or whose on-site work may alter the effectiveness of the BMPs that have been deployed, increase the amount of discharge wastewater, or reduce the quality of the discharge wastewater. Planning and design activities related to development or modification of the WWPPP, by themselves, do not constitute co-permittee status.
- F. **"Department"** means the Iowa Department of Natural Resources.
- G. **"Hazardous Condition"** means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance on to the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. 455B.381(2), [Code of Iowa Code](#).
- H. **"Hazardous Substance"** means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons, radioactive materials; sludges; and organic solvents. "Hazardous substances" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act (49 CFR § 172.101). 455B.381(1), [Code of Iowa Code](#), and 40 CFR Part 116 pursuant to section 311 of the Clean Water Act.
- I. **"Municipality"** means a city, town, borough, county, parish, district, association, or other public body created by or under State law.
- J. **"Permittee"** means the owner of the water supply well.
- K. **"Plan"** means Well Water Pollution Prevention Plan (WWPPP).
- L. **"Waters of the United States"** *Waters of the United States or waters of the US* means those waters defined at 40 CFR § 122.2 ~~adopted by the United States in effect as of January 1, 2015.~~
- M. **"Well Service(s)"** means any service that meets the following definitions: "construction" of a water well, "water well" and "well reconstruction" as found in Iowa Code § 455B.171, "well services" as found in 567 Iowa Administrative Code Chapter 49, and all well construction performed in accordance with 567 Iowa Administrative Code Chapter 43. Examples of water well and well services include but are not limited to: well drilling and well construction for private and public water supply wells, well servicing, well development, well rehabilitation, well repair, and test pumping of all types of water supply wells, well drilling and construction

for geothermal production supply wells, borehole drilling and heat exchanger installation for vertical geothermal closed loop heat exchangers, and any other water well services related activity that generates wastewater.

**Attachment 1:
ONRW and OIW Waters in Iowa**

Outstanding National Resource Waters (ONRW)

There are no waters in Iowa designated as Outstanding National Resource Waters as of the date of issuance of this permit.

Outstanding Iowa Waters (OIW)

STREAM	DESCRIPTION	LENGTH (Miles)
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	From road crossing in SW ¼, NW1/4, S11, T86N, R10W, Benton Co. to E line, S25, T87N, R10W, Buchanan Co.	5.2
Bloody Run	From (W. line of Section 22, T95N, R4W, Clayton Co.) to the confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44	8.59
Brownfield Creek	Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)	0.94
Clear Creek	Mouth (Allamakee Co.) to W. line of Section 25, T99N, R4W, Allamakee Co.	3.79
Deer Creek	Road crossing in SE¼, S35, T100N, R19W, Worth Co. to the N. line of S7, T100N, R19W, Worth Co.	7.29
Dousman Creek	Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line.	3.44
Duck Creek	From the mouth (S14, T100N, R06W Allamakee Co.) to the Iowa-Minnesota state line.	1.98
Ensign Creek (aka Ensign Hollow)	Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)	1.05
Unnamed Creek (aka Erickson Spring Branch)	Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.	0.91
French Creek	Mouth (Allamakee Co.) to E. line of Section 23, T99N,	5.58

	R5W, Allamakee Co.	
Grannis Creek	Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.	3.56
Jones Creek	From the mouth (S19, T98N, R04W Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R05W Allamakee Co.)	5.75
Kleinlein Creek	Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)	3.96
Lime Creek	From confluence with unnamed tributary in NE $\frac{1}{4}$, NW $\frac{1}{4}$, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.	3.0
Little Paint Creek	Mouth to N. line of Section 30, T97N, R3W	1.92
Ludlow Creek	Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)	2.00
Mill Creek (aka Big Mill Creek)	Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)	8.04
Mossey Glen Creek	Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.	1.96
North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line.	6.39
Pine Creek (aka South Pine Creek)	Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.	2.80
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
South Canoe Creek	From the mouth (S22, T99N, R08W Winneshiek Co.) to the bridge crossing at Winn Rd. (S21, T99N, R08W Winneshiek Co.)	1.90
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83

Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co.	1.37
Trout Run	Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach.	1.0
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
Unnamed Creek (aka Cold Water Creek)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of Section 31, T100N, R9W, Winneshiek Co.)	2.46
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line.	9.39
West Branch French Creek	From the mouth (S23, T99N, R05W, Allamakee Co.) to the confluence with Unnamed Creek (S26, T99N, R05W, Allamakee Co.)	0.67
	Grand Total:	118.08
LAKES	DESCRIPTION (Section, Township, Range)	SIZE (Acres)
Big Spirit Lake SGMA	S33, T100N, R36W	5684
Wst Okboji Lake SGMA	S20, T99N, R36W	3,847

IOWA DEPARTMENT OF NATURAL RESOURCES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

GENERAL PERMIT NO. 7

EFFECTIVE DATES

~~MAY 18, 2021~~ JULY 1, 2023 THROUGH ~~MAY 17, 2026~~ JUNE 30, 2028

**PESTICIDE GENERAL PERMIT (PGP) FOR
POINT SOURCE DISCHARGES TO WATERS OF THE UNITED STATES
FROM THE APPLICATION OF PESTICIDES**

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PART I. COVERAGE UNDER THIS PERMIT

A. PERMIT AREA

This permit covers all areas of the State of Iowa.

B. ELIGIBILITY

1. COVERAGE

Except as described under Part I.B.2, this permit authorizes discharges that result from the application of 1) biological pesticides and 2) chemical pesticides that leave a residue from point sources to Waters of the United States (U.S.) (hereinafter referred to “pesticide discharges”). This permit covers the following pesticide use patterns:

- a) Mosquito and Other Flying or Aquatic Nuisance Insect Control** - management of all public health/nuisance pests which develop or are present during a portion of their life cycle in standing or flowing water, when applying pesticides in or over standing or flowing water. Public health/nuisance pests in this use category include but are not limited to mosquitoes and black flies.
- b) Weed, Algae, Bacteria, Fungi, or Fish Parasite Control** - management of weeds, algae, bacteria, fungi, and fish parasites in water and at water's edge including but not limited to lakes, rivers, streams, irrigation canals, and drainage systems.
- c) Aquatic Nuisance Animal Control** - management of invasive or other nuisance species in water and at water's edge. Aquatic nuisance animals in this use category include but are not limited to fish, lampreys, and mollusks.
- d) Forest Canopy Pest Control** - aerial and ground application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where a portion of the pesticide unavoidably will be applied over and deposited to water to target the pests effectively.

2. LIMITATIONS ON COVERAGE

You are required to apply for and/or obtain authorization to discharge under an individual NPDES permit in accordance with the Iowa Administrative Code (IAC) at 567 IAC Chapter 64 if you have a discharge covered by Parts I.B.2.a to I.B.2.e. Refer to Part I.D for a further description of individual NPDES permits.

a) Discharges to Impaired Waters

You are not eligible for coverage under this permit for any pesticide discharges to waters identified as impaired by that pesticide or its degradates. Impaired waters are those which have been identified by the department pursuant to Section 303(d) of the Clean Water Act (CWA) as not meeting applicable Iowa water quality standards. Impaired waters include both waters with established Total Maximum Daily Loads (TMDLs) and those for which a TMDL has not yet been established.

b) Discharges to Waters Designated as OIW or ONRW

You are not eligible for coverage under this permit for pesticide discharges to waters designated by the department as Outstanding Iowa Waters (OIW) or Outstanding National Resource Waters (ONRW) (See Attachment 1).

c) Endangered and Threatened Species and Critical Habitat Protection

You are not eligible for coverage under this permit for pesticide discharges to waters that are published critical habitat for federally listed species.

d) Discharges Covered by another Individual or General NPDES Permit

You are not eligible for coverage under this permit for the following types of pesticide discharges:

- Discharges currently covered under another NPDES permit. For example, controlled discharge lagoons with individual permits must request a permit amendment to discharge algaecide residuals.
- Discharges covered within five years prior to the effective date of this permit by another NPDES permit that established site-specific numeric water quality-based limitations.
- Discharges covered by another NPDES permit which has been or is in the process of being denied, terminated, or revoked by the department. This does not apply to the routine reissuance of permits every five years.

e) Any Discharge Resulting From the Use of a Pesticide Contrary to Its Labeling

You are not eligible for coverage under this permit for a discharge that occurs when using a pesticide contrary to its labeling. This permit only covers discharges that occur when a pesticide is applied in accordance with the pesticide product label.

f) Discharges near Shallow Wells and Waters Designated as Drinking Water Supply (Class C)

You are not eligible for coverage under this permit for any pesticide discharges to waters located in any of the following areas, unless you obtain prior authorization from the department:

- Within 50 feet of a shallow well as defined in Part VII;
- Within one-half mile upstream to one-half mile downstream of a river or stream segment designated as a drinking water supply (Class C) in 567 IAC Chapter 61.3(5); or,
- To any lake, reservoir or wetland designated as Class C in 567 IAC Chapter 61.3(5).

In order to request authorization, you must submit the Class C Waters Form to the department at least ninety (90) days before the anticipated pesticide application.

This form and a list of Class C designated waters are available at <http://www.iowadnr.gov>.

For pesticide discharges to Class C waters, authorization shall only be granted to certified applicators who possess a current certification in Category 5 – Aquatic Pest Control, as licensed by the Iowa Department of Agriculture and Land Stewardship (IDALS).

Authorization will not be granted for pesticide discharges to Class C waters if any of the following conditions apply:

- If the active or inert ingredients in the pesticide are regulated under the Safe Drinking Water Act (SDWA);
- If the pesticide will be applied within 2,000 feet upstream to 100 feet downstream of a public or private water supply intake in a river or stream; or
- If the pesticide will be applied within 2,000 feet of a public or private water supply intake in a lake, reservoir, or wetland.

Notwithstanding the above conditions, authorization may be granted to the impacted water purveyor for discharges from a pesticide application intended to correct or control water quality problems within the water supply or system.

C. AUTHORIZATION TO DISCHARGE UNDER THIS PERMIT

1. HOW TO QUALIFY FOR AUTHORIZATION

To qualify for authorization under this permit, an operator must meet the eligibility requirements as identified in Part I.B. For the purposes of this permit, an operator is defined as any person involved in the application of a pesticide that results in a discharge to a Water of the U.S. that meets either of the following two criteria:

- The person has operational control over the financing for or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions; or,
- The person has day-to-day operational control of activities which are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit).

2. DISCHARGE AUTHORIZATION

Except as described under Part I.B.2, pesticide discharges are immediately authorized under this permit as long as the conditions of this permit are satisfied.

3. CONTINUATION OF THIS PERMIT

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 567 IAC Chapter 64 and will remain in force and effect. If you were authorized to discharge under this permit prior to the expiration

date, any pesticide discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

- The issuance or denial of an individual permit for pesticide discharges that would otherwise be covered under this permit; or
- A decision by the department to revoke or not reissue this general permit because the supporting law no longer requires it, at which time the department will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit, if required by federal or state law.

4. DISCONTINUATION OF COVERAGE

Coverage under this permit is terminated when an operator no longer has pesticide discharges or the discharges are covered under an individual permit.

D. REQUIRING AN INDIVIDUAL NPDES PERMIT

1. THE DEPARTMENT REQUIRING COVERAGE UNDER AN INDIVIDUAL PERMIT

The department may require you to apply for and/or obtain authorization to discharge under an individual NPDES permit in accordance with 567 IAC Chapter 64.3(4) "a". If you are required to apply for an individual permit, you will be notified in writing that an individual permit application must be submitted. This notification will include a brief statement of the reasons for this decision and will provide application information. In addition, if you are an operator whose discharges are authorized under this general permit, the notification will set a deadline for submitting the individual permit application. The deadline shall be no longer than one year from the date of the written notification, and the notification will state that coverage under this general permit will terminate on the effective date of the individual NPDES permit.

The department may grant additional time to submit the individual permit application if you submit a request setting forth reasonable grounds for additional time. If you are covered under this general permit and fail to submit an individual NPDES permit application (if required by the department), then your coverage under this general permit is terminated at the end of the day on the date the department specified as the deadline for application submittal. The department may take appropriate enforcement action for any unpermitted discharge.

2. OPERATOR REQUESTING COVERAGE UNDER AN INDIVIDUAL PERMIT

You may request to be excluded from coverage under this general permit by applying for an individual NPDES permit. In such a case, you must submit the reason for the request and an individual permit application in accordance with the requirements of 567 IAC Chapter 64 to the Iowa Department of Natural Resources, NPDES Section at 502 East 9th Street, Des Moines, IA 50319. If your reasons are warranted, the department may grant your request by issuing an individual NPDES permit for pesticide discharges. Your

authorization to discharge under this general permit is terminated on the issuance date of the individual permit.

E. SEVERABILITY OF THIS PERMIT

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. The department's intent is that the permit is to remain in effect to the extent possible. In the event that any part of this permit is invalidated, the department will advise the regulated community as to the effect of such invalidation.

F. OTHER FEDERAL AND STATE LAWS

You must comply with all other applicable federal and state laws that pertain to your application of pesticides. This includes but is not limited to: Iowa Code Chapter 206; 21 IAC Chapter 45; 567 IAC Chapter 131; 571 IAC Chapter 54; and, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and its implementing regulations.

PART II. TECHNOLOGY-BASED EFFLUENT LIMITATIONS

A. REQUIREMENTS

All operators must implement the control measures in this Part to minimize pesticide discharges. The term "minimize" means to reduce and/or eliminate discharges using control measures (e.g., best management practices) and to the extent technologically and economically practicable and achievable.

1. PEST MANAGEMENT TOOLS

Prior to a pesticide discharge pursuant to this permit, you must evaluate alternative pest management tools while considering pest resistance, feasibility, cost effectiveness, and the impact to water quality and non-target organisms. Alternative management tools include:

- No action
- Prevention of the situation requiring pest management
- Mechanical/physical methods of pest management
- Cultural methods of pest management
- Biological control agents (e.g. predators)
- Available pesticides appropriate for the target pest.

The pest management tools chosen must be efficient and effective means of pest management and must successfully minimize discharges resulting from the application of pesticides.

2. PESTICIDE APPLICATION RATE

In order to use the lowest effective amount of pesticide product per application, follow the pesticide product label instructions and apply pesticides at no more than the recommended application rate.

3. REGULAR MAINTENANCE ACTIVITIES

Perform regular container maintenance activities to minimize potential for leaks, spills, and unintended or accidental release of pesticides from pesticide containers to Waters of the U.S. Maintain application equipment in proper operating condition by adhering to any manufacturer conditions and industry practices and by calibrating, cleaning, and repairing equipment on a regular basis to ensure effective pesticide application and pest control. Properly calibrate equipment to deliver no more than the recommended application rate as noted on the pesticide product label. Proper calibration includes but is not limited to the following: nozzle choice, and droplet size.

PART III. WATER QUALITY-BASED EFFLUENT LIMITATIONS

Pesticide discharges that cause or contribute to an excursion of any applicable numeric or narrative state water quality standard (WQS) as stated in 567 IAC Chapter 61 are prohibited and are a violation of this permit. If at any time you become aware, or the department determines, that your discharge causes or contributes to an excursion of applicable WQS, you must take corrective action as required in Part V. The department may impose additional water quality-based limitations or require you to obtain coverage under an individual permit if your discharges are not controlled as necessary to meet applicable WQS.

PART IV. MONITORING REQUIREMENTS**A. BASIC MONITORING REQUIREMENTS**

All operators must:

- Monitor the amount of pesticide applied to ensure that you apply no more than the recommended application rate as noted on the pesticide product label;
- Monitor your pesticide application activities to ensure you are performing regular maintenance activities; and
- Monitor your application equipment to ensure that it is in proper operating condition.

This monitoring is intended to minimize the potential for leaks, spills, and unintended or accidental discharge of pesticides.

B. VISUAL MONITORING REQUIREMENTS

All operators must conduct visual assessment(s) of the application site(s) as follows:

- During the application when considerations for safety and feasibility allow; and
- During any post-application surveillance or efficacy check.

Visual assessments will consist of spot checks in the area to and around where pesticides are applied for possible and observable adverse impacts caused by your application of pesticides. Possible and observable adverse impacts include, but are not limited to:

- The unanticipated death or distress of non-target organisms;
- Disruption of wildlife habitat; and
- Disruption of recreational or municipal water use.

PART V. CORRECTIVE ACTION

A. SITUATIONS REQUIRING REVISION OF CONTROL MEASURES

If any of the following situations occur, you must review and, as necessary, revise the selection and implementation of your control measures to ensure that the situation is eliminated and will not be repeated in the future:

- An unauthorized release or discharge (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs;
- You become aware, or the department determines, that your control measures are not adequate or sufficient for the discharge to meet applicable WQS;
- You become aware, or the department determines, that you failed to perform regular container maintenance activities or to maintain application equipment in proper operating condition as required in Part II.A.3;
- Your monitoring activities, as required in Part IV, determine that you applied more than the recommended application rate as noted on the pesticide product label or failed to properly calibrate equipment to deliver the recommended application rate;
- An inspection or evaluation of your activities by the department determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit, or
- You observe or are otherwise made aware of a hazardous condition, as defined in Part VII.

B. CORRECTIVE ACTION DEADLINES

If you determine that changes to your control measures are necessary to eliminate any situation identified in Part V.A, such changes must be made before the next pesticide application that results in a discharge, or as soon as practicable.

C. HAZARDOUS CONDITION DOCUMENTATION AND REPORTING

1. SIX (6) HOUR HAZARDOUS CONDITION NOTIFICATION

If you observe or are otherwise made aware of a hazardous condition, as defined in Part VII, which may have resulted from a discharge from your pesticide application, you must immediately notify the department. As required at 567 IAC Chapter 131.2, this notification must be made by telephone within six (6) hours of you becoming aware of the hazardous condition. Notification shall be made by calling the department's Environmental

Emergency Reporting Hotline at (515)725-8694. Notifications must include at least the following information:

- The caller's name and telephone number;
- Operator name and mailing address;
- The name and telephone number of a contact person, if different than the person providing the 6-hour notice;
- How and when you became aware of the hazardous condition;
- The exact location of the hazardous condition;
- Name of any waterbody affected by the hazardous condition;
- Description of the hazardous condition identified, including the U.S. EPA pesticide registration number for each product you applied in the area of the hazardous condition; and
- Description of any steps you have taken or will take to contain any hazardous effects.

The hazardous condition notification and reporting requirements are in addition to what the registrant is required to submit under FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

2. THIRTY (30) DAY HAZARDOUS CONDITION WRITTEN REPORT

Within thirty (30) days of becoming aware of the hazardous condition reported pursuant to Part V.C.1, you must postmark a written report of the hazardous condition to the appropriate department field office. The field office addresses are available at <http://www.iowadnr.gov>. Your hazardous condition report must include the information required in 567 IAC Chapter 131.2, Report of Hazardous Conditions. Contact the appropriate department field office for more information. You must report hazardous conditions even for those instances when the pesticide labeling states that adverse effects may occur. A copy of the hazardous condition report submitted to the department must be retained in accordance with Part VI of this permit.

Note that if the department provides future notification to dischargers that other reporting options are available (e.g., electronic submission), operators may take advantage of those options to satisfy the reporting requirements of this permit.

PART VI. RECORDKEEPING

You must keep written records as required in this permit. These records must be accurate and complete to demonstrate your compliance with the conditions of this permit. You can rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs, provided all requirements of this permit are satisfied.

A. REQUIRED RECORDS

All operators are required to keep the following records:

- A copy of any written Hazardous Condition Reports (See Part V.C.2);
- A copy of any Class C Waters Form (See Part I.B.2.f); and
- Any correspondence exchanged between you and the department specific to coverage under this permit.

B. MAINTENANCE AND AVAILABILITY OF RECORDS

You must retain the records outlined in Part VI.A for a period of at least three (3) years from the date that the record was generated, even if your coverage under this permit expires or is discontinued before the end of the three year period. All records kept under this section must be made available upon request to an authorized representative from the department, U.S. EPA, or IDALS.

PART VII. DEFINITIONS, ABBREVIATIONS, AND ACRONYMS

A. DEFINITIONS

Active Ingredient –

- In the case of a pesticide other than a plant growth regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests.
- In the case of a plant growth regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof.
- In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.
- In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

[Iowa Code ~~Section~~ § 206.2]

Best Management Practices (BMPs) – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Waters of the U.S. BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, or drainage from raw material storage. [40 CFR § 122.2]

Biological Control Agents – organisms that can be introduced to your sites, such as herbivores, predators, parasites, and hyperparasites. [U.S. FWS IPM Guidance, 2004]

Biological pesticides (also called biopesticides) – include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP).

Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that

- (1) Is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi;
 - (2) Is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria;
- or
- (3) Is a parasitically replicating microscopic element, including but not limited to, viruses.

[40 CFR [§](#) 158.2100(a)]

Biochemical pesticide means a pesticide that

- (1) Is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance;
- (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and
- (3) Has a non-toxic mode of action to the target pest(s). [40 CFR [§](#) 158.2000(a)]

Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR [§](#) 174.3]

Certified Applicator – any individual who is certified under 21 IAC Chapter 45 as authorized to use any pesticide. [Iowa Code ~~Section~~ [§](#) 206.2]

Chemical pesticides – all pesticides not otherwise classified as biological pesticides.

Code of Federal Regulations (CFR) – the federal administrative rules adopted by the United States.

Control Measure – refers to any BMP or other method used to meet the effluent limitations to minimize the discharge of pollutants to Waters of the U.S.

Cultural Methods – manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.

Discharge – when used without qualification, means the "discharge of a pollutant."

Discharge of a pollutant – any addition of any pollutant or combination of pollutants to Waters of the U.S. or waters of the state from any point source. "Discharge of a pollutant" includes additions of pollutants into navigable waters or waters of the state from surface runoff which is collected or channeled by human activity; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through

pipes, sewers, or other conveyances, leading into privately owned treatment works. [567 IAC Chapter 60]

Facility or Activity – any NPDES “point source” that is subject to regulation under the NPDES program.

Hazardous condition – any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment. [567 IAC Chapter 131]

Hazardous substance – any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents. [567 IAC Chapter 131]

Impaired Water – A water is impaired for purposes of this permit if it has been identified by the department pursuant to Section 303(d) of the CWA as not meeting applicable Iowa water quality standards (see 567 IAC Chapter 61). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Inert Ingredient – an ingredient which is not an active ingredient. [Iowa Code [Section-§ 206.2](#)]

Insect – any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes and wood lice. [21 IAC Chapter 45]

Label – the written, printed, or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the pesticide or device. [Iowa Code [Section-§ 206.2](#)]

Mechanical/Physical Methods – mechanical tools or physical alterations of the environment for pest prevention or removal.

Minimize – to reduce and/or eliminate pesticide discharges to Waters of the U.S. through the use of control measures and to the extent technologically and economically practicable and achievable.

Non-target Organisms – includes the plant and animal hosts of the target pest, the natural enemies of the target pest living in the community, and other plants and animals, including vertebrates, living in or near the community that are not the target of the pesticide.

Operator – For the purposes of this permit, an operator is defined as any person involved in the application of a pesticide that results in a discharge to a Water of the U.S. that meets either of the following two criteria:

- The person has operational control over the financing for, or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions; or,
- The person has day-to-day operational control of activities which are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit).

Person – any individual, partnership, association, corporation, or organized group of persons whether incorporated or not. [Iowa Code [Section § 206.2](#)]

Pest – Any insect, rodent, nematode, fungus, weed, or any form of plant and animal life, virus, or other microorganism, except viruses or other microorganisms on or in living man or other living animals, which exists under circumstances that make it unduly injurious to plants, man, domestic animals, other useful vertebrates, useful invertebrates, or other articles or substances. [21 IAC Chapter 45]

Pesticide –

- a) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating directly or indirectly any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living persons, which the secretary shall declare to be a pest, and
- b) any substances intended for use as a plant growth regulator, defoliant, or desiccant.

[Iowa Code 206.2]

Defoliant means any substance or mixture of substances intended for causing the leaves or foliage to drop from the plant with or without causing abscission. [21 IAC Chapter 45]

Desiccant means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue. [21 IAC Chapter 45]

Plant growth regulator means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. [Iowa Code 206.2]

Pesticide Discharges – means “Pesticide Discharges to Waters of the United States from Pesticide Application”

Pesticide Discharges to Waters of the United States from Pesticide Application – means the discharges that result from the application of biological pesticides, and the application of chemical pesticides that leave a residue, from point sources to Waters of the United States. In the context of this definition of pesticide discharges to Waters of the United States from pesticide application, this does not include agricultural storm water discharges and return flows from irrigated agriculture, which are excluded by law (33 U.S.C. 1342(I); 33 U.S.C. 1362(14)).

Pesticide Product – a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.

Pesticide Residue – includes that portion of a pesticide application that is discharged from a point source to Waters of the U.S. and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

Point source – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged. “Point source” does not include return flows from irrigated agriculture or agricultural storm water runoff. [567 IAC Chapter 60]

Pollutant – sewage, industrial waste, or other waste. [567 IAC Chapter 60]

Sewage means the water-carried waste products from residences, public buildings, institutions, or other buildings, including the bodily discharges from human beings or animals together with such groundwater infiltration and surface water as may be present.

Industrial waste means any liquid, gaseous, radioactive, or solid waste substance resulting from any process of industry, manufacturing, trade, or business, or from the development of any natural resource.

Other waste means heat, garbage, municipal refuse, lime, sand, ashes, offal, oil, tar, chemicals, and all other wastes which are not sewage or industrial waste.

Shallow well – means a well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least 5 feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn. [567 IAC Chapter 40]

Target Pest – the organism(s) toward which pest management tools are being directed.

Total Maximum Daily Loads (TMDLs) – A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations for point source discharges, load allocations for nonpoint sources and/or natural background, and must include a margin of safety and account for seasonal variations.

Toxic – causing or producing a dangerous physiological, anatomic or biochemical change in a biological system. [567 IAC Chapter 131]

Use of a pesticide contrary to its labeling – to use any registered pesticide in a manner not permitted by the labeling provided that the phrase shall not include:

1. Applying a pesticide for agricultural or horticultural purposes only at any dosage, concentration, or frequency less than that specified on the labeling.
2. Applying a pesticide for agricultural or horticultural purposes only against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling unless the labeling specifically states that the pesticide may be used only for the pests specified on the labeling; or
3. Employing any method of application not prohibited by the labeling for agricultural or horticultural purposes only.
4. Mixing pesticides or mixing pesticide with a fertilizer when such mixture is not prohibited by the labeling for agricultural or horticultural purposes only.

[21 IAC Chapter 45]

Waters of the United States or Waters of the U.S. – means those waters defined at 40 CFR [§ 122.2](#) ~~(June 22, 2020)~~.

Water Quality Standards (WQS) – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures. Iowa's Water Quality Standards are contained in 567 IAC Chapter 61.

Weed – any plant which grows where not wanted. [21 IAC Chapter 45]

Wetlands - means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

You and Your – as used in this permit are intended to refer to the operator, or the discharger as the context indicates and that party's activities or responsibilities.

B. ABBREVIATIONS AND ACRONYMS

BMP – Best Management Practice

CFR – Code of Federal Regulations

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §§1251 *et seq.*)

FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 *et seq.*

IAC – Iowa Administrative Code

NPDES – National Pollutant Discharge Elimination System

OIW – Outstanding Iowa Water

ONRW – Outstanding National Resource Water

SDWA – Safe Drinking Water Act

TMDL – Total Maximum Daily Load

U.S. – United States

U.S.C. – United States Code

U.S. EPA – United States Environmental Protection Agency

U.S. FWS – United States Fish and Wildlife Service

WQS – Water Quality Standard

PART VIII. STANDARD CONDITIONS

A. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the ~~Code of Iowa~~ Code and the Clean Water Act and is grounds for enforcement action; for termination of coverage under this general permit; and/or, for denial of a request for coverage under a reissued general permit.

B. CONTINUATION OF THE EXPIRED GENERAL PERMIT

This permit expires on May 17, 2026. An expired general permit continues in force until replaced by adoption of a new general permit or rescinded by the department.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. DUTY TO MITIGATE

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

E. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the department, within a reasonable time, any information which the department may request to determine compliance with this permit. The permittee shall also furnish to the department upon request copies of records required to be kept by this permit.

F. OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the department, he or she shall promptly submit such facts or information.

G. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

H. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws.

I. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

J. INSPECTION AND ENTRY

The permittee shall allow the department or an authorized representative of U.S. EPA, the State, or county, upon the presentation of credentials and other documents as may be required by law, to:

- Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
- Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and
- Sample any discharge of pollutants.

K. PERMIT ACTIONS

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

L. ENVIRONMENTAL LAWS

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations. Pertinent regulations include but are not limited to the following: 40 CFR § 122.41(j)(5); 567 IAC 63.1; 567 IAC 63.2; 567 IAC 63.6; 567 IAC 63.12-15; 567 IAC 64.3(8); and 567 IAC 64.7(7)“f”.

Attachment 1: ONRW and OIW Waters in Iowa

Outstanding National Resource Waters (ONRW)

There are no waters in Iowa designated as Outstanding National Resource Waters as of the date of issuance of this permit.

Outstanding Iowa Waters (OIW)

STREAM	DESCRIPTION	LENGTH (Miles)
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	From road crossing in SW ¼, NW1/4, S11, T86N, R10W, Benton Co. to E line, S25, T87N, R10W, Buchanan Co.	5.2
Bloody Run	From (W. line of Section 22, T95N, R4W, Clayton Co.) to the confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44	8.59
Brownfield Creek	Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)	0.94
Clear Creek	Mouth (Allamakee Co.) to W. line of Section 25, T99N, R4W, Allamakee Co.	3.79
Deer Creek	Road crossing in SE¼, S35, T100N, R19W, Worth Co. to the N. line of S7, T100N, R19W, Worth Co.	7.29
Dousman Creek	Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line.	3.44
Duck Creek	From the mouth (S14, T100N, R06W Allamakee Co.) to the Iowa-Minnesota state line.	1.98
Ensign Creek (aka Ensign Hollow)	Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)	1.05
Unnamed Creek (aka Erickson Spring Branch)	Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.	0.91
French Creek	Mouth (Allamakee Co.) to E. line of Section 23, T99N, R5W, Allamakee Co.	5.58
Grannis Creek	Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.	3.56
Jones Creek	From the mouth (S19, T98N, R04W Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R05W Allamakee Co.)	5.75

Kleinlein Creek	Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)	3.96
Lime Creek	From confluence with unnamed tributary in NE ¼, NW ¼, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.	3.0
Little Paint Creek	Mouth to N. line of Section 30, T97N, R3W	1.92
Ludlow Creek	Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)	2.00
Mill Creek (aka Big Mill Creek)	Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)	8.04
Mossey Glen Creek	Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.	1.96
North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line.	6.39
Pine Creek (aka South Pine Creek)	Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.	2.80
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
South Canoe Creek	From the mouth (S22, T99N, R08W Winneshiek Co.) to the bridge crossing at Winn Rd. (S21, T99N, R08W Winneshiek Co.)	1.90
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83
Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co.	1.37
Trout Run	Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach.	1.0
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
Unnamed Creek (aka Cold Water Creek)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of Section 31, T100N, R9W, Winneshiek Co.)	2.46
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line.	9.39

West Branch French Creek	From the mouth (S23, T99N, R05W, Allamakee Co.) to the confluence with Unnamed Creek (S26, T99N, R05W, Allamakee Co.)	0.67
	Grand Total:	118.08
LAKES	DESCRIPTION (Section, Township, Range)	SIZE (Acres)
Big Spirit Lake SGMA	S33, T100N, R36W	5684
West Okoboji Lake SGMA	S20, T99N, R36W	3,847

IOWA DEPARTMENT OF NATURAL RESOURCES

**NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES)
and
STATE OPERATION PERMIT**

GENERAL PERMIT NO. 8

EFFECTIVE DATES

JULY 1, ~~2018-2023~~ THROUGH JUNE 30, ~~2023~~2028

FOR

**DISCHARGE FROM
HYDROSTATIC TESTING, TANK BALLASTING and WATER LINES**

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PART I. COVERAGE UNDER THIS PERMIT

A. Coverage Area

This National Pollutant Discharge Elimination System (NPDES) and State Operation Permit General Permit No. 8 (hereafter "GP #8" or "this permit") covers all areas within the borders of the State of Iowa.

B. Activities Covered Under This Permit

This permit authorizes the discharge of pollutants to surface waters of the State or ~~the discharge of pollutants~~ to the ground surface resulting from the following activities:

- 1. Hydrostatic testing using water to verify the integrity of pipes, pipelines (including related appurtenances), tanks, containers, and other vessels designed to hold liquids or gases;
- 2. Removal of water used as ballast for underground storage tanks prior to adding any other liquid or gas to the tank or used to stabilize tanks during floods; and
- 3. Disinfecting, flushing, or pressure testing of water lines and new sanitary sewer lines and associated equipment, except those excluded under Part I.C.9.

C. ~~Discharges-Activities~~ Not Covered Under This Permit

Discharges from the ~~following~~ activities listed below are not authorized by this permit. ~~and Exclusion-exclusion~~ from this permit does not exempt the discharges ~~below~~ from environmental regulation.

1. Discharges ~~which have received an authorization~~authorized ~~under another general NPDES permit or~~ under an individual ~~NPDES or state operation~~ permit or another general NPDES permit (GP).
 - a. ~~General Permits~~GP #1, #2, or #3; or Municipal Separate Storm Sewer (MS4) Permits:
 - i. These permits authorize discharges from fire hydrant flushing, discharges from potable water sources, and discharges from water line flushing.
 - ii. A ~~discharge which~~permittee who is already authorized under GP #1, #2, #3, or an MS4 permit who will conduct one or more of the discharges does not need coverage under GP #8 for the activities listed in Part I.C.1.a.i does not need coverage under this permit for those discharges.
 - b. Individual NPDES or State Operation Permits:
 - i. A permittee authorized for any of the discharges listed in Part I.B under an individual permit shall adhere to the requirements of their individual permit for that activity.
 - ii. A permittee authorized under an individual permit may discharge from any of the activities covered under this permit but not listed in their individual permit, according to the requirements of this permit.
2. Hydrostatic testing using fluids other than water as a test medium. Persons seeking to do this should investigate disposal options other than discharging or apply for an individual permit.
 - ~~Persons seeking to do this should investigate disposal options other than discharging or apply for an individual permit.~~
3. Any discharge resulting from cleaning or rinsing of pipes, pipelines, tanks, or other containers prior to testing, with the exception of water used for flushing or disinfecting water lines. Persons seeking to do this should investigate other disposal options or apply for an individual permit.
 - ~~Persons seeking to do this should investigate other disposal options or apply for an individual permit.~~
4. Any new or expanded discharge to Outstanding Iowa Waters (OIW) or Outstanding National Resource Waters (ONRW) (~~See~~see Attachment 1).
 - a. ~~Persons seeking to discharge~~Discharges to OIW ~~may apply for an~~ can only be authorized by individual permits; ~~and~~
 - a.b. Discharges to ONRW cannot be authorized in Iowa.

5. Any discharge to a ~~state~~State-owned natural or artificial lake (~~See see~~ Attachment 2). Iowa Code § 455B.186(1) prohibits the discharge of pollutants to a state-owned natural or artificial lake.
 - ~~Iowa Code prohibits the discharge of pollutants to a state-owned natural or artificial lake.~~
6. Any discharge ~~the Department has shown to be contributing~~that contributes to, or may reasonably be expected to contribute to, a violation of any water quality standard.
7. Discharges that contain domestic sewage, industrial process waste, or manure, whether treated or untreated. Persons seeking to do this should contact the Iowa Department of Natural Resources.
 - ~~Persons seeking to do this should contact the Iowa Department of Natural Resources.~~
8. The discharge of hazardous substances or oil resulting from an on-site spill.
9. Discharges from flushing of sprinkler systems and irrigation systems.
10. Discharges from an animal feeding operation that are regulated ~~under~~pursuant to 567 Iowa Administrative Code (IAC) Chapter 65, General Permit GP #2, or an individual stormwater permit.
11. Discharges that may adversely impact critical habitat of threatened or endangered species as designated by the ~~Iowa Department of Natural Resources~~department (www.iowadnr.gov) or the U.S. United States Fish and Wildlife Service (www.fws.gov).

PART II. HYDROSTATIC TESTING AND TANK BALLAST DISCHARGES TO THE GROUND SURFACE

A. Coverage

For ~~this part~~Part II of ~~the this~~ permit, “discharge to the ground surface” means the operation of a wastewater disposal system that directs hydrostatic test wastewater or ballast wastewater to the surface of the ground. This does not include disposal systems that result in a discharge to surface waters of the ~~state~~State. For Part II only, “discharge” means “discharge to the ground surface”. ~~This Part II~~ does not apply to discharges from water lines or new sanitary sewer lines. These discharge requirements are found in Part IV.

B. Electronic Notice of Intent (eNOI)

1. eNOI Not Required

An eNOI is not required for discharge to the ground surface unless the discharge is listed in Part II.B.2. All covered ground surface discharges that are exempt from the eNOI submittal requirements are automatically authorized. No submittal to the ~~Department~~department is required to commence these discharges.

2. eNOI Required

An eNOI is required for discharge to the ground surface ~~must be submitted~~ when chemicals other than chlorine or those commonly used for dechlorination have been or will be added to the water.

3. eNOI Contents and Submittal Timeline

~~a.~~ For If any discharges to the ground surface ~~authorized are expected to result at a site from the hydrostatic testing or tank ballasting activities covered~~ under Part I.B. and ~~required to submit~~ an eNOI is required under Part II.B.2, then a complete and accurate eNOI for the site’s discharges must be submitted to the department.

~~a.b.~~ The eNOI should be received by the ~~Department~~department a minimum of thirty (30) days prior to the ~~date the discharge is scheduled to commence~~anticipated start date of any discharge occurring at the site.

~~b.c.~~ A completed eNOI shall be signed in accordance with Part ~~VI.K.~~ VII.K of this permit, and shall contain all of the following:

- i. The name, mailing address, and telephone number for the owner of the pipeline, tank, or container;

- ii. The name, mailing address, and telephone number of the person responsible for the discharge(s);¹;
 - iii. Location of the site in one or more of these formats:
 - The name, street address (where applicable), city, and ZIP code;
 - and county, and either the ¼Quarter section, section, township, and range, and county; or
 - iii. • the latitude and longitude ~~and county where each discharge will occur;~~
 - iv. The anticipated ~~start~~ date of when the discharge(s) at the site will start and the anticipated ~~end~~ date when the discharge(s) at the site will end if the discharge is not permanent;
 - v. The name of the owner of the ground where the wastewater will be discharged;
 - vi. Whether the discharge(s) will result from hydrostatic testing or tank ballasting;
 - vii. The source(s) of the water to be used for the hydrostatic test or ballast (e.g. private well, surface water, municipal system);
 - viii. A description of any mechanisms that will be used to remove pollutants;²
 - ix. The product name(s), Safety Data Sheet(s), and estimated concentration(s) of any chemical additives (other than chlorine or common dechlorination chemicals) that are expected to be present in the discharge(s); and
 - x. Total project flow volume (in million gallons) and maximum daily flow (in million gallons per day).
- ~~c. A separate eNOI must be submitted for each site where a discharge will occur.~~
- d. All eNOIs must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

4. Department Response to eNOI Submittal

Within thirty (30) days of receipt of a complete eNOI, the ~~Department~~ department will either:

- a. Issue a written authorization to discharge under the terms and conditions of this permit; or;
- b. Issue a written notification which states that coverage under this ~~general~~ permit is denied ~~which states and provides~~ the reason for denial. If coverage under this ~~general~~ permit is denied, a person may apply for an individual permit in accordance with Part ~~VI.L~~ VII.L of this permit.

C. Duration of Coverage

1. eNOI Not Required -

~~1.~~ For ~~a~~ discharges for which submittal of an eNOI is not required (~~see Part II.B~~), coverage under this permit shall be in effect from the first day of discharge through 30 days after the last day of discharge at a single location site.

2. eNOI Required -

~~2.~~ For discharges for which submittal of an eNOI is required, coverage under this permit shall be in effect from the anticipated start date ~~of the discharge~~ to the anticipated end date of the discharge(s) from the site as stated in the eNOI, unless otherwise stated by the ~~Department~~ department. The permittee must notify the ~~Department~~ department of any discharge that extends beyond the anticipated end date. The notification ~~should~~

¹If there are multiple responsible parties for the discharge(s), the ~~Department~~ department requires that all the parties involved maintain a written explanation for the division of responsibilities.

² The ~~Department~~ department does not issue wastewater construction permits for temporary pollutant removal installations. This permit does not exempt any person from any permits necessary under programs other than wastewater (air, contaminated sites, flood plains, etc.).

must occur as soon as the permittee becomes aware of the need for an extension. The ~~Department~~ department will make a determination as to whether to approve the extension of coverage or require a new eNOI.

D. Operating Requirements for Discharge to the Ground Surface

Any discharge onto the ground surface that will not reach a surface water of the State shall comply with all of the following: ~~Any discharge not meeting all of these conditions shall be considered a discharge to a surface water of the State subject to the requirements specified in this permit for such discharges.~~

1. Discharges shall be to soils that have not been saturated by precipitation;
2. Discharges shall be to sites with slopes less than 5%;
- ~~3.~~ Discharges to frozen or snow-covered ground shall be avoided unless infeasible;

~~E.3. Requirements for Ground Surface Disposal~~

- ~~1.4.~~ Ponding of the wastewater discharged water shall be minimized to prevent damage to vegetation or runoff into surface waters of the State;
- ~~2.5.~~ Best Management Practices (BMPs) shall be used to prevent contamination of water used for hydrostatic testing or tank ballast by fuel, lubricants, or waste materials during the testing or tank installation process;
- ~~3.6.~~ Storage and installation of containers to be hydrostatically tested or ballasted shall be done in such a way that prevents debris or other materials from being deposited within the container where they may later be discharged to the ground surface; ~~and~~
- ~~7.~~ Any chemicals added to the water shall be used according to the manufacturer's instructions; ~~and~~
- ~~4.8.~~ The discharge Discharges shall ~~be performed~~ occur in a manner to prevent or minimize erosion of soil or other materials. Practices to prevent erosion include, but are not limited to, splash pads, straw bales, silt fences, and vegetated buffer strips.

~~5. Any chemicals added to the wastewater shall be used according to the manufacturer's instructions. Any discharge not meeting all of these conditions shall be considered a discharge to a surface water of the State subject to the requirements specified in this permit for such discharges.~~

~~F.E.~~ **Monitoring Requirements**

Each day that a discharge resulting from hydrostatic testing or tank ballasting occurs at a site, the physical appearance of the wastewater discharge must be observed. Visual observations of color, odor, turbidity, petroleum sheen, and any other observations regarding floating or suspended matter, and the general appearance of the wastewater discharge shall be documented in writing. The documentation must include the date and time of the examination and the name of the person performing the examination. If any observation finds that the discharge does not comply with one or more of the operating requirements in Part II.~~E-D~~ of this permit, the activity discharge shall cease immediately ~~cease~~ and shall not resume until corrective action is taken. Guidance on performing visual observations can be found in Attachment 3.

~~G.F.~~ **Reporting**

~~No reports are required to be submitted.~~ The records required by Part II.~~H-G~~ of this permit shall be submitted to the ~~Department~~ department ~~only~~ upon request.

~~H.G.~~ **Recordkeeping**

1. Records ~~of the following~~ must be kept for each ~~discharge of the following items or disposal event~~:
 - a. The location of the site where the hydrostatic testing or tank ballasting activity occurred (either the street address; quarter section, section, township and range; or latitude and longitude);
 - a-b. The start and end date(s) for each discharge or disposal event started and ended that occurred at the site;

- ~~b-c.~~ The measured or estimated volume of water discharged ~~or disposed of~~ on each day a discharge occurs;
 - ~~c.~~ ~~The location of the activity (either the street address; ¼ section, section, township and range; or latitude and longitude);~~
 - d. Results of visual monitoring activities using Attachment 4 or an equivalent document; and
 - e. The results of any analyses performed.
2. All records shall be retained for a minimum of three (3) years after the discharge ends in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.

PART III. HYDROSTATIC TESTING AND TANK BALLAST DISCHARGES TO SURFACE WATERS

A. Coverage

~~This part~~Part III of ~~the this~~ permit covers discharges to surface waters of the ~~state~~State from hydrostatic ~~test wastewater testing~~ or ~~tank ballast wastewater ballasting~~. For ~~purposes of this~~Part III ~~only~~, “discharge” ~~refers to means~~ “discharges to surface waters”. ~~This Part III~~ does not apply to discharges from water lines or new sanitary sewer lines. These discharge requirements are found in Part IV.

B. Eligibility Criteria

To be authorized by this permit, the discharge of hydrostatic test water or tank ballast water to a surface water of the State shall not contain pollutant concentrations higher than those listed in the applicable table below. The eligibility criteria represent the average concentration expected over the duration of the discharge. These criteria will apply at the point where the discharge reaches a surface water.

For the purposes of this permit, a wastewater discharge to a storm sewer or tile line shall be assumed to reach a surface water of the State.

a) New or Unused Containers and Containers Previously Used ~~Solely~~ for Transport or Storage of Water

Wastewater Parameter	Eligibility Criteria
pH ¹	6.5 minimum - 9.0 maximum
Sulfate	1,514 mg/L
Chloride	629 mg/L
Total Suspended Solids (TSS) ²	45 mg/L
Oil and Grease	15 mg/L
Iron (total)	1.0 mg/L
Total Residual Chlorine (TRC) ³	0.019 mg/L
Aluminum (total) ⁴	0.75 2.5 mg/L

b) Containers Previously Used ~~For~~for Transport or Storage of Natural Gas or Natural Gas Liquids

Wastewater Parameter	Eligibility Criteria
pH ¹	6.5 minimum - 9.0 maximum
Sulfate	1,514 mg/L
Chloride	629 mg/L

Total Suspended Solids (TSS) ²	45 mg/L
Oil and Grease	15 mg/L
Iron (total)	1.0 mg/L
Polychlorinated biphenyls (PCBs)	0.002 mg/L
Total Residual Chlorine (TRC) ³	0.019 mg/L
Aluminum (total) ⁴	0.75 2.5 mg/L
Polychlorinated biphenyls (PCBs)	0.002 mg/L

c) **Containers Previously Used for Transport or Storage of Refined Petroleum Products (e.g., gasoline, kerosene, fuel oil, lubricating oil, asphalt)**

Wastewater Parameter	Eligibility Criteria
pH ¹	6.5 minimum - 9.0 maximum
Sulfate	1,514 mg/L
Chloride	629 mg/L
Total Suspended Solids (TSS) ²	45 mg/L
Oil and Grease	15 mg/L
Iron (total)	1.0 mg/L
Benzene*	0.510 mg/L
Toluene*	2.50 mg/L
Ethylbenzene*	2.10 mg/L
Xylenes*	10 mg/L
Total Residual Chlorine (TRC) ³	0.019 mg/L
Aluminum (total) ⁴	0.75 2.5 mg/L
Benzene⁵	0.510 mg/L
Toluene⁵	2.50 mg/L
Ethylbenzene⁵	2.10 mg/L
Xylenes⁵	10 mg/L
Methyl tertiary butyl ether (MTBE) ^{5,6}	0.040 mg/L
Lead (total) ^{‡7}	0.0197 0.197 mg/L

*For discharges to storm sewers or tile lines, a benzene limit of 0.005 mg/L and a BETX limit of 0.100 mg/L apply. BETX is the sum of benzene, ethylbenzene, toluene, and xylene.

‡The Total Lead criterion applies only when the container tested was previously used to store or transport leaded fuel.

d) **Containers Previously Used for Transport or Storage of Ammonia**

Wastewater Parameter	Eligibility Criteria
<u>pH¹</u>	<u>6.5 minimum - 9.0 maximum</u>
<u>Sulfate</u>	<u>1,514 mg/L</u>
<u>Chloride</u>	<u>629 mg/L</u>
<u>Total Suspended Solids (TSS)²</u>	<u>45 mg/L</u>
<u>Oil and Grease</u>	<u>15 mg/L</u>

<u>Iron (total)</u>	<u>1.0 mg/L</u>
<u>Total Residual Chlorine (TRC)³</u>	<u>0.019 mg/L</u>
<u>Aluminum (total)⁴</u>	<u>2.5 mg/L</u>
<u>Ammonia</u>	<u>1.0 mg/L</u>

d)e) Containers Previously Used for Transport or Storage of Fluids Other than Water, Natural Gas, Natural Gas Liquids, Refined Petroleum Products, or WaterAmmonia

In addition to meeting the eligibility criteria below, these dischargers must provide the Department department with the identity of the fluid previously stored and any byproducts of that fluid. The estimated concentration of the fluid and byproducts in the discharge must also be provided.

Wastewater Parameter	Eligibility Criteria
pH ¹	6.5 minimum - 9.0 maximum
Sulfate	1,514 mg/L
Chloride	629 mg/L
Total Suspended Solids (TSS) ²	45 mg/L
Oil and Grease	15 mg/L
Iron (total)	1.0 mg/L
Total Residual Chlorine (TRC) ³	0.019 mg/L
Aluminum (total) ⁴	0.75 <u>2.5</u> mg/L

The footnotesFootnotes 1 through 4 below apply to all tables in Part III.B. Footnotes 5 through 7 below apply to the table in Part III.B.c. for containers that have been previously used for the transport or storage of refined petroleum products.

- 1 – The maximum pH criterion is increased to 9.5 when using drinking water that has been softened.
- 2 – The TSS criterion is increased to 150 mg/L when the hydrostatic test or tank ballasting uses untreated surface water and the water is discharged back to the same waterbody.
- 3 – The TRC criterion applies only if water containing chlorine is usedthe source of the water to be used for the hydrostatic test or ballast is chlorinated or if chlorine is added.
- 4 – The aluminum criterion applies only when alum is used to settle solids from the discharge or source water, via treatment at a drinking water plant, or when the container is made of aluminum.
- 5 – For discharges to storm sewers or tile lines, a benzene limit of 0.005 mg/L and a BETX limit of 0.100 mg/L apply. BETX is the sum of benzene, ethylbenzene, toluene, and xylene.
- 6 – The MTBE criterion applies only when the container was previously used to store or transport gasoline.
- 5–7 – The total Lead criterion applies only when the container tested was previously used to store or transport leaded fuel.

C. Eligibility Demonstration

1. Each discharger requesting coverage under this permit must have information that demonstrates that the discharge(s) will meet the applicable eligibility criteria listed in Part III.B of this permit applicable to the discharge are met. Such information may consist of but is not limited to the following:
 - a. Results of the analysis of a sample or samples collected of the water prior to discharge;

- ~~-b.~~ Results of the analysis of a sample or samples from a previous discharge of a similar nature;
 - ~~-c.~~ Engineering estimates based on an analysis of the source water used;
 - ~~-d.~~ Visual observation of the water for turbidity (applicable to TSS) or a visible sheen (applicable to oil & grease) prior to discharge; and/or
 - ~~-e.~~ A statement, signed by the person responsible for the discharge, that to the best of his or her knowledge, there is no reasonable potential for the eligibility criteria to be exceeded.
2. Each discharger not required by Part III.D of this permit to submit an electronic Notice of Intent (eNOI) must have information on file to demonstrate that the discharge will meet the applicable eligibility criteria, but the information is not required to be submitted to the ~~Department~~ department except upon request.
 3. Each discharger required to submit an eNOI by Part III.D of this permit must submit information as part of the eNOI to demonstrate that the applicable eligibility criteria will be met ~~as part of the eNOI~~.
 4. This permit does not authorize the construction, installation, or modification of any disposal system or new point source. However, the permittee is authorized to temporarily utilize waste reduction technology or mechanisms to meet the ~~permit~~ eligibility criteria in this permit for the duration of the permit coverage.

D. Electronic Notice of Intent (eNOI)

1. eNOI Not Required

An eNOI is not required for discharge to a surface water unless the discharge is listed in Part III.D.2. All covered surface water discharges that are exempt from the eNOI submittal requirements are automatically authorized. No submittal to the ~~Department~~ department is required to commence these discharges.

2. eNOI Required

An eNOI must be submitted for a discharge to a surface water of the ~~state~~ State if one or more of the following apply:

- a. Chemicals will be added to the water, other than chlorine or chemicals commonly used for dechlorination; or
- b. The container to be tested was previously used to store or transport a fluid other than water, natural gas, natural gas liquids, ~~or~~ refined petroleum products, or ammonia.

E. eNOI Contents and Submittal Timeline

- ~~1.~~ For ~~if~~ any discharges to surface water ~~authorized~~ are expected to result at a site from the hydrostatic testing or tank ballasting activities covered under Part I.B and ~~required to submit~~ an eNOI is required under Part III.D.2, then a complete and accurate eNOI for the site's discharges must be submitted to the department.
- ~~1.2.~~ The eNOI should be received by the ~~Department~~ department a minimum of thirty (30) days prior to the ~~date the discharge is scheduled to commence~~ anticipated start date of any discharge occurring at the site.
- ~~2.3.~~ A completed eNOI shall be signed in accordance with Part ~~VII.G~~ VIII.G of this permit, and shall contain all of the following:
 - a. The name, mailing address, and telephone number for the owner of the pipeline, tank, or container;
 - b. The name, mailing address, and telephone number of the person responsible for the discharge(s);³
 - c. Location of the site in one or more of these formats:
 - ~~The name, street~~ Street address ~~(where applicable), city, and ZIP code;~~
 - ~~and county, and either the ¼ Quarter~~ section, section, township, and range, and county; or
 - ~~the latitude~~ Latitude and longitude ~~and county where each discharge will occur;~~

³ If there are multiple responsible parties for the discharge(s), the ~~Department~~ department requires that all the parties involved maintain a written explanation for the division of responsibilities.

- d. The anticipated ~~start date of~~when the discharge(s) from the site will start and the anticipated ~~end date~~ when the discharge(s) from the site will end if the discharge is not permanent;
- e. The receiving water body and route of flow to the first named stream shown on a 7.5--minute USGS topographic map;
- f. Whether the discharge(s) will result from hydrostatic testing or tank ballasting;
- g. ~~For discharges resulting from hydrostatic testing and tank ballasting, whether~~Whether the container to be hydrostatically tested or ballasted is new or used and, if used, ~~what material the container previously held~~;
- h. The source(s) of the water to be used for the hydrostatic test or ballast (e.g. private well, surface water, municipal system);
- i. A description of any mechanisms that will be used to remove pollutants;⁴
- j. The information required by Part III.C that demonstrates that the discharge(s) meets will meet the applicable eligibility criteria in Part III.B of this permit;
- k. The product name(s), Safety Data Sheet(s), and estimated concentration(s) of any chemical additives (other than chlorine or common dechlorination chemicals) that are expected to be present in the discharge(s);
- l. The identity and estimated concentration of any pollutants not listed in the appropriate applicable paragraph of Part III.B but that ~~are~~ expected to be present in the discharge; and
- m. Total project flow volume (in million gallons) and maximum daily flow (in million gallons per day).

~~3. A separate eNOI must be submitted for each site where a discharge will occur.~~

- 4. All eNOIs must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

F. Antidegradation Requirements for the Submittal of an eNOI

If ~~the a~~ discharge requires an eNOI and it will reach a water of the United States, the applicant must submit an Antidegradation Document containing either an Antidegradation Alternatives Analysis or a ~~temporary and limited justification~~Temporary and Limited Justification with the eNOI.^{5,6}

- 1. The Antidegradation Document will consist of an Antidegradation Alternatives Analysis when the discharge will last for more than ~~90 calendar days~~1 year at a site or the discharge will not be limited in impact.
 - ~~2.a.~~ The applicant is responsible for ensuring that public notice of the Antidegradation Alternatives Analysis is properly published and distributed to all interested parties.
 - ~~3.b.~~ The ~~Department~~department will not authorize a discharge ~~where an Alternatives Analysis is required~~ until the public comment period on the Antidegradation Alternatives Analysis has been completed and the applicant has addressed all public comments.
- ~~4.2.~~ The Antidegradation Document will consist of a ~~temporary and limited justification~~Temporary and Limited Justification when the discharge will last for ~~less than 90 days~~1 year or less and will have a limited impact. If the

⁴ The ~~Department~~department does not issue wastewater construction permits for temporary pollutant removal installations. This permit does not exempt any person from any permits necessary under programs other than wastewater (air, contaminated sites, flood plains, etc.).

⁵ The ~~Department~~department has prepared an Alternatives Analysis and has developed information to justify degradation as part of the development of this general permit for discharges that do not require the submittal of an eNOI. However, because of the variety of pollutants that could potentially be present in chemical additives or pipes used to transport other materials, the Department is not able to prepare an Alternatives Analysis for discharges that require the submittal of an eNOI under this permit.

⁶ Note: An Alternatives Analysis requires a 30-day public comment period prior to submittal to the ~~Department~~department. This should be factored into project time frames to avoid unnecessary delays in obtaining coverage under this permit or an individual permit.

~~Department~~ department does not agree with the justification ~~for the temporary and limited request~~, an Antidegradation Alternatives Analysis must be submitted.

~~5.3.~~ An Antidegradation Document may be used to cover multiple discharges according to the following:

- a. One Antidegradation Document may be used to cover discharges of the same type at multiple ~~locations~~ sites; ~~and~~
- b. A previously-approved Antidegradation Document may be used to cover a repeated discharge at the same ~~location~~ site; ~~but~~
- c. A previously-approved Antidegradation Document may not be used to cover a discharge ~~that will occur at aif~~ its location ~~that~~ was not included in the document.
- ~~d. An Antidegradation Document must be submitted with each eNOI it is intended to cover. The eNOI must indicate if the Document was previously approved.~~

~~4.~~ An Antidegradation Document must be submitted with each eNOI it is intended to cover.

a. The eNOI must indicate if the Antidegradation Document was previously approved.

~~6.b.~~ The complete eNOI and Antidegradation Document should be received by the ~~Department~~ department at least thirty (30) days prior to the ~~commencement anticipated start date~~ of the discharge.

~~7.c. An The eNOI and~~ Antidegradation Document ~~must accompany an eNOI and~~ must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

G. Department Response to eNOI Submittal

Within thirty (30) days of receipt of a complete eNOI (and Antidegradation Document, if required), the ~~Department~~ department will either:

1. Issue a written authorization to discharge under the terms and conditions of this permit; or,
2. Issue a written notification which states that coverage under this ~~general~~ permit is denied ~~which states and~~ provides the reason for denial. If coverage under this ~~general~~ permit is denied, a person may apply for an individual permit in accordance with Part ~~VII.Q~~ VIII.O of this permit.

H. Duration of Coverage

1. eNOI Not Required –

~~1.~~ For ~~a~~ discharges for which submittal of an eNOI is not required (~~see Part III.D~~), coverage under this permit shall be in effect from the first day of discharge through the last day of discharge at a ~~single location~~ site.

2. eNOI Required -

~~2.~~ For discharges for which submittal of an eNOI is required, coverage under this permit shall be in effect from the anticipated start date ~~of the discharge~~ to the anticipated end date of the discharge (s) from the site as stated in the eNOI, unless otherwise stated by the ~~Department~~ department. The permittee must notify the ~~Department~~ department of any discharge that extends beyond the anticipated end date. The notification ~~should~~ must occur as soon as the permittee becomes aware of the need for an extension. The ~~Department~~ department will make a determination as to whether to approve the extension of coverage or require a new eNOI.

I. Operating Requirements for Discharges to Surface Waters

Any discharge that will reach a surface water of the State shall comply with all of the following requirements:

1. Discharge ~~points~~ locations shall be selected to avoid a direct discharge into a surface water of the State unless infeasible;
2. Best Management Practices (BMPs) shall be used to prevent contamination of water used for hydrostatic testing or tank ballast by fuel, lubricants, or waste materials during the testing or tank installation process;

3. Storage and installation of containers to be hydrostatically tested or ballasted shall be done in such a way that prevents debris or other materials from being deposited within the container where they may later be discharged to a surface water of the State;
4. Discharges shall be free from:
 - a. Substances that will settle to form sludge deposits;
 - b. Floating debris, oil, grease, scum, and other floating materials in amounts sufficient to create a nuisance;
 - c. Materials producing objectionable color, odor, or other aesthetically objectionable conditions;
 - d. Substances in concentrations or combinations which are acutely toxic to human, animal, or plant life; and
 - 2-e. Substances in quantities that would produce undesirable or nuisance aquatic life;
5. Any chemicals added to the wastewater shall be used according to the manufacturer's instructions; and
- 3-6. Discharges shall be performed occur in a manner to prevent or minimize erosion of soil or other materials into a surface water of the State. Practices to prevent erosion include, but are not limited to, splash pads, straw bales, silt fences, and vegetated buffer strips; and
- 4-1. Any chemicals added to the wastewater shall be used according to the manufacturer's instructions.

~~J. Discharges shall be free from:~~

1. substances that will settle to form sludge deposits;
2. floating debris, oil, grease, scum, and other floating materials in amounts sufficient to create a nuisance;
3. materials producing objectionable color, odor, or other aesthetically objectionable conditions;
4. substances in concentrations or combinations which are acutely toxic to human, animal, or plant life; and
5. substances in quantities that would produce undesirable or nuisance aquatic life.

~~K.J. Best Management Practices Plans (BMP Plans)~~

For any surface water discharge for which an eNOI is required to be submitted, the permittee shall develop and implement a written ~~Best Management Practices Plan (BMP Plan)~~.

1. The BMP Plan must address all of the following:
 - 1-a. ~~The location of each~~Each discharge ~~point~~location by county and either: quarter section, section, township, and range or latitude and longitude;
 - a. ~~¼ section, section, township, and range; or~~
 - b. ~~Latitude and longitude.~~
 - b. Identify the source(s) of the water to be used for ballasting or testing;
 - c. Specify the procedures that will be followed to clean the pipe, tank, or container to remove contaminants, if necessary, prior to filling with water;
 - 2-d. The procedures that will be implemented to minimize soil erosion at ~~the location of~~each discharge ~~point~~location;
 - 3-e. The type of treatment, BMPs, and/or other measures, ~~if any,~~ that will be used to minimize the discharge of pollutants to the maximum extent possible; and
 - 4-f. Any other practices necessary to minimize the discharge of pollutants;
 5. ~~For discharges resulting from hydrostatic testing and tank ballasting:~~
 - a. ~~Identify the source of the water to be used for ballasting or testing;~~
 - b. ~~Specify the procedures that will be followed to clean the pipe, tank, or container to remove contaminants, if necessary, prior to filling with water.~~
 - L. ~~Other BMP Plan Requirements.~~
1. ~~The permittee shall maintain the BMP Plan at a location where it can be easily provided to the Department upon request. Plans are not required to be submitted to the Department except upon request.~~

2. The BMP Plan may be combined with other ~~Plans-plans~~ such as a Storm Water Pollution Prevention Plan (SWPPP) or a Spill Prevention, Control and Countermeasures Plan (SPCC) developed for the site where a discharge will occur provided each of the requirements in ~~Part III.K.1-5 above~~this subpart are addressed and those aspects of the ~~Plan-plan~~ applicable to the discharge covered under this permit are clearly delineated.
- ~~3. The permittee shall maintain the BMP plan in a location that conforms to customary business practices for three years from the end of the discharge, and shall be available to the Department upon request.~~
- ~~4. BMP Plans are only required when an eNOI is required.~~

M.K. Monitoring Requirements

Each day that a discharge resulting from hydrostatic testing or tank ballasting occurs at a site, the physical appearance of the ~~wastewater discharge~~ must be observed. Visual observations of color, odor, turbidity, petroleum sheen, and any other observations regarding floating or suspended matter, and the general appearance of the ~~wastewater discharge~~ shall be documented in writing. The documentation must include the date and time of the examination and the name of the person performing the examination. If any observation finds that the discharge does not comply with one or more of the operating requirements in Part III.I and Part III.J of this permit, the activity discharge shall cease immediately ~~cease~~ and shall not resume until corrective action is taken. Guidance on performing visual observations can be found in Attachment 3.

N.L. Reporting

~~No reports are required to be submitted.~~ The records required by Part III.~~OM~~ of this permit shall be submitted to the ~~Department~~department upon request.

O.M. Recordkeeping

1. Records ~~of the following~~ must be kept for each discharge of the following items or disposal event:
 - a. The location of the site where the hydrostatic testing or tank ballasting activity occurred (either the street address; quarter section, section, township and range; or latitude and longitude);
 - ~~b.~~ The start and end date(s) for each discharge or disposal event started and ended that occurred at the site;
 - ~~c.~~ The measured or estimated volume of water discharged or disposed of on each day a discharge occurs;
~~The location of the activity (either the street address; ¼ section, section, township and range; or latitude and longitude);~~
 - ~~d.~~ Results of visual monitoring activities using Attachment 4 or an equivalent document; and
 - ~~e.~~ The results of any analyses performed; and
 - ~~f.~~ The BMP Plan, if an eNOI is required.
2. All records shall be retained for a minimum of three (3) years after the discharge ends in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.

P.N. Unanticipated Discharge

Records shall be kept of any unanticipated discharge associated with activities authorized under this permit. These records shall include the date(s) and locations of each discharge, the name of the person responsible for the discharge, the estimated volume of the discharge, the source of the discharge (i.e. hydrostatic testing or tank ballast water) and any available information that demonstrates that the eligibility criteria in Part III.B were met. These records shall be retained for a minimum of three (3) years after the discharge ends in a location that conforms to customary business practices.

PART IV. ~~WATER LINE DISCHARGES~~ FROM WATER LINES OR NEW SANITARY SEWER LINES**A. Coverage**

~~This part~~Part IV of ~~the this~~ permit covers discharges to the ground surface or to surface waters of the ~~state~~State from disinfection, flushing, or pressure testing of water lines and new sanitary sewer lines and associated equipment (e.g., valves, fittings, or other appurtenances). For purposes of ~~this~~Part IV, “discharge” refers to both discharges to surface waters of the State or discharges to the ground surface, unless otherwise specified. Parts II and III do not apply to discharges covered under this ~~Part~~part.

B. Electronic Notice of Intent (eNOI)

eNOIs are not required for ~~water line~~the discharges covered under this permit from water lines and new sanitary sewer lines and associated equipment. These discharges are automatically authorized. No submittal to the department is required to commence these discharges.

C. Duration

Coverage shall extend from the ~~permit~~ issuance date to the ~~permit~~ expiration date of this permit.

D. Operating Requirements

Discharges covered under Part IV of this permit shall comply with all of the following requirements:

1. Discharge points shall be selected to avoid a direct discharge into a surface water of the State unless infeasible;
2. Discharges to surface waters of the State shall be free from:
 - a. Substances that will settle to form sludge deposits;
 - b. Floating debris, oil, grease, scum, and other floating materials in amounts sufficient to create a nuisance;
 - c. Materials producing objectionable color, odor, or other aesthetically objectionable conditions;
 - d. Substances in concentrations or combinations which are acutely toxic to human, animal, or plant life; and
 - e. Substances in quantities that would produce undesirable or nuisance aquatic life;
- 2.3. Discharges shall be performed~~occur~~ in a manner to prevent or minimize erosion of soil or other materials into a surface water of the State. Practices to prevent erosion include, but are not limited to, splash pads, straw bales, silt fences, and vegetated buffer strips; and
- 3.4. Any chemicals added to the wastewater~~water~~ shall be used according to the manufacturer’s instructions.

~~E. Discharges to waters of the state shall be free from:~~

1. ~~substances that will settle to form sludge deposits;~~
2. ~~floating debris, oil, grease, scum, and other floating materials in amounts sufficient to create a nuisance;~~
3. ~~materials producing objectionable color, odor, or other aesthetically objectionable conditions;~~
4. ~~substances in concentrations or combinations which are acutely toxic to human, animal, or plant life; and~~
5. ~~substances in quantities that would produce undesirable or nuisance aquatic life.~~

~~F.E.~~ Monitoring

No monitoring is required ~~of for~~ discharges resulting from ~~water line~~ disinfection, flushing, or pressure testing of water lines and new sanitary sewer lines and associated equipment.

~~G.F.~~ Reporting

No reports are required to be submitted.

~~H.G.~~ Recordkeeping

No recordkeeping is required for discharges resulting from ~~water line~~ disinfection, flushing, or pressure testing of water lines and new sanitary sewer lines and associated equipment.

PART V. HAZARDOUS CONDITION DOCUMENTATION AND REPORTING

A. Six (6) Hour Hazardous Condition Notification

If you observe or are otherwise made aware of a hazardous condition, as defined in Part VI, which may have resulted from a discharge authorized under this permit, you must immediately notify the department. Pursuant to 567 IAC 131.2, this notification must be made by telephone within six (6) hours of you becoming aware of the hazardous condition. Notification shall be made by calling the department's Environmental Emergency Reporting Hotline at (515) 725-8694. At a minimum, notifications must include all of the following:

1. The caller's name and telephone number;
2. Operator name and mailing address;
3. The name and telephone number of a contact person, if different than the person providing the 6-hour notice;
4. How and when you became aware of the hazardous condition;
5. The exact location of the hazardous condition;
6. Name of any waterbody affected by the hazardous condition;
7. Description of the hazardous condition; and
8. Description of any steps you have taken or will take to contain any hazardous effects.

B. Thirty (30) Day Hazardous Condition Written Report

Within thirty (30) days of becoming aware of the hazardous condition reported pursuant to Part V.A, you must postmark a written report of the hazardous condition to the appropriate regional department Field Office. The Field Office addresses are available at www.iowadnr.gov. Your hazardous condition report must include the information required in 567 IAC 131.2, Report of Hazardous Conditions. Contact the appropriate department Field Office for more information. A copy of the hazardous condition report submitted to the department must be retained for a minimum of three (3) years in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.

PART ~~V~~VI. GLOSSARY OF TERMS

Antidegradation Document means either an Antidegradation Alternatives Analysis or a ~~temporary and limited justification~~Temporary and Limited Justification.

Container means any pipe, pipeline, tank, valve, or other vessel that has previously been used or will be used to store or transport any liquid or gas.

Hazardous condition means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the ~~state~~State, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. (567 IAC 131.1)

Hazardous substance means any substance or mixture of substances that presents a danger to the public health or safety and includes but is not limited to a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States ~~environmental protection agency~~Environmental Protection Agency (EPA) under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal

Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act. (~~2015 Code of Iowa, Code §~~ 455B.381(5))

Hydrostatic testing means placing water in pipes, pipelines, tanks or other vessels and raising the pressure to greater than atmospheric pressure in order to check for leaks and/or structural integrity of the tested materials. It also includes filling pipes, pipelines, tanks and other vessels with water to test for leaks without raising the pressure to above atmospheric pressure.

Individual permit means an NPDES permit issued for the discharge of a pollutant from a point source to waters of the United States in accordance with Subrule Paragraph 567 IAC 64.3(4)-“a” or a state State operation permit.

Person means any agency of the state or federal government or institution thereof, any municipality, governmental subdivision, interstate body, public or private corporation, individual, partnership, or other entity and includes any officer or governing or managing body of any municipality, governmental subdivision, interstate body or public or private corporation. (~~Code of~~ Iowa Code § 455B.171(18)-“a”)

State operation permit means a written permit by the director authorizing the operation of a wastewater disposal system or part thereof or discharge source and, if applicable, the discharge of wastes from the disposal system or part thereof or discharge source to waters of the state State. An NPDES permit will constitute the operation permit in cases where there is a discharge to a water of the United States and an NPDES permit is required by issued under the Clean Water Act. (~~{567 IAC 60.2}~~)

Tank ballast water means water added to an empty underground storage tank during installation or flooding to ensure the tank is properly seated and stable.

~~*Temporary* means a discharge that occurs for a period of not more than ninety (90) consecutive days at a single location.~~

~~*Temporary and Limited Justification* means a document that presents the applicant’s argument that any degradation from the discharge will be temporary and limited prepared by or on behalf of the applicant to support the assertion that a discharge will not last for more than 1 year at a site and that any degradation from the discharge will have a limited impact.~~ The document must include the following:

- a) Length of time during which water quality will be lowered;
- b) Percent change in ambient conditions;
- c) Pollutants affected;
- d) Likelihood for long-term water quality benefits to the water body;
- e) Degree to which achieving the applicable Water Quality Standards during the proposed activity may be at risk; and
- f) Potential for any residual long-term effects on existing uses.

Unanticipated discharge means any discharge that a reasonable person could not have known in advance or been expected to know in advance would occur and which is not the result of human error.

Water of the State means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (~~Code of~~ Iowa Code § 455B.171(39))

Waters of the United States or waters of the US means those waters defined at 40 Code of Federal Regulations (CFR) § 122.2.

PART ~~VII~~. STANDARD CONDITIONS FOR DISCHARGES TO THE GROUND SURFACE

A. Administrative Rules

Rules of this ~~Department~~ department that govern the activities covered by ~~General Permit 9~~ this permit are published in ~~Part 567 of the Iowa Administrative Code (IAC) in~~ Chapters 63 – 64.

B. Address Change or Transfer of Title

If coverage under this permit is transferred, the new permittee shall be subject to this permit. The original permittee must notify the new permittee of the requirements of this permit in writing prior to any transfer of coverage.

1. **eNOI Not Required** - Coverage for any activity for which an eNOI is not required by this permit may be transferred without written notice to the ~~Department~~ department provided there is consent of the original permittee and the person to whom coverage is being transferred.
2. **eNOI Required**- For any activity for which an eNOI was submitted, the ~~Department~~ department must be notified in writing of the transfer no later than thirty (30) days following the effective date of the transfer. The notice must contain the name and address of the original permittee, the name and address of the person to whom the coverage is being transferred, the location of the activity and the effective date of the transfer. Whenever the address of the owner is changed, the ~~Department~~ department shall be notified. ~~{See 567 IAC 64.14}~~

C. Continuation of the Expired General Permit

This permit will remain in full force and effect until replaced by adoption of a new general permit or rescission by the ~~Department~~ department.

D. Duty to Provide Information

You must furnish to the Director, within a reasonable time, any information the Director may request to determine compliance with this permit or determine whether or not cause exists for modifying, revoking and reissuing, or terminating this permit, in accordance with 567 IAC 64.3(11)“c”. You must also furnish to the Director, upon request, copies of any records required to be kept by this permit.

E. Permit Actions

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any ~~permit~~ condition of this permit.

F. Severability

The provisions of this permit are severable and if any provision or application of any provision to any circumstance is found to be invalid by this department or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding.

G. Noncompliance

You shall give advance notice to the appropriate regional field office of the department of any planned activity that may result in noncompliance with ~~permit~~ the requirements of this permit. ~~{See 567 IAC 63.1514}~~

H. Planned Changes (for Notice of Intent permittees only)

The permittee shall give notice to the appropriate regional field office of the department thirty (30) days prior to any planned physical alterations or additions to the permitted activity. Notice is required only when:

- ~~a.1.~~ Notice has not been given to any other section of the department-; and ~~{See 567 IAC 64.2}~~

~~b.2.~~ The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in ~~the this~~ permit. ~~{See [567 IAC 63.13]}~~

I. Other Information

When you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, you must promptly submit such facts or information. When you become aware that you failed to submit any relevant facts in the submission of any report to the director, including records of operation, you shall promptly submit such facts or information. ~~{See [567 IAC 60.4(2)“a” and 567 IAC 63.7(6)]}~~

J. Investigations and Entry

The director of the department or a designee may enter at any reasonable time in and upon any private or public property to investigate any actual or possible violation of this permit. However, the owner or person in charge shall be notified in accordance with Iowa Code § 455B.103(4).

K. Signatory Requirements

The person who signs the eNOI shall be as follows:

1. *Corporations.* In the case of a corporation, a responsible corporate officer. A responsible corporate officer means:
 - a) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
 - b) The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. *Partnerships.* In the case of a partnership, a general partner.
3. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
4. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:
 - a) The chief executive officer of the agency; or
 - b) A senior executive officer having responsibility for the overall operations of a unit of the agency. ~~{[567 IAC 64.3(8)]}~~

L. Individual Permit

1. Any person that cannot meet the requirements of this permit must apply for and be issued an individual permit in order to dispose of wastewater resulting from activities listed in Part I.B.
- ~~1.2.~~ Any person authorized under this permit may apply for an individual permit at any time.
- ~~2.3.~~ The ~~Department~~department may require any person authorized under this permit to apply for and obtain an individual permit. The causes for doing so may include, but are not limited to, the location of the discharge, duration of the discharge, volume of discharge, types of pollutants present or suspected, and history of non-compliance with this ~~general~~ permit.
- ~~3.4.~~ When an individual permit is issued for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the effective date of the individual permit. When an individual permit is denied for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the date of such denial, unless otherwise specified in writing by the ~~Department~~department.

PART ~~VII~~VIII. STANDARD CONDITIONS FOR DISCHARGES TO SURFACE WATERS

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Iowa Code and/or the Clean Water Act and is grounds for enforcement action; for termination of coverage under this ~~general~~ permit; or for denial of a request for coverage under a reissued general permit. Issuance of this permit does not relieve you of the responsibility to comply with all local, state, and federal laws, ordinances, regulations or other applicable legal requirements. ~~{(40 CFR § 122.41(a) and 567 IAC 64.7(4)“e”)}~~

B. Continuation of the Expired General Permit

This permit will remain in full force and effect until replaced by adoption of a new general permit or rescinded by the ~~Department~~department.

C. Need to Halt or Reduce Activity

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. ~~{(40 CFR § 122.41(c) and 567 IAC 64.7(7)-“j”)}~~

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. ~~{(40 CFR § 122.41(d) and 567 IAC 64.7(7)-“i”)}~~

E. Duty to Provide Information

The permittee shall furnish to the ~~Department~~department, within a reasonable time, any information the ~~Department~~department may request to determine compliance with this permit or determine whether cause exists for terminating coverage under this permit. The permittee shall also furnish to the ~~Department~~department, upon request, copies of any records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report or record provided to the ~~Department~~department, he or she shall promptly submit such facts or information. ~~{(567 IAC 60.4(2)-“a” and 567 IAC 63.7(6))}~~

G. Signatory Requirements

The person who signs the eNOI shall be as follows:

1. *Corporations*. In the case of a corporation, a responsible corporate officer. A responsible corporate officer means:
 - a) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
 - b) The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. *Partnerships*. In the case of a partnership, a general partner.
3. *Sole proprietorships*. In the case of a sole proprietorship, the proprietor.

4. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:
- a) The chief executive officer of the agency; or
 - b) A senior executive officer having responsibility for the overall operations of a unit of the agency. ~~{567 IAC 64.3(8)}~~

H. Certification

Any person signing documents under paragraph VII.G shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." ~~{567 IAC 64.3(8)-"f"}~~

I. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

J. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. ~~{567 IAC 64.4(3)-"b"}~~

K. Severability

The provisions of this permit are severable and if any provision or application of any provision to any circumstance is found to be invalid by this ~~Department~~department or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding.

L. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with any Best Management Practices Plan required to be prepared by this permit. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems which have been installed by a permittee only when necessary to achieve compliance with the conditions of this permit. ~~{40 CFR § 122.41(e) and 567 IAC 64.7(7)-"f"}~~

M. Inspection and Entry

The permittee shall allow the ~~Department~~department or an authorized representative of EPA, the State, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
4. Sample, or monitor, at reasonable times, any discharge of pollutants.

N. Permit Actions

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

O. Individual Permit

1. Any person that cannot meet the requirements of this permit must apply for and be issued an individual permit in order to dispose of wastewater resulting from activities listed in Part I.B.
- 1.2. Any person authorized under this permit may apply for an individual permit at any time.
- 2.3. The ~~Department~~ department may require any person authorized under this permit to apply for and obtain an individual permit. The causes for doing so may include, but are not limited to, the location of the discharge, duration of the discharge, volume of discharge, types of pollutants present or suspected, and history of non-compliance with this ~~general~~ permit.
- 3.4. To apply for an individual permit, a permit application including an Antidegradation Alternatives Analysis (if applicable) or justification that degradation caused by the discharge will be temporary and limited (if applicable) must be submitted a minimum of 180 days prior to the date on which authorization to discharge under the individual permit is desired and in accordance with the requirements of Subrule 567 IAC 60.4(2).
- 4.5. When an individual permit is issued for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the effective date of the individual permit. When an individual permit is denied for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the date of such denial, unless otherwise specified in writing by the ~~Department~~ department.

P. Address Change or Transfer of Title

If coverage under this permit is transferred, the new permittee shall be subject to this permit. The original permittee must notify the new permittee of the requirements of this permit in writing prior to any transfer of coverage.

1. **eNOI Not Required** - Coverage for any activity for which an eNOI is not required by this permit may be transferred without written notice to the ~~Department~~ department provided there is consent of the original permittee and the person to whom coverage is being transferred.
2. **eNOI Required**- For any activity for which an eNOI was submitted, the ~~Department~~ department must be notified in writing of the transfer no later than thirty (30) days following the effective date of the transfer. The notice must contain the name and address of the original permittee, the name and address of the person to whom the coverage is being transferred, the location of the activity and the effective date of the transfer. Whenever the address of the owner is changed, the ~~Department~~ department shall be notified.

Q. Continuing Coverage

If an eNOI is submitted for an activity that will continue beyond the expiration date of this permit, an eNOI must be submitted for coverage under a subsequent general permit. However, a new ~~Alternatives Analysis~~ Antidegradation Document is not required.

**Attachment 1:
ONRW and OIW Waters in Iowa**

Outstanding National Resource Waters (ONRW)

There are no waters in Iowa designated as Outstanding National Resource Waters as of the date of issuance of this permit.

Outstanding Iowa Waters (OIW)

STREAM	DESCRIPTION	LENGTH (Miles)
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	From road crossing in SW ¼, NW1/4, S11, T86N, R10W, Benton Co. to E line, S25, T87N, R10W, Buchanan Co.	5.2
Bloody Run	From (W. line of Section 22, T95N, R4W, Clayton Co.) to the confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44	8.59
Brownfield Creek	Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)	0.94
Clear Creek	Mouth (Allamakee Co.) to W. line of Section 25, T99N, R4W, Allamakee Co.	3.79
Deer Creek	Road crossing in SE¼, S35, T100N, R19W, Worth Co. to the N. line of S7, T100N, R19W, Worth Co.	7.29
Dousman Creek	Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line.	3.44
Duck Creek	From the mouth (S14, T100N, R06W Allamakee Co.) to the Iowa-Minnesota state line.	1.98
Ensign Creek (aka Ensign Hollow)	Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)	1.05
Unnamed Creek (aka Erickson Spring Branch)	Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.	0.91
French Creek	Mouth (Allamakee Co.) to E. line of Section 23, T99N, R5W, Allamakee Co.	5.58
Grannis Creek	Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.	3.56
Jones Creek	From the mouth (S19, T98N, R04W Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R05W Allamakee Co.)	5.75
Kleinlein Creek	Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)	3.96
Lime Creek	From confluence with unnamed tributary in NE ¼, NW ¼, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.	3.0
Little Paint Creek	Mouth to N. line of Section 30, T97N, R3W	1.92
Ludlow Creek	Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)	2.00

Mill Creek (aka Big Mill Creek)	Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)	8.04
Mossey Glen Creek	Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.	1.96
North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line.	6.39
Pine Creek (aka South Pine Creek)	Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.	2.80
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
South Canoe Creek	From the mouth (S22, T99N, R08W Winneshiek Co.) to the bridge crossing at Winn Rd. (S21, T99N, R08W Winneshiek Co.)	1.90
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83
Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co.	1.37
Trout Run	Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach.	1.0
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
Unnamed Creek (aka Cold Water Creek)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of Section 31, T100N, R9W, Winneshiek Co.)	2.46
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line.	9.39
West Branch French Creek	From the mouth (S23, T99N, R05W, Allamakee Co.) to the confluence with Unnamed Creek (S26, T99N, R05W, Allamakee Co.)	0.67
	Grand Total:	118.08
LAKES	DESCRIPTION (Section, Township, Range)	SIZE (Acres)
Big Spirit Lake SGMA	S33, T100N, R36W	5684
West Okoboji Lake SGMA	S20, T99N, R36W	3,847

**Attachment 2:
State-owned Natural and Artificial Lakes**

County	Lakes
Adair	Meadow Lake, Meadow Lake Watershed Pond 1, Meadow Lake Watershed Pond 2
Adams	Lake Icaria
Allamakee	Big Lake (Lansing), Kains Lake S.W.A., Mud Hen Lake, New Albin Big Lake, Waukon Junction Marsh, Yellow River Pond
Appanoose	Stephen's Forest - Unionville Area Pond
Benton	Dudgeon Lake
Black Hawk	Alice Wyth Lake, Big Woods Lake, Fisher Lake, George Wyth Lake, Railroad Lake (Falls Access S.W.M.A.)
Bremer	Martens Lake, Sweet Marsh Reservoir, Sweet Marsh Seg. A, Sweet Marsh Seg. C
Buchanan	Troy Mills Marsh
Buena Vista	Pickeral Lake, Storm Lake (incl. Little Storm Lake)
Butler	Big Marsh
Calhoun	Calhoun W.A. Pond, North Twin Lake, South Twin Lake
Carroll	Artesian Lake, Swan Lake
Cass	Cold Springs Lake, Lake Anita
Cerro Gordo	Clear Lake, Clear Lake Marsh, Lekwa Marsh, McIntosh Wildlife Area, Ventura Marsh
Clay	Barringer Slough, Dan Greene Slough, Ducks Unlimited Marsh, Elk Lake, Hawk Valley Pond (east), Hawk Valley Pond (west), Mud Lake, Round, Trumbull Lake
Clayton	Sny Magill Ponds (3)
Clinton	Goose Lake, McAndrews Wildlife Area Pond
Dallas	Beaver Lake
Davis	Eldon Game Area Ponds, Lake Wapello
Decatur	Nine Eagles Lake
Delaware	Backbone Lake, Silver Lake (Delaware)
Des Moines	Allen Green Refuge Marsh, Round Lake
Dickinson	Big Spirit Lake, Center Lake, Christopherson Slough, Diamond Lake, East Hottes, East Okoboji Lake, Garlock Slough, Grover's Marsh, Hale Slough, Jemmerson Slough, Lake Park Pond, Lily Lake, Little Spirit Lake, Little Swan Lake, Lower Gar Lake, Marble Lake, Minnewashta Lake, Pleasant Lake, Prairie Lake, Sandbar Slough, Silver Lake (Dickinson), Sunken Lake, Swan Lake, Upper Gar Lake, Welch Lake, West Hottes, West Okoboji Lake
Emmet	Burr Oak Lake, Cheever, Eagle, Four Mile, High Lake, Ingham Lake, Iowa Lake, Tuttle Lake, Twelve-Mile Lake, West Swan Lake S.W.M.A.
Fayette	Volga Lake
Franklin	Beeds Lake
Fremont	Bartlett Lake, Forney's Lake S.W.M.A., Lake Virginia, McPaul A Pond, McPaul B Pond, Percival Lake, Scott Lake A, Scott Lake B, Waubonsie Access Lake
Greene	Goose Lake
Guthrie	Bays Branch, Springbrook Lake
Hamilton	Little Wall Lake

County	Lakes
Hancock	Crystal Lake, Crystal Lake Sediment Pond, Eagle Lake, East Twin Lake, Eight Mile Pits, Meredith Marsh, Pilot Knob Lake, West Twin Lake
Hardin	Lower Pine Lake, Pine Ridge R.A. Lake, Steamboat Rock, Upper Pine Lake
Harrison	California Bend, Hebb Wetland #1, Hebb Wetland #2, Kress Wetland, Nobles, Round Bend, Shriners Wetland, Spencer Area Wetland, St. John's Lake, Tyson Bend
Henry	Lake Geode, Lake Geode Pond #1, Lake Geode Pond #3, Lake Geode Pond #4, Lake Geode Pond #5, Lake Geode Pond #6, Lake Geode Pond #7, Lake Geode Pond #8
Jackson	Bellevue Pond, Blake's Lake, Densmore Lake, Fish Lake, Green Island Lake, Little Sawmill Lake, Sawmill Lake, Snider Lake
Jasper	Deppe Pond (north), Deppe Pond (south), Rock Creek Lake, Rock Creek Lake Park Pond (east), Rock Creek Lake Park Pond (north), Rock Creek Lake Park Pond (west), Stephens State Forest Reichelt Unit Lake
Johnson	Burlington Street Dam, Lake Macbride, Oakdale Ponds, Redbird Farms W.A. Ponds, Swan Lake
Jones	Muskrat Slough, Olin R.A. Pond
Kossuth	Burt Lake, Goose Lake, State Line Marsh
Lee	Bitternut, Black Oak, Martens Pond, Martin Pond, Shagbark, White Oak
Linn	Chain-O-Lakes Area, Pleasant Creek Lake
Louisa	Cone Marsh, Klum Lake, Lake Odessa
Lucas	Brown's Slough, Colyn North Marsh, Colyn South Marsh, Red Haw Lake, Red Haw Pond 1 (E), Red Haw Pond 2 (middle), Red Haw Pond 3 (north), Stephen's Forest Whitebreast Pond 2, Stephen's Forest Lucas Unit Pond 1, Stephen's Forest Lucas Unit Pond 2, Stephen's Forest Whitebreast Pond 1, Williamson Pond
Lyon	Jasper Pool
Madison	Badger Creek Lake, Badger Creek Pond
Mahaska	Hawthorn Lake, Hawthorn Lake Watershed Ponds, Hull W.A. Marsh, Lake Keomah
Marion	Pella S.G.M.A. Ponds
Mills	Folsom Lake, Keg Creek Lake, Mile Hill Lake, P.J. Lake, Willow Slough
Mitchell	Otranto Impoundment
Monona	Badger Lake, Blackbird Bend, Blencoe Lake, Blue Lake, Decatur Lake, I-29 Access Area borrow pit - DRY, Jepsen Wetland, Loess Hills State Forest - Jones Creek, Louisville Bend Marsh W. A., Lower Decatur Lake, Middle Decatur Lake, Upper Decatur Bend
Monroe	Cottonwood Pits, Gladson-Carmack Pond, La Hart Area Wetland, Lake Miami
Montgomery	Viking Lake
Muscatine	Wiese Slough
Osceola	Ashton Pits Wildlife Management Area, Iowa Lake, Rush
Palo Alto	Five Island Lake, Lost Island Lake, Rush Lake S.W.M.A., Silver Lake (Palo Alto), Virgin Lake
Plymouth	Deer Creek Lakes S.W.M.A.
Pocahontas	Little Clear Lake, Lizard Lake, Shimon Marsh, Sunken Grove Lake
Polk	Ankeny Lake (DMACC), Big Creek Lake
Pottawattamie	Carter Lake, Lake Manawa, Saganaush Pond
Ringgold	Fogle Lake S.W.A., Mt. Ayr Game Area Ponds, Mt. Ayr Old Reservoir, Ringgold Management Area Ponds, Walnut Creek Marsh
Sac	Arrowhead Lake, Black Hawk Lake, Black Hawk Pits, Jana R.A. Pit, L Pond

County	Lakes
Scott	Crow Creek W.A. Lake, Lost Grove Lake, Lost Grove Lake Pond
Shelby	Prairie Rose Lake
Story	Hendrickson Marsh, Lake Laverne
Tama	Otter Creek Marsh, Union Grove Lake
Taylor	Lake of Three Fires
Union	Green Valley Lake, Summit Lake, Three Mile Lake, Twelve Mile Creek Lake
Van Buren	Lacey Keosauqua Park Lake, Lake Miss (Tug Fork W), Lake Sugema, Piper's Pond (Tug Fork E)
Wapello	Arrowhead Lake
Warren	Banner Lake (north), Banner Lake (south), Hooper Area Pond, Lake Ahquabi
Washington	Darling Campground Pond, Darling Youth Camp Pond, Lake Darling, Lake Darling Watershed Pond 1, Lake Darling Watershed Pond 10, Lake Darling Watershed Pond 11, Lake Darling Watershed Pond 12, Lake Darling Watershed Pond 13, Lake Darling Watershed Pond 14, Lake Darling Watershed Pond 15, Lake Darling Watershed Pond 16, Lake Darling Watershed Pond 17, Lake Darling Watershed Pond 18, Lake Darling Watershed Pond 19, Lake Darling Watershed Pond 2, Lake Darling Watershed Pond 20, Lake Darling Watershed Pond 21, Lake Darling Watershed Pond 22, Lake Darling Watershed Pond 23, Lake Darling Watershed Pond 24, Lake Darling Watershed Pond 25, Lake Darling Watershed Pond 3, Lake Darling Watershed Pond 4, Lake Darling Watershed Pond 5, Lake Darling Watershed Pond 6, Lake Darling Watershed Pond 7, Lake Darling Watershed Pond 8, Lake Darling Watershed Pond 9
Wayne	Bob White Lake
Webster	Brushy Creek Lake, Lizard Creek Game Area Ponds
Winnebago	Harmon Lake, Myre Slough, Rice Lake
Winneshiek	Cardinal Marsh, Lower Dam Impoundment, Upper Dam Impoundment
Woodbury	Browns Lake, Midway Park Lake, Snyder Bend Lake, Stone State Park Pond, Winnebago Bend Lake
Worth	Elk Creek Marsh, Silver Lake (Worth), Silver Lake Marsh
Wright	Big Wall Lake, Elm Lake, Lake Cornelia, Morse Lake

Attachment 3: Guidance for Conducting and Documenting Visual Observations of Discharges

A visual examination of a discharge must be conducted at least once during each day a discharge occurs. However, conducting examinations more frequently is encouraged in order to detect and correct any problems as soon as possible. If discharge is to occur during nighttime hours, an examination should take place during the late afternoon or evening while there is sufficient light available and again early in the morning.

Each visual examination must document observations of color, odor, turbidity (also referred to as clarity), petroleum sheen, and any other observations regarding the general appearance of the discharge (e.g. floating solids, or settled materials, foam, sheens, erosion, and any other obvious indications of water pollution).

It is recommended that the same person or persons perform and document the visual examinations ~~each day that discharge occurs~~ so that they are done in a consistent manner. The examination should be conducted at the end of the hose, pipe, or other conduit that carries water. For surface water discharges, this point should also be prior to the point where the water enters any river, stream, drainage ditch, storm sewer, or tile line.

The results must be documented in writing with the date and time of the examination. ~~The documentation should also include and~~ the name of the person performing the examination. The documentation must be retained for at least three (3) years after discharge at a site has ceased. Documentation is not required to be submitted to the ~~Department department~~ but must be made available upon request.

If the discharge does not comply with the applicable permit requirements, the discharge must be stopped until corrective action is taken.

If the discharge constitutes a hazardous condition, the ~~Department department~~ must be notified as soon as possible, but not later than six (6) hours after the onset or discovery of the hazardous condition in accordance with Rule 567 IAC 131.2. The ~~Department's department's~~ 24-hour line for spill reporting is (515)725-8694.

IOWA DEPARTMENT OF NATURAL RESOURCES

**NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES)
and
STATE OPERATION PERMIT**

GENERAL PERMIT NO. 9

EFFECTIVE DATES

JULY 1, ~~2018-2023~~ THROUGH JUNE 30, ~~2023~~2028

FOR

DISCHARGE FROM

DEWATERING and RESIDENTIAL GEOTHERMAL SYSTEMS

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PART I. COVERAGE UNDER THIS PERMIT

A. Coverage Area

This ~~permit~~National Pollutant Discharge Elimination System (NPDES) and State Operation Permit General Permit No. 9 (hereafter “GP #9” or “this permit”) covers all areas within the borders of the State of Iowa.

B. Activities Covered Under This Permit

This permit authorizes the discharge of pollutants to surface waters of the State or to the ground surface resulting from the following activities:

- 1. Excavation dewatering associated with construction or maintenance activity where pumps, sumps, or similar tools are used within or near excavation areas to remove accumulated water;
- 2. Groundwater dewatering through the installation of temporary dewatering wells, vacuum well points, eductors, or similar tools to cause localized lowering of the water table to facilitate construction or maintenance activity; and
- 3. Residential open-loop geothermal heating and cooling systems that use water as a heat transfer medium.

C. Activities Not Covered Under This Permit

Discharges from the ~~following~~activities listed below are not authorized by this permit. ~~and Exclusion-exclusion~~ from this permit does not exempt the discharges ~~below~~ from environmental regulation.

1. Discharges authorized under an individual ~~NPDES~~NPDES permit or another general NPDES permit (GP).
 - a. ~~General Permits~~GP #1, #2, or #3; or Municipal Separate Storm Sewer (MS4) Permits~~;~~
 - i. These permits authorize discharges of uncontaminated groundwater and discharges from foundation or footing drains where flows are not contaminated with process materials.
 - ii. A permittee who is already authorized under GP #1, #2, #3, or an MS4 permit who will conduct one or more of the discharges listed in Part I.C.1.a.i does not need coverage under ~~GP #9~~this permit for those discharges.
 - b. Individual NPDES or State Operation Permits~~;~~
 - i. A permittee authorized for any of the discharges listed in Part I.B under an individual permit shall adhere to the requirements of their individual permit for that activity.
 - ii. A permittee authorized under an individual permit may discharge from any of the activities covered under this permit but not listed in their individual permit, according to the requirements of this permit.
2. Dewatering of active mines and quarry pits.
 - a. ~~General Permit~~GP #5 authorizes discharges of dewatering water from certain types of mines and quarries. Facilities that are eligible for GP #5 should seek coverage under that permit.
 - b. Mine and quarry facilities that are seeking authorization to discharge but that are ineligible under GP #5 must seek individual permits.
3. Any new or expanded discharge to ~~an~~an Outstanding Iowa Waters~~s~~ (OIW) or Outstanding National Resource Waters~~s~~ (ONRW) ~~{See (see Attachment 1)}~~.
 - a. Discharges to OIW can only be authorized by individual permits~~;~~ and
 - b. Discharges to ONRW cannot be authorized in Iowa.
4. Any discharge to a ~~state~~State-owned natural or artificial lake ~~{See(see Attachment 2)}~~. Iowa Code § 455B.186(1) prohibits the discharge of pollutants to a state~~State~~-owned natural or artificial lake.
 - ~~Iowa Code prohibits the discharge of pollutants to a state-owned natural or artificial lake.~~
5. Any discharge that contributes to~~2~~ or ~~that~~ may reasonably be expected to contribute to~~2~~ a violation of any water quality standard.

6. Discharges that contain domestic sewage, industrial process waste, or manure, whether treated or untreated. Persons seeking to do this should contact the Iowa Department of Natural Resources.
- ~~Persons seeking to do this should contact the Iowa Department of Natural Resources.~~
7. Discharges from geothermal heat pumps that do not reach navigable waters do not require permits to dispose of wastewater. (See 567 Iowa Administrative Code (IAC) 64.3(1)“d”)
- ~~7.8. Any discharge~~Discharges from ~~an~~ open-loop geothermal heating and cooling systems other than a residential open-loop geothermal heating and cooling system as defined in Part ~~VI~~ VII of this permit require coverage under an individual permit, unless exempt pursuant to 567 IAC 64.3(1)“d”.
- ~~Discharges from geothermal heat pumps that do not reach navigable waters do not require permits to dispose of wastewater. (See 567 IAC 64.3(1)“d”)~~
 - ~~Open loop systems that are not residential systems must seek coverage under an individual permit.~~
- 8.9. Discharges from ~~the construction of~~ an animal feeding operation that are regulated ~~under pursuant to~~ 567 IAC Chapter 65, General Permit GP #2, or an individual stormwater permit.
- 9.10. Discharges that may adversely impact critical habitat of threatened or endangered species as designated by the ~~Iowa Department of Natural Resources~~ department (<http://www.iowadnr.gov>) or the ~~US~~ United States Fish and Wildlife Service (<http://www.fws.gov>).
- ~~10.11.~~ Discharges from dewatering necessary to repair water lines.

PART II. DETERMINING POTENTIAL FOR SOIL OR GROUNDWATER CONTAMINATION

- A. Persons intending to dewater are responsible for determining if contaminated soil or groundwater is expected to be present. ~~This Part II~~ does not apply to discharges from residential open-loop geothermal systems.
- B. If the site does not have a history of industrial or commercial use, the permittee may presume that contamination does not exist if there is no obvious reason to expect contamination (e.g. unusual color or odor; ~~or~~ known spills).
- C. For all other sites, the permittee shall conduct an inquiry-initial screening to determine if contaminated soil or groundwater is expected to be present.
- D. The inquiry-initial screening shall consider the following:
1. Current and historic uses of the site;
 2. Current uses of adjacent sites;
 3. Probable hazardous substances that could reasonably be associated with current or historic uses;
 4. Whether the site is considered contaminated by the ~~Department~~department, ~~US EPA~~United States Environmental Protection Agency (EPA), or other parties;
 5. Whether the site is currently subject to risk-based corrective action due to a known petroleum release from an underground storage tank (i.e. Tier 1, Tier 2, or Tier 3); and
 6. Any other relevant information.
- E. The screening form in Attachment 3 may be used to document the results of the initial inquiryscreening.
- F. When the initial inquiry-screening indicates the possibility for contamination, a more in-depth inquiry into the site and its potential contamination shall be conducted and documented.
- G. In addition to or in lieu of conducting such an in-depth inquiry, the permittee may analyze representative samples of soil and/or groundwater at the site.
1. Samples need only be analyzed for those substances that could reasonably be expected to be present based on the factors listed in Part II.D.~~1~~.
 2. For the purposes of this permit, a site will be considered contaminated when the concentration of any ~~toxic or~~ hazardous substance exceeds the relevant applicable Iowa statewide standard for soil or groundwater as published at www.iowadnr.gov.

PART III. DEWATERING DISCHARGES TO THE GROUND SURFACE

A. Coverage

For ~~this part~~ Part III of ~~the this~~ permit, “discharge to the ground surface” means the operation of a wastewater disposal system that directs dewatering wastewater to the surface of the ground. This does not include disposal systems that result in a discharge to surface waters of the ~~state~~ State. For Part III only, “discharge” means “discharge to the ground surface”. ~~The Part III~~ does not apply to discharges from residential open-loop geothermal systems. These discharge requirements are found in Part V.

B. Electronic Notice of Intent (eNOI)

1. An eNOI is Not not Required required for either the following:
 - a. An eNOI is not required for a discharge to the ground surface unless the discharge is listed in Part III.B.2.;
or
 - b. An eNOI is not required for a discharge to the ground surface where the discharge will not leave the property being dewatered or any associated construction easement.

~~e.~~ All covered ground surface discharges that are exempt from the eNOI submittal requirements are automatically authorized ~~for discharge~~. No submittal to the ~~Department~~ department is required to commence these discharges.
2. An eNOI is Required required if both of the following apply:
An eNOI is required if both of the following apply:
 - a. The dewatering discharge will leave the property being dewatered or any associated construction easement.;
and
 - b. Pollutants due to soil or groundwater contamination can reasonably be expected to be present in the final discharge at concentrations above ~~the~~ applicable Iowa Statewide statewide Standards standards for soil or groundwater (see GP9 website www.iowadnr.gov).
3. eNOI Contents and Submittal Timeline
 - a. ~~For If~~ any discharges to the ground surface ~~authorized are expected to result at a site from the dewatering activities covered~~ under Part I.B and ~~required to submit~~ an eNOI is required under Part III.B.2, then a complete and accurate eNOI for the dewatering site’s discharges must be submitted to the department.
 - a-b. ~~The eNOI~~ should be received by the ~~Department~~ department a minimum of thirty (30) days prior to the ~~date~~ the discharge is scheduled to commence anticipated start date of any discharge occurring at the site.
 - b-c. A completed eNOI shall be signed in accordance with Part ~~VII.K~~ VIII.K of this permit, and shall contain all of the following:
 - i. The name, mailing address, and telephone number of the person responsible for the discharge(s);¹
 - ii. Location ~~where the discharge will occur~~ of the site in one or more of these formats:
 - Street address, city, and ZIP code;
 - Quarter section, section, township, range, and county; or
 - Latitude and longitude;

¹If there are multiple responsible parties for the discharge(s), the ~~Department~~ department requires that all the parties involved maintain a written explanation for the division of responsibilities.

- iii. The anticipated ~~start date~~ of when the discharge(s) at the site will start and the anticipated ~~end date~~ when the discharge(s) at the site will end if the discharge is not permanent;
- iv. The name of the owner of the ground where the wastewater will be discharged;
- v. A list of each pollutant that is potentially present in the discharge(s);
- vi. The expected concentration of each pollutant that is expected to be present in the discharge(s); and
- vii. A description of any mechanisms that will be used to remove pollutants other than sediment.²

~~c. A separate eNOI must be submitted for each site where a discharge will occur.~~

- d. All eNOIs must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

4. Department Response to eNOI Submittal

Within thirty (30) days of receipt of a complete eNOI, the ~~Department~~ department will either:

- a. Issue a written authorization to discharge under the terms and conditions of this permit; or,
- b. Issue a written notification which states that coverage under this ~~general~~ permit is denied which states and provides the reason for denial. If coverage under this ~~general~~ permit is denied, a person may apply for an individual permit in accordance with Part ~~VIII~~ VIII.L of this permit.

C. Duration of Coverage

1. eNOI Not Required –

- 1. For dewatering discharges for which submittal of an eNOI is not required, coverage under this permit shall be in effect from the first day of discharge through the last day of discharge at a ~~single location~~ site.

2. eNOI Required –

- 2. For discharges for which submittal of an eNOI is required, coverage under this permit shall be in effect from the anticipated start date ~~of the discharge~~ to the anticipated end date of the discharge(s) from the site as stated in the eNOI, unless otherwise stated by the ~~Department~~ department. The permittee must notify the ~~Department~~ department of any discharge that extends beyond the anticipated end date. The notification must occur as soon as the permittee becomes aware of the need for an extension. The ~~Department~~ department will make a determination as to whether to approve the extension of coverage or require a new eNOI.

D. Operating Requirements for Discharge to the Ground Surface

Any discharge onto the ground surface that will not reach a surface water of the State shall comply with all of the following: ~~Any discharge not meeting all of these conditions shall be considered a discharge to a surface water of the State subject to the requirements specified in this permit for such discharges.~~

- 1. Discharges shall be to soils that have not been saturated by precipitation;
- 2. Discharges shall be to sites with slopes less than 5%;
- 3. Discharges to frozen or snow-covered ground shall be avoided unless infeasible;
- 4. Ponding of the discharged water shall be minimized to prevent damage to vegetation or runoff into surface waters of the State; and

² The ~~Department~~ department does not issue wastewater construction permits for temporary pollutant removal installations. This permit does not exempt any person from any permits necessary under programs other than wastewater (air, contaminated sites, flood plains, etc.).

5. Discharges shall occur in a manner to prevent or minimize erosion of soil or other materials. Practices to prevent erosion include, but are not limited to, splash pads, straw bales, silt fences, and vegetated buffer strips.

Any discharge not meeting all of these conditions shall be considered a discharge to a surface water of the State subject to the requirements specified in this permit for such discharges.

E. Monitoring Requirements

1. Each day that a discharge resulting from dewatering occurs at a ~~unique location~~ site, the physical appearance of the discharge must be observed. Visual observations of color, odor, turbidity, petroleum sheen, and any other observations regarding floating or suspended matter, and the general appearance of the discharge shall be documented in writing. The documentation must include the date and time of the examination and the name of the person performing the examination. If any observation finds that the discharge does not comply with one or more of the operating requirements in Part III.D of this permit, the discharge shall cease immediately and shall not resume until corrective action is taken. Guidance on performing visual observations can be found in Attachment 4.
2. Written documentation of the observations is not required if both of the following apply:
 - a. The discharge results from residential construction where and less than one (1) acre is disturbed; and
 - b. There is no expectation of soil or groundwater contamination, as determined according to Part II of this permit.

F. Reporting

~~No reports are required to be submitted.~~ The records required by Part III.G of this permit shall be submitted to the ~~Department~~ department upon request.

G. Recordkeeping

1. Records ~~of the following~~ must be kept for each ~~discharge of the following items or disposal event~~:
 - a. The location of the site where the dewatering activity occurred (either the street address; quarter section, section, township and range; or latitude and longitude);
 - ~~a.~~ b. The start and end date(s) for each discharge or disposal event started and ended that occurred at the site;
 - ~~b.~~ c. The measured or estimated volume of water discharged or disposed of on each day a discharge occurs;
 - ~~c.~~ The location of the activity (either the street address; quarter section, section, township and range; or latitude and longitude);
 - d. Results of visual monitoring activities using Attachment 5 or an equivalent document; and
 - e. The results of any analyses performed.
2. All records shall be retained for a minimum of three (3) years after the discharge ends in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.
3. Recordkeeping is not required if both of the following apply:
 - a. The discharge results from residential construction where and less than one (1) acre is disturbed; and
 - b. There is no expectation of soil or groundwater contamination, as determined according to Part II of this permit.

PART IV. DEWATERING DISCHARGES TO SURFACE WATERS

A. Coverage

~~This part~~Part IV of the ~~this~~ permit covers discharges to surface waters of the ~~state~~State from dewatering activities. For ~~purposes of this~~Part IV only, “discharge” ~~refers to~~means “discharges to surface waters”. ~~The~~Part IV does not apply to discharges from residential open-loop geothermal systems. These discharge requirements are found in Part V.

B. Electronic Notice of Intent (eNOI)

1. eNOI Not Required

~~a.~~—An eNOI is not required for a discharge to a surface water unless the discharge is listed in IV.B.2.

~~b.~~ All covered surface water discharges that are exempt from the eNOI submittal requirements are automatically authorized ~~for discharge~~. No submittal to the ~~Department~~department is required to commence these discharges.

2. eNOI Required

An eNOI is required if pollutants due to soil or groundwater contamination can reasonably be expected to be present in the final discharge at concentrations above the applicable values shown in Table 1 of the Iowa surface water quality standards for the applicable waterbody uses(s) in 567 IAC 61.3(3), Table 1 (see GP9 website). (567 IAC 61.3(3))

3. eNOI Contents and Submittal Timeline

~~a.~~ For ~~if~~ any discharges to surface water ~~authorized~~are expected to result at a site from the dewatering activities covered under Part I.B. and ~~required to submit~~an eNOI is required under Part IV.B.2., then a complete and accurate eNOI for the dewatering site’s discharges must be submitted to the department.

~~a.b.~~ The eNOI should be received by the ~~Department~~department a minimum of thirty (30) days prior to the ~~date~~ the discharge is scheduled to commence ~~anticipated start date of any discharge occurring at the site.~~

~~b.c.~~ A completed eNOI shall be signed in accordance with Part ~~VIII.G.~~IX.G of this permit, and shall contain all of the following:

- i. The name, mailing address, and telephone number of the person responsible for the discharge(s);³
- ii. Location ~~where the discharge will occur~~of the site in one or more of these formats:
 - Street address, city and ZIP code;
 - Quarter section, section, township, range, and county; or
 - Latitude and longitude;
- iii. The anticipated ~~start~~date ~~of when~~ the discharge(s) from the site will start and the anticipated ~~end~~date when the discharge(s) from the site will end if the discharge is not permanent;
- iv. The receiving water body and route of flow to the first named stream shown on a 7.5-minute USGS topographic map;
- v. A list of each pollutant that is potentially present in the discharge(s);
- vi. The expected concentration of each pollutant that is expected to be present in the discharge(s); and

³ If there are multiple responsible parties for the discharge(s), the ~~Department~~department requires that all the parties involved maintain a written explanation for the division of responsibilities.

vii. A description of any mechanisms that will be used to remove pollutants other than sediment.⁴

~~c. A separate eNOI must be submitted for each site where a discharge will occur.~~

d. All eNOIs must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

C. Antidegradation Requirements for the Submittal of an eNOI

If ~~the a~~ discharge requires an eNOI and it will reach a water of the United States, the applicant must submit an Antidegradation Document containing either an Antidegradation Alternatives Analysis or a ~~temporary and limited justification~~ Temporary and Limited Justification with the eNOI.^{5,6}

1. The Antidegradation Document will consist of an Antidegradation Alternatives Analysis when the discharge will last for more than ~~90 calendar days~~ 1 year at a site or the discharge will not be limited in impact.

~~2.a.~~ The applicant is responsible for ensuring that public notice of the Antidegradation Alternatives Analysis is properly published and distributed to all interested parties.

~~3.b.~~ The ~~Department~~ department will not authorize a discharge ~~where an Alternatives Analysis is required~~ until the public comment period on the Antidegradation Alternatives Analysis has been completed and the applicant has addressed all public comments.

~~4.2.~~ The Antidegradation Document will consist of a ~~temporary and limited justification~~ Temporary and Limited Justification when the discharge will last for ~~less than 90 days~~ 1 year or less and will have a limited impact. If the ~~Department~~ department does not agree with the justification ~~for the temporary and limited request~~, an Antidegradation Alternatives Analysis must be submitted.

~~5.3.~~ An Antidegradation Document may be used to cover multiple discharges according to the following:

a. One Antidegradation Document may be used to cover discharges of the same type at multiple ~~locations~~ sites; ~~and~~

b. A previously-approved Antidegradation Document may be used to cover a repeated discharge at the same ~~location~~ site; ~~but~~

c. A previously-approved Antidegradation Document may not be used to cover a discharge ~~that will occur at a~~ if ~~its~~ location ~~that~~ was not included in the document.

~~d. An Antidegradation Document must be submitted with each eNOI it is intended to cover. The eNOI must indicate if the Document was previously approved.~~

4. An Antidegradation Document must be submitted with each eNOI it is intended to cover.

a. The eNOI must indicate if the Antidegradation Document was previously approved.

⁴ The ~~Department~~ department does not issue wastewater construction permits for temporary pollutant removal installations. This permit does not exempt any person from any permits necessary under programs other than wastewater (air, contaminated sites, flood plains, etc.).

⁵ The ~~Department~~ department has prepared an Alternatives Analysis and has developed information to justify degradation as part of the development of this ~~general~~ permit for discharges that do not require the submittal of an eNOI. However, because of the variety of pollutants that could potentially be present in chemical additives or pipes used to transport other materials, the Department is not able to prepare an Alternatives Analysis for discharges that require the submittal of an eNOI under this permit.

⁶ Note: An Alternatives Analysis requires a 30-day public comment period prior to submittal to the ~~Department~~ department. This should be factored into project time frames to avoid unnecessary delays in obtaining coverage under this permit or an individual permit.

~~6.b.~~ The complete eNOI and Antidegradation Document should be received by the ~~Department~~ department at least thirty (30) days prior to the ~~commencement anticipated start date~~ of the discharge.

~~7.c. An~~ The eNOI and Antidegradation Document ~~must accompany an eNOI and~~ must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

D. Department Response to eNOI Submittal

Within thirty (30) days of receipt of a complete eNOI (and Antidegradation Document, if required), the ~~Department~~ department will either:

1. Issue a written authorization to discharge under the terms and conditions of this permit; or,
2. Issue a written notification which states that coverage under this ~~general~~ permit is denied ~~which states and provides~~ the reason for denial. If coverage under this ~~general~~ permit is denied, a person may apply for an individual permit in accordance with Part ~~VII.0 IX.0~~ of this permit.

E. Duration of Coverage

1. eNOI Not Required –

~~1.~~ For dewatering discharges for which submittal of an eNOI is not required, coverage under this permit shall be in effect from the first day of discharge through the last day of discharge at a ~~single location~~ site.

2. eNOI Required –

~~2.~~ For discharges for which submittal of an eNOI is required, coverage under this permit shall be in effect from the anticipated start date ~~of the discharge~~ to the anticipated end date of the discharge(s) from the site as stated in the eNOI, unless otherwise stated by the ~~Department~~ department. The permittee must notify the ~~Department~~ department of any discharge that extends beyond the anticipated end date. The notification must occur as soon as the permittee becomes aware of the need for an extension. The ~~Department~~ department will make a determination as to whether to approve the extension of coverage or require a new eNOI.

F. Operating Requirements for Discharges to Surface Waters

Any discharge that will reach a surface water of the State shall comply with all of the following requirements:

1. Discharge ~~points-locations~~ shall be selected to avoid a direct discharge into a surface water of the State unless infeasible;
2. Discharges into storm sewers or agricultural tile lines shall be avoided unless infeasible;⁷
3. Discharges shall be free from:
 - a. Substances that will settle to form sludge deposits;
 - b. Floating debris, oil, grease, scum, and other floating materials in amounts sufficient to create a nuisance;
 - c. Materials producing objectionable color, odor, or other aesthetically objectionable conditions;
 - d. Substances in concentrations or combinations which are acutely toxic to human, animal, or plant life; and
 - e. Substances in quantities which would produce undesirable or nuisance aquatic life;
4. Best Management Practices (BMPs) shall be used to prevent contamination of any discharge with fuel, lubricants, solids, or other pollutants; and

⁷ Storm sewers and agricultural tile lines typically discharge directly into rivers, streams, or wetlands without prior treatment. If discharge to a storm sewer or agricultural tile line cannot be avoided, extra precautions must be taken to prevent the discharge of pollutants that can negatively impact water quality.

~~4.5.~~ Discharges shall ~~be conducted~~occur in a manner to prevent or minimize erosion of soil or other materials into a surface water of the State. Practices to prevent erosion ~~of soil or other materials~~ include, but are not limited to, splash pads, straw bales, silt fences, and vegetated buffer strips; ~~and.~~

~~5.1. Best Management Practices (BMPs) shall be used to prevent contamination of any discharge with fuel, lubricants, solids, or other pollutants.~~

G. Dewatering Pollution Prevention Plans (DwPPPs)

For any surface water discharge for which an eNOI is required to be submitted, the permittee shall develop and implement a written ~~Dewatering Pollution Prevention Plan (DwPPP).~~

1. The DwPPP must address all of the following:

~~1.a. The location of each~~Each discharge ~~point location~~ by county and either: quarter section, section, township, and range or latitude and longitude;

~~a. ¼ section, section, township, and range; or~~

~~b. Latitude and longitude.~~

~~2.b.~~ The procedures that will be implemented to minimize soil erosion at ~~the location of~~ each discharge ~~point location;~~

~~3.c.~~ The type of treatment, BMPs, or other measures that will be used to minimize the discharge of pollutants to the maximum extent possible; and-

~~4.d.~~ Any other practices necessary to minimize the discharge of pollutants;;

~~H. Other DwPPP Requirements.~~

~~1. The permittee shall maintain the DwPPP at a location where it can be easily provided to the Department upon request. Plans are not required to be submitted to the Department except upon request.~~

2. The DwPPP may be combined with other ~~Plans~~plans such as a Storm Water Pollution Prevention Plan (SWPPP) or a Spill Prevention, Control and Countermeasures Plan (SPCC) developed for the site where a discharge will occur provided each of the requirements in ~~Part IV.G above are~~this subpart is addressed and those aspects of the ~~Plan~~plan applicable to the discharge covered under this permit are clearly delineated.

~~3. The permittee shall maintain the DwPPP in a location that conforms to customary business practices for three years from the end of the discharge, and shall be available to the Department upon request.~~

~~4. DwPPPs are only required when an eNOI is required.~~

~~H.~~ H. Monitoring Requirements

1. Each day that a discharge resulting from dewatering occurs at a ~~unique location~~site, the physical appearance of the discharge must be observed. Visual observations of color, odor, turbidity, petroleum sheen, and any other observations regarding floating or suspended matter, and the general appearance of the discharge shall be documented in writing. The documentation must include the date and time of the examination and the name of the person performing the examination. If any observation finds that the discharge does not comply with one or more of the operating requirements in Part IV.F, the discharge shall cease immediately and shall not resume until corrective action is taken. Guidance on performing visual observations can be found in Attachment 4.

2. Written documentation of the observations is not required if both of the following apply:

a. The discharge results from residential construction ~~where~~and less than one (1) acre is disturbed;; and

b. There is no expectation of soil or groundwater contamination, as determined according to Part II of this permit.

J.I. Reporting

~~No reports are required to be submitted.~~ The records required by Part IV.~~K-J~~ of this permit shall be submitted to the ~~Department~~department upon request.

K.J. Recordkeeping

1. Records ~~of the following~~ must be kept for each ~~discharge of the following item~~or disposal event:
 - a. The location of the site where the dewatering activity occurred (either the street address; quarter section, section, township and range; or latitude and longitude);
 - ~~a.b.~~ The start and end date(s) for each discharge ~~or disposal event started and ended~~that occurred at the site;
 - ~~b.c.~~ The measured or estimated volume of water discharged ~~or disposed of~~ on each day a discharge occurs;
 - ~~c.~~ The location of the activity (either the street address; ¼ section, section, township and range; or latitude and longitude);
 - d. Results of visual monitoring activities using Attachment 5 or an equivalent document; ~~and~~
 - e. The results of any analyses performed; ~~and~~
 - e.f. The DwPPP, if an eNOI is required.
2. All records shall be retained for a minimum of three (3) years after the discharge ends in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.
3. ~~Written documentation of the observations~~Recordkeeping is not required if both of the following apply:
 - a. The discharge results from residential construction ~~where~~and less than one (1) acre is disturbed; ~~i~~ and
 - b. There is no expectation of soil or groundwater contamination, as determined according to Part II of this permit.

PART V. DISCHARGES FROM RESIDENTIAL OPEN-LOOP GEOTHERMAL SYSTEMS**A. Coverage**

~~This part~~Part V of ~~the this~~ permit covers discharges to waters of the United States from residential open-loop geothermal heating and cooling systems. For purposes of ~~this~~ Part V, “discharge” refers to discharges to waters of the United States. Parts II, III, and IV do not apply to discharges covered under this part.

B. Electronic Notice of Intent (eNOI)

An eNOI is not required for a discharge from a residential open-loop geothermal system. Discharges from These these systems are automatically authorized. No submittal to the ~~Department~~department is required to commence these discharges.

C. Monitoring Requirements

Monitoring is not required for residential open-loop geothermal heating and coolingsystem discharges.

D. Duration

Coverage shall extend from the ~~permit~~ issuance date to the ~~permit~~ expiration date of this permit.

E. Reporting

Submission of written reports is not required under this permit.

F. Recordkeeping

No recordkeeping is required for residential open-loop geothermal heating and coolingsystem discharges.

PART VI. HAZARDOUS CONDITION DOCUMENTATION AND REPORTING

A. Six (6) Hour Hazardous Condition Notification

If you observe or are otherwise made aware of a hazardous condition, as defined in Part VII, which may have resulted from a discharge authorized under this permit, you must immediately notify the department. Pursuant to 567 IAC 131.2, this notification must be made by telephone within six (6) hours of you becoming aware of the hazardous condition. Notification shall be made by calling the department's Environmental Emergency Reporting Hotline at (515) 725-8694. At a minimum, notifications must include all of the following:

1. The caller's name and telephone number;
2. Operator name and mailing address;
3. The name and telephone number of a contact person, if different than the person providing the 6-hour notice;
4. How and when you became aware of the hazardous condition;
5. The exact location of the hazardous condition;
6. Name of any waterbody affected by the hazardous condition;
7. Description of the hazardous condition; and
8. Description of any steps you have taken or will take to contain any hazardous effects.

B. Thirty (30) Day Hazardous Condition Written Report

Within thirty (30) days of becoming aware of the hazardous condition reported pursuant to Part VI.A, you must postmark a written report of the hazardous condition to the appropriate regional department Field Office. The Field Office addresses are available at www.iowadnr.gov. Your hazardous condition report must include the information required in 567 IAC 131.2, Report of Hazardous Conditions. Contact the appropriate department Field Office for more information. A copy of the hazardous condition report submitted to the department must be retained for a minimum of three (3) years in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.

PART ~~VII~~ VII. GLOSSARY OF TERMS

Antidegradation Document means either an Antidegradation Alternatives Analysis or a ~~temporary and limited justification~~ Temporary and Limited Justification.

Construction activity includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to construction of residential buildings and nonresidential buildings, and heavy construction (for example, highways, streets, bridges, tunnels, pipelines, transmission lines, and industrial non-building structures).

Dewatering means the intentional removal of groundwater and/or storm water, normally by pumping, to allow for installation, construction, reconstruction, maintenance or repair activities to occur or continue.

Final discharge means a discharge authorized by this permit at a point after application of any treatment steps or best management practices.

Hazardous condition means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. (567 IAC 131.1)

Hazardous substance means any substance or mixture of substances that presents a danger to the public health or safety and includes but is not limited to a substance that is toxic, corrosive, or flammable, or that is an irritant or

that generates pressure through decomposition, heat, or other means. “*Hazardous substance*” may include any hazardous waste identified or listed by the administrator of the ~~United States environmental protection agency~~ EPA under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act. ~~{Code of Iowa Code § 455B.381(5)}~~

Individual permit means an NPDES permit issued for the discharge of a pollutant from a point source to waters of the United States in accordance with ~~Subrule Paragraph~~ 567 IAC 64.3(4) “a” or a ~~state~~ State operation permit.

Person means any agency of the state or federal government or institution thereof, any municipality, governmental subdivision, interstate body, public or private corporation, individual, partnership, or other entity and includes any officer or governing or managing body of any municipality, governmental subdivision, interstate body or public or private corporation. ~~{Code of Iowa Code § 455B.171(18a) “a”}~~

Residential construction means ground disturbances of less than one acre associated with construction or services for four or fewer dwelling units.

Residential open-loop geothermal heating and cooling system ~~or residential open-loop geothermal system~~ means an individual open-loop geothermal system that’s sole use is providing heating and/or cooling for living quarters in four or fewer dwelling units.

Soil or groundwater contamination means the presence of pollutants resulting from human activity in concentrations exceeding or expected to exceed the ~~relevant applicable Iowa~~ statewide standard(s) ~~for soil or groundwater~~.

State operation permit means a written permit by the director authorizing the operation of a wastewater disposal system or part thereof or discharge source and, if applicable, the discharge of wastes from the disposal system or part thereof or discharge source to surface waters of the State. An NPDES permit will constitute the operation permit in cases where there is a discharge to a water of the United States and an NPDES permit is issued under the Clean Water Act. ~~{567 IAC 60.2}~~

~~Temporary means a discharge that occurs for a period of not more than 90 consecutive days at a single location.~~

Temporary and Limited Justification means a document ~~that presents the applicant’s argument that any degradation from the discharge will be temporary and limited~~ prepared by or on behalf of the applicant to support the assertion ~~that a discharge will not last for more than 1 year at a site and that any degradation from the discharge will have a limited impact~~. The document must include the following:

- a) Length of time during which water quality will be lowered;
- b) Percent change in ambient conditions;
- c) Pollutants affected;
- d) Likelihood for long-term water quality benefits to the water body;
- e) Degree to which achieving the applicable Water Quality Standards during the proposed activity may be at risk;
- and
- f) Potential for any residual long-term effects on existing uses.

Water of the State means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. ~~{Code of Iowa Code § 455B.171(39)}~~

Waters of the United States or waters of the US means those waters defined at 40 Code of Federal Regulations (CFR) § 122.2.

PART ~~VII~~VIII. STANDARD CONDITIONS FOR DISCHARGES TO THE GROUND SURFACE

A. Administrative Rules

Rules of this ~~Department~~ department that govern the activities covered by ~~General Permit 9~~ this permit are published in ~~Part 567 of the Iowa Administrative Code (IAC)~~ in Chapters 63 – 64.

B. Address Change or Transfer of Title

If coverage under this permit is transferred, the new permittee shall be subject to this permit. The original permittee must notify the new permittee of the requirements of this permit in writing prior to any transfer of coverage.

1. **eNOI Not Required** - Coverage for any activity for which an eNOI is not required by this permit may be transferred without written notice to the ~~Department~~ department provided there is consent of the original permittee and the person to whom coverage is being transferred.
2. **eNOI Required**- For any activity for which an eNOI was submitted, the ~~Department~~ department must be notified in writing of the transfer no later than thirty (30) days following the effective date of the transfer. The notice must contain the name and address of the original permittee, the name and address of the person to whom the coverage is being transferred, the location of the activity and the effective date of the transfer. Whenever the address of the owner is changed, the ~~Department~~ department shall be notified. ~~{See (567 IAC 64.14)}~~

C. Continuation of the Expired General Permit

This permit will remain in full force and effect until replaced by adoption of a new general permit or rescission by the ~~Department~~ department.

D. Duty to Provide Information

You must furnish to the Director, within a reasonable time, any information the Director may request to determine compliance with this permit or determine whether or not cause exists for modifying, revoking and reissuing, or terminating this permit, in accordance with 567 IAC 64.3(11)“c”. You must also furnish to the Director, upon request, copies of any records required to be kept by this permit.

E. Permit Actions

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any ~~permit~~ condition of this permit.

F. Severability

The provisions of this permit are severable and if any provision or application of any provision to any circumstance is found to be invalid by this department or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding.

G. Noncompliance

You shall give advance notice to the appropriate regional field office of the department of any planned activity that may result in noncompliance with ~~permit the~~ requirements of this permit. ~~{See (567 IAC 63.1514)}~~

H. Planned Changes (for Notice of Intent permittees only)

The permittee shall give notice to the appropriate regional field office of the department thirty (30) days prior to any planned physical alterations or additions to the permitted activity. Notice is required only when:

~~(a)1.~~ Notice has not been given to any other section of the department ~~;~~ and {See 567 ICA 64.2}

~~(b)2.~~ The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in ~~the this~~ permit. ~~{See (567 IAC 63.13 and 63.14)}~~

I. Other Information

When you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, you must promptly submit such facts or information. When you become aware that you failed to submit any relevant facts in the submission of any report to the director, including records of operation, you shall promptly submit such facts or information. ~~{See (567 IAC 60.4(2)“a” and 567 IAC 63.7(6))}~~

J. Investigations and Entry

The director of the department or a designee may enter at any reasonable time in and upon any private or public property to investigate any actual or possible violation of this permit. However, the owner or person in charge shall be notified in accordance with Iowa Code § 455B.103(4).

K. Signatory Requirements

The person who signs the eNOI shall be as follows:

1. *Corporations.* In the case of a corporation, a responsible corporate officer. A responsible corporate officer means:
 - a) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
 - b) The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. *Partnerships.* In the case of a partnership, a general partner.
3. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
4. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:
 - a) The chief executive officer of the agency; or
 - b) A senior executive officer having responsibility for the overall operations of a unit of the agency. ~~{(567 IAC 64.3(8))}~~

L. Individual Permit

1. Any person that cannot meet the requirements of this permit must apply for and be issued an individual permit in order to dispose of wastewater resulting from activities listed in Part I.B.

~~1.2.~~ Any person authorized under this permit may apply for an individual permit at any time.

~~2.3.~~ The ~~Department~~ department may require any person authorized under this permit to apply for and obtain an individual permit. The causes for doing so may include, but are not limited to, the location of the discharge,

duration of the discharge, volume of discharge, types of pollutants present or suspected, and history of non-compliance with this ~~general~~ permit.

~~3-4.~~ When an individual permit is issued for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the effective date of the individual permit. When an individual permit is denied for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the date of such denial, unless otherwise specified in writing by the ~~Department~~department.

~~VIII~~IX. STANDARD CONDITIONS FOR DISCHARGES TO SURFACE WATERS

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of ~~the Iowa Code and/or~~ the Clean Water Act and is grounds for enforcement action; for termination of coverage under this ~~general~~ permit; or for denial of a request for coverage under a reissued general permit. Issuance of this permit does not relieve you of the responsibility to comply with all local, state, and federal laws, ordinances, regulations or other applicable legal requirements. ~~{(40 CFR § 122.41(a) and 567 IAC 64.7(4)-“e”)}~~

B. Continuation of the Expired General Permit

This permit will remain in full force and effect until replaced by adoption of a new general permit or rescinded by the ~~Department~~department.

C. Need to Halt or Reduce Activity

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. ~~{(40 CFR § 122.41(c) and 567 IAC 64.7(7)-“j”)}~~

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. ~~{(40 CFR § 122.41(d) and 567 IAC 64.7(7)-“i”)}~~

E. Duty to Provide Information

The permittee shall furnish to the ~~Department~~department, within a reasonable time, any information the ~~Department~~department may request to determine compliance with this permit or determine whether cause exists for terminating coverage under this permit. The permittee shall also furnish to the ~~Department~~department, upon request, copies of any records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report or record provided to the ~~Department~~department, he or she shall promptly submit such facts or information. ~~{(567 IAC 60.4(2)“a” and 567 IAC 63.7(6))}~~

G. Signatory Requirements

The person who signs the eNOI shall be as follows:

1. *Corporations.* In the case of a corporation, a responsible corporate officer. A responsible corporate officer means:
 - a) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
 - b) The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. *Partnerships.* In the case of a partnership, a general partner.
3. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
4. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:
 - a) The chief executive officer of the agency; or
 - b) A senior executive officer having responsibility for the overall operations of a unit of the agency. ~~{567 IAC 64.3(8)}~~

H. Certification

Any person signing documents under paragraph VIII.G shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." ~~{567 IAC 64.3(8)-"f"}~~

I. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

J. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. ~~{567 IAC 64.4(3)-"b"}~~

K. Severability

The provisions of this permit are severable and if any provision or application of any provision to any circumstance is found to be invalid by this ~~Department-department~~ or a court of law, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected by such finding.

L. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with any DwPPP required to be prepared by this permit. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems which have been installed by a permittee only when necessary to achieve compliance with the conditions of this permit. ~~{40 CFR § 122.41(e) and 567 IAC 64.7(7)-"f"}~~

M. Inspection and Entry

The permittee shall allow the ~~Department~~department or an authorized representative of EPA, the State, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
4. Sample, or monitor, at reasonable times, any discharge of pollutants.

N. Permit Actions

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any ~~permit condition~~ of this permit.

O. Individual Permit

1. Any person that cannot meet the requirements of this permit must apply for and be issued an individual permit in order to dispose of wastewater resulting from activities listed in Part I.B.
- ~~1.2.~~ Any person authorized under this permit may apply for an individual permit at any time.
- ~~2.3.~~ The ~~Department~~department may require any person authorized under this permit to apply for and obtain an individual permit. The causes for doing so may include, but are not limited to, the location of the discharge, duration of the discharge, volume of discharge, types of pollutants present or suspected, and history of non-compliance with this ~~general~~ permit.
- ~~3.4.~~ To apply for an individual permit, a permit application including an Antidegradation Alternatives Analysis (if applicable) or justification that degradation caused by the discharge will be temporary and limited (if applicable) must be submitted a minimum of 180 days prior to the date on which authorization to discharge under the individual permit is desired and in accordance with the requirements of Subrule 567 IAC 60.4(2).
- ~~4.5.~~ When an individual permit is issued for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the effective date of the individual permit. When an individual permit is denied for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the date of such denial, unless otherwise specified in writing by the ~~Department~~department.

P. Address Change or Transfer of Title

If coverage under this permit is transferred, the new permittee shall be subject to this permit. The original permittee must notify the new permittee of the requirements of this permit in writing prior to any transfer of coverage.

1. **eNOI Not Required** - Coverage for any activity for which an eNOI is not required by this permit may be transferred without written notice to the ~~Department~~department provided there is consent of the original permittee and the person to whom coverage is being transferred.
2. **eNOI Required**- For any activity for which an eNOI was submitted, the ~~Department~~department must be notified in writing of the transfer no later than thirty (30) days following the effective date of the transfer. The notice must contain the name and address of the original permittee, the name and address of the person to whom the coverage is being transferred, the location of the activity and the effective date of the transfer. Whenever the address of the owner is changed, the ~~Department~~department shall be notified.

Q. Continuing Coverage

If an eNOI is submitted for an activity that will continue beyond the expiration date of this permit, an eNOI must be submitted for coverage under a subsequent ~~general~~ permit. However, a new ~~Alternatives Analysis~~Antidegradation Document is not required.

**Attachment 1:
ONRW and OIW Waters in Iowa**

Outstanding National Resource Waters (ONRW)

There are no waters in Iowa designated as Outstanding National Resource Waters as of the date of issuance of this permit.

Outstanding Iowa Waters (OIW)

STREAM	DESCRIPTION	LENGTH (Miles)
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	From road crossing in SW ¼, NW1/4, S11, T86N, R10W, Benton Co. to E line, S25, T87N, R10W, Buchanan Co.	5.2
Bloody Run	From (W. line of Section 22, T95N, R4W, Clayton Co.) to the confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44	8.59
Brownfield Creek	Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)	0.94
Clear Creek	Mouth (Allamakee Co.) to W. line of Section 25, T99N, R4W, Allamakee Co.	3.79
Deer Creek	Road crossing in SE¼, S35, T100N, R19W, Worth Co. to the N. line of S7, T100N, R19W, Worth Co.	7.29
Dousman Creek	Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line.	3.44
Duck Creek	From the mouth (S14, T100N, R06W Allamakee Co.) to the Iowa-Minnesota state line.	1.98
Ensign Creek (aka Ensign Hollow)	Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)	1.05
Unnamed Creek (aka Erickson Spring Branch)	Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.	0.91
French Creek	Mouth (Allamakee Co.) to E. line of Section 23, T99N, R5W, Allamakee Co.	5.58
Grannis Creek	Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.	3.56
Jones Creek	From the mouth (S19, T98N, R04W Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R05W Allamakee Co.)	5.75
Kleinlein Creek	Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)	3.96
Lime Creek	From confluence with unnamed tributary in NE ¼, NW ¼, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.	3.0
Little Paint Creek	Mouth to N. line of Section 30, T97N, R3W	1.92
Ludlow Creek	Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)	2.00
Mill Creek (aka Big Mill Creek)	Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)	8.04
Mossey Glen Creek	Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.	1.96

North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line.	6.39
Pine Creek (aka South Pine Creek)	Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.	2.80
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
South Canoe Creek	From the mouth (S22, T99N, R08W Winneshiek Co.) to the bridge crossing at Winn Rd. (S21, T99N, R08W Winneshiek Co.)	1.90
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83
Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co.	1.37
Trout Run	Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach.	1.0
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
Unnamed Creek (aka Cold Water Creek)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of Section 31, T100N, R9W, Winneshiek Co.)	2.46
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line.	9.39
West Branch French Creek	From the mouth (S23, T99N, R05W, Allamakee Co.) to the confluence with Unnamed Creek (S26, T99N, R05W, Allamakee Co.)	0.67
	Grand Total:	118.08
LAKES	DESCRIPTION (Section, Township, Range)	SIZE (Acres)
Big Spirit Lake SGMA	S33, T100N, R36W	5684
West Okoboji Lake SGMA	S20, T99N, R36W	3,847

**Attachment 2:
State-owned Natural and Artificial Lakes**

County	Lakes
Adair	Meadow Lake, Meadow Lake Watershed Pond 1, Meadow Lake Watershed Pond 2
Adams	Lake Icaria
Allamakee	Big Lake (Lansing), Kains Lake S.W.A., Mud Hen Lake, New Albin Big Lake, Waukon Junction Marsh, Yellow River Pond
Appanoose	Stephen's Forest - Unionville Area Pond
Benton	Dudgeon Lake
Black Hawk	Alice Wyth Lake, Big Woods Lake, Fisher Lake, George Wyth Lake, Railroad Lake (Falls Access S.W.M.A.)
Bremer	Martens Lake, Sweet Marsh Reservoir, Sweet Marsh Seg. A, Sweet Marsh Seg. C
Buchanan	Troy Mills Marsh
Buena Vista	Pickeral Lake, Storm Lake (incl. Little Storm Lake)
Butler	Big Marsh
Calhoun	Calhoun W.A. Pond, North Twin Lake, South Twin Lake
Carroll	Artesian Lake, Swan Lake
Cass	Cold Springs Lake, Lake Anita
Cerro Gordo	Clear Lake, Clear Lake Marsh, Lekwa Marsh, McIntosh Wildlife Area, Ventura Marsh
Clay	Barringer Slough, Dan Greene Slough, Ducks Unlimited Marsh, Elk Lake, Hawk Valley Pond (east), Hawk Valley Pond (west), Mud Lake, Round, Trumbull Lake
Clayton	Sny Magill Ponds (3)
Clinton	Goose Lake, McAndrews Wildlife Area Pond
Dallas	Beaver Lake
Davis	Eldon Game Area Ponds, Lake Wapello
Decatur	Nine Eagles Lake
Delaware	Backbone Lake, Silver Lake (Delaware)
Des Moines	Allen Green Refuge Marsh, Round Lake
Dickinson	Big Spirit Lake, Center Lake, Christopherson Slough, Diamond Lake, East Hottes, East Okoboji Lake, Garlock Slough, Grover's Marsh, Hale Slough, Jemmerson Slough, Lake Park Pond, Lily Lake, Little Spirit Lake, Little Swan Lake, Lower Gar Lake, Marble Lake, Minnewashta Lake, Pleasant Lake, Prairie Lake, Sandbar Slough, Silver Lake (Dickinson), Sunken Lake, Swan Lake, Upper Gar Lake, Welch Lake, West Hottes, West Okoboji Lake
Emmet	Burr Oak Lake, Cheever, Eagle, Four Mile, High Lake, Ingham Lake, Iowa Lake, Tuttle Lake, Twelve-Mile Lake, West Swan Lake S.W.M.A.
Fayette	Volga Lake
Franklin	Beeds Lake
Fremont	Bartlett Lake, Forney's Lake S.W.M.A., Lake Virginia, McPaul A Pond, McPaul B Pond, Percival Lake, Scott Lake A, Scott Lake B, Waubonsie Access Lake
Greene	Goose Lake
Guthrie	Bays Branch, Springbrook Lake
Hamilton	Little Wall Lake
Hancock	Crystal Lake, Crystal Lake Sediment Pond, Eagle Lake, East Twin Lake, Eight Mile Pits, Meredith Marsh, Pilot Knob Lake, West Twin Lake
Hardin	Lower Pine Lake, Pine Ridge R.A. Lake, Steamboat Rock, Upper Pine Lake

County	Lakes
Harrison	California Bend, Hebb Wetland #1, Hebb Wetland #2, Kress Wetland, Nobles, Round Bend, Shriners Wetland, Spencer Area Wetland, St. John's Lake, Tyson Bend
Henry	Lake Geode, Lake Geode Pond #1, Lake Geode Pond #3, Lake Geode Pond #4, Lake Geode Pond #5, Lake Geode Pond #6, Lake Geode Pond #7, Lake Geode Pond #8
Jackson	Bellevue Pond, Blake's Lake, Densmore Lake, Fish Lake, Green Island Lake, Little Sawmill Lake, Sawmill Lake, Snider Lake
Jasper	Deppe Pond (north), Deppe Pond (south), Rock Creek Lake, Rock Creek Lake Park Pond (east), Rock Creek Lake Park Pond (north), Rock Creek Lake Park Pond (west), Stephens State Forest Reichelt Unit Lake
Johnson	Burlington Street Dam, Lake Macbride, Oakdale Ponds, Redbird Farms W.A. Ponds, Swan Lake
Jones	Muskrat Slough, Olin R.A. Pond
Kossuth	Burt Lake, Goose Lake, State Line Marsh
Lee	Bitternut, Black Oak, Martens Pond, Martin Pond, Shagbark, White Oak
Linn	Chain-O-Lakes Area, Pleasant Creek Lake
Louisa	Cone Marsh, Klum Lake, Lake Odessa
Lucas	Brown's Slough, Colyn North Marsh, Colyn South Marsh, Red Haw Lake, Red Haw Pond 1 (E), Red Haw Pond 2 (middle), Red Haw Pond 3 (north), Stephen's Forest Whitebreast Pond 2, Stephen's Forest Lucas Unit Pond 1, Stephen's Forest Lucas Unit Pond 2, Stephen's Forest Whitebreast Pond 1, Williamson Pond
Lyon	Jasper Pool
Madison	Badger Creek Lake, Badger Creek Pond
Mahaska	Hawthorn Lake, Hawthorn Lake Watershed Ponds, Hull W.A. Marsh, Lake Keomah
Marion	Pella S.G.M.A. Ponds
Mills	Folsom Lake, Keg Creek Lake, Mile Hill Lake, P.J. Lake, Willow Slough
Mitchell	Otranto Impoundment
Monona	Badger Lake, Blackbird Bend, Blencoe Lake, Blue Lake, Decatur Lake, I-29 Access Area borrow pit - DRY, Jepsen Wetland, Loess Hills State Forest - Jones Creek, Louisville Bend Marsh W. A., Lower Decatur Lake, Middle Decatur Lake, Upper Decatur Bend
Monroe	Cottonwood Pits, Gladson-Carmack Pond, La Hart Area Wetland, Lake Miami
Montgomery	Viking Lake
Muscatine	Wiese Slough
Osceola	Ashton Pits Wildlife Management Area, Iowa Lake, Rush
Palo Alto	Five Island Lake, Lost Island Lake, Rush Lake S.W.M.A., Silver Lake (Palo Alto), Virgin Lake
Plymouth	Deer Creek Lakes S.W.M.A.
Pocahontas	Little Clear Lake, Lizard Lake, Shimon Marsh, Sunken Grove Lake
Polk	Ankeny Lake (DMACC), Big Creek Lake
Pottawattamie	Carter Lake, Lake Manawa, Saganaush Pond
Ringgold	Fogle Lake S.W.A., Mt. Ayr Game Area Ponds, Mt. Ayr Old Reservoir, Ringgold Management Area Ponds, Walnut Creek Marsh
Sac	Arrowhead Lake, Black Hawk Lake, Black Hawk Pits, Jana R.A. Pit, L Pond
Scott	Crow Creek W.A. Lake, Lost Grove Lake, Lost Grove Lake Pond
Shelby	Prairie Rose Lake
Story	Hendrickson Marsh, Lake Laverne
Tama	Otter Creek Marsh, Union Grove Lake
Taylor	Lake of Three Fires
Union	Green Valley Lake, Summit Lake, Three Mile Lake, Twelve Mile Creek Lake

County	Lakes
Van Buren	Lacey Keosauqua Park Lake, Lake Miss (Tug Fork W), Lake Sugema, Piper's Pond (Tug Fork E)
Wapello	Arrowhead Lake
Warren	Banner Lake (north), Banner Lake (south), Hooper Area Pond, Lake Ahquabi
Washington	Darling Campground Pond, Darling Youth Camp Pond, Lake Darling, Lake Darling Watershed Pond 1, Lake Darling Watershed Pond 10, Lake Darling Watershed Pond 11, Lake Darling Watershed Pond 12, Lake Darling Watershed Pond 13, Lake Darling Watershed Pond 14, Lake Darling Watershed Pond 15, Lake Darling Watershed Pond 16, Lake Darling Watershed Pond 17, Lake Darling Watershed Pond 18, Lake Darling Watershed Pond 19, Lake Darling Watershed Pond 2, Lake Darling Watershed Pond 20, Lake Darling Watershed Pond 21, Lake Darling Watershed Pond 22, Lake Darling Watershed Pond 23, Lake Darling Watershed Pond 24, Lake Darling Watershed Pond 25, Lake Darling Watershed Pond 3, Lake Darling Watershed Pond 4, Lake Darling Watershed Pond 5, Lake Darling Watershed Pond 6, Lake Darling Watershed Pond 7, Lake Darling Watershed Pond 8, Lake Darling Watershed Pond 9
Wayne	Bob White Lake
Webster	Brushy Creek Lake, Lizard Creek Game Area Ponds
Winnebago	Harmon Lake, Myre Slough, Rice Lake
Winneshiek	Cardinal Marsh, Lower Dam Impoundment, Upper Dam Impoundment
Woodbury	Browns Lake, Midway Park Lake, Snyder Bend Lake, Stone State Park Pond, Winnebago Bend Lake
Worth	Elk Creek Marsh, Silver Lake (Worth), Silver Lake Marsh
Wright	Big Wall Lake, Elm Lake, Lake Cornelia, Morse Lake

Attachment 3:
Initial Screening for Soil and Groundwater Contamination

Initial Screening Questions		
Item	Yes/ No/ Unknown/ NA	Comment
Does exposed soil at the site have an unusual color or odor that could indicate contamination?	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> U <input type="checkbox"/> NA	
Does water to be discharged from the site have an unusual color or odor that could indicate contamination?	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> U <input type="checkbox"/> NA	
Do current or past uses of the site include activities that likely included handling or disposal of hazardous substances or petroleum products? Such uses include but are not limited to gas stations, dry cleaners, etc. ... [Not applicable if site is undeveloped or residential]	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> U <input type="checkbox"/> NA	
Do you have any other knowledge or reason to suspect contamination at the site that could affect the water to be discharged? (Site has environmental clean-up lien, there was a reported pollutant release at the site, etc.)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> U <input type="checkbox"/> NA	

If you answered "yes" to one or more of the above questions, you must conduct a more thorough-in-depth inquiry into the site and its potential contamination. If you answered "no" to all questions, dewatering may proceed according to the terms and conditions of the-this permit. Sign and date this form and keep it for your records.

 Printed Name of Preparer

 Signature of Preparer

 Date Completed

Attachment 4:

Guidance for Conducting and Documenting Visual Observations of Discharges

A visual examination of a discharge must be conducted at least once during each day a discharge occurs. However, conducting examinations more frequently is encouraged in order to detect and correct any problems as soon as possible. If discharge is to occur during nighttime hours, an examination should take place during the late afternoon or evening while there is sufficient light available and again early in the morning.

Each visual examination must document observations of color, odor, turbidity (also referred to as clarity), petroleum sheen, and any other observations regarding the general appearance of the discharge (e.g., floating solids, or settled materials, foam, sheens, erosion, and any other obvious indications of water pollution).

It is recommended that the same person or persons perform and document the visual examinations ~~each day that discharge occurs~~ so that they are done in a consistent manner. The examination should be conducted at the end of the hose, pipe, or other conduit that carries water. For surface water discharges, this point should also be prior to the point where the water enters any river, stream, drainage ditch, storm sewer, or tile line.

The results must be documented in writing with the date and time of the examination and the name of the person performing the examination. The documentation must be retained for at least three (3) years after discharge at a site has ceased. Documentation is not required to be submitted to the ~~Department~~ department but must be made available upon request.

If the discharge does not comply with the applicable permit requirements, the discharge must be stopped until corrective action is taken.

If the discharge constitutes a hazardous condition, the ~~Department~~ department must be notified as soon as possible, but not later than six (6) hours after the onset or discovery of the hazardous condition in accordance with Rule 567 IAC 131.2. The ~~Department's~~ department's 24-hour line for spill reporting is (515)725-8694.

Implementation and Monitoring of Best Management Practices in the Black Hawk Lake Watershed



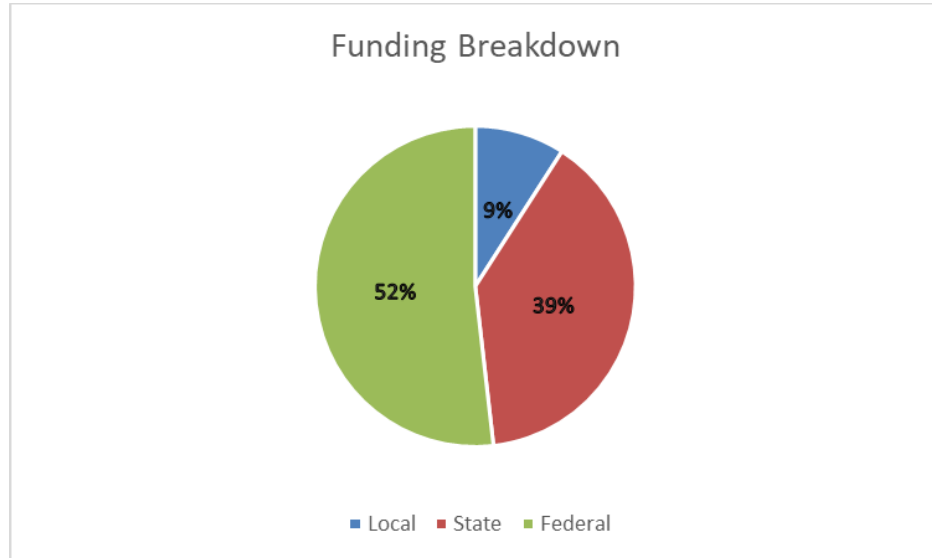


The Lake

- Iowa's most southern glacial lake
- 922-acre lake
- Over 250,000 visitors a year
- Primary use recreation
- EPA 303(d) list for algae and turbidity

Funding Sources

- EPA 319
- Environmental Quality Incentives Program
 - National Water Quality Initiative
- Conservation Stewardship Program
- Conservation Reserve Program
- Water Quality Initiative
- Publicly Owned Lakes
- Resource Enhancement and Protection
- Lake Protective Association



Funding Breakdown	\$	%	Every \$1 of state..	Every \$ of local funds...
Local	\$ 1,019,824.95	9%	\$ 0.23	NA
State	\$ 4,386,363.05	39%	NA	\$ 4.30
Federal	\$ 5,810,967.04	52%	\$ 1.32	\$ 5.70
	\$ 11,217,155.04			

Practices Completed and Currently in Place

Practice	Amount	Sediment Tons/Year	Phosphorus Pounds/Year
Cover Crops (acres)	1985	98	209.6
Terraces (Feet)	46.455	306	658.2
Wetland restoration (acres)	60.5	18	38.8
Streambank Stabilization (feet)	15915	1739	3739.3
Lake Shoreline Hard Armor (feet)	3150	20	43.1
Natural Shoreline Armoring-Bio (feet)	650	0.1	0
Filter Strips (acres)	78.6	156	335.6
Nutrient Management (acres)	3172.4	NA	NA
Nutrient Management Plan (number)	9	NA	NA
Grassed Waterway (feet)	39708	1259	2707.9
Strip-till/No-till (acres)	1336	148	318.3
Conservation Cover (acres)	23.7	0.1	0.2
CRP Field Windbreak (acres)	4.4	1	2.2
Conservation Easement (acres)	39.7	17	36.6
CREP Wetland (acres)	49	180	387.1
Rain Garden/Bio Retention Cell (number)	8	3.6	8.2
Rock Checks (number)	5	0	0
Storm Water Wetland (number)	1	13	29
Water & Sediment Control Basin (number)	1	NA	NA
Conservation Stewardship Program (acres)	2186.6	NA	NA
CRP SAFE Gaining Ground (acres)	11.2	3	6.5
CRP Pollinator (acres)	63.1	240	516.1
CRP Upland Bird Buffer (acres)	3	24	51.6
Rain Barrels (no.)	30	NA	NA
<u>Sediment Load Reduction</u>			
Current Installed Practices (tons per year)	4225.8	Dump Truck Loads	302
<u>Phosphorus Load Reduction: (Phase 1 & 2 Watershed Reduction Goal: 16,793 Pounds)</u>			
Current Installed Practices: (pounds per year)	9088.3		
Percent of Phase 1 & 2 Goals	54%		
Percent of 30 year Watershed Management Plan Goal	33%		





Streambank Stabilization Success

- Eroding streambanks transport sediment directly to Black Hawk Lake
- Stabilizing critical areas reduces streambank erosion
- 15,915 ft of Carnarvon Creek armored
- 1,739 tons/year sediment reduction
- 3,739 lbs/year phosphorus reduction

Cover Crops

- Over 15% of the watershed planted to over wintering cover crops in 2021 crop season
- Using multiple cost share sources to promote continued cover crop usage
 - EQIP-NWQI
 - WQI
 - POL
- Need for promotion of increased acres and increased cover crop success





CREP Wetlands

- Two CREP wetlands in the watershed
- 49 acres in permanent easement
- Treating 1,166 acres
- ISU monitoring of CREP sites

Urban Participation

- 29 rain barrels
- 8 Rain gardens/Bio-retention cells
- 1 stormwater wetland
- Phosphorus free fertilizer rebates





In Lake Practices

- Fish renovation
- Outlet fish barrier
- Shoreline armoring
- Inlet fish barrier and water control structure



Future Projects

- Bioreactor
- Dissolved phosphorus removal structure
- Increase cover crops
- Increase no-till
- Streambank stabilization

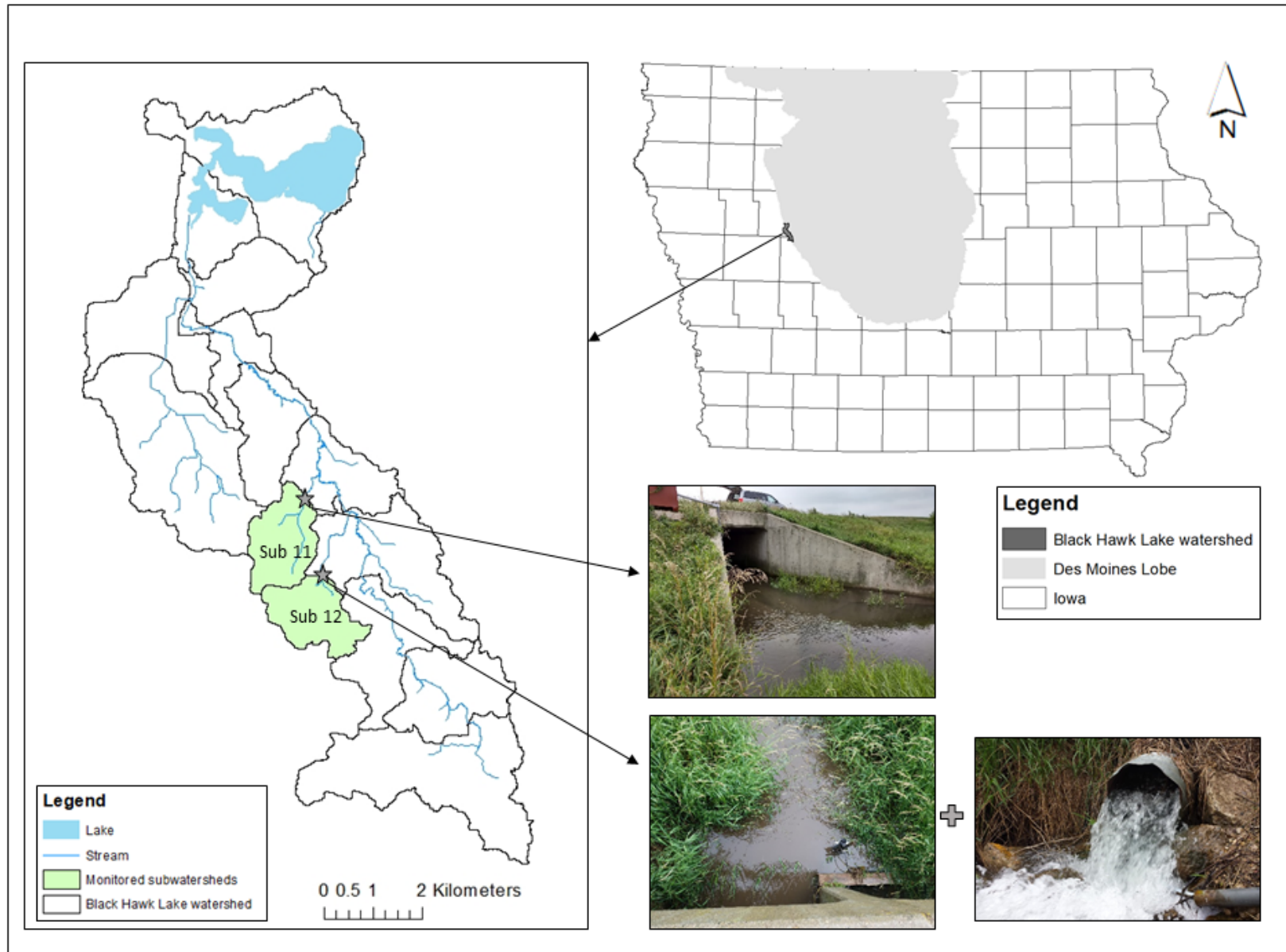


Ji Yeow Law, Dr. Michelle Soupir, Leigh Ann Long,
Dr. Matt Helmers, Dr. Amy Kaleita
Iowa State University
Dept. of Agricultural and Biosystems Engineering

ISU monitoring goals

- **Phase 1 (2015 – 2019)**
 - Determine if BMPs have been effective at the subwatershed level
- **Phase 2 (2020 – present)**
 - Compare the relative benefits of two CREP wetlands treating discharge from high-BMP vs. low-BMP subwatersheds
 - Quantify long-term water quality trends

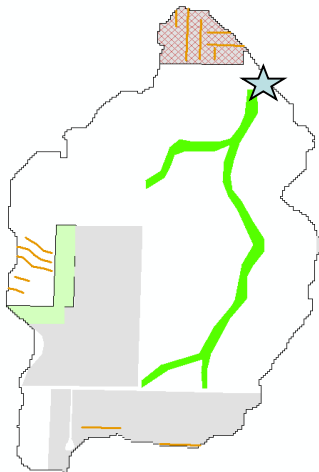
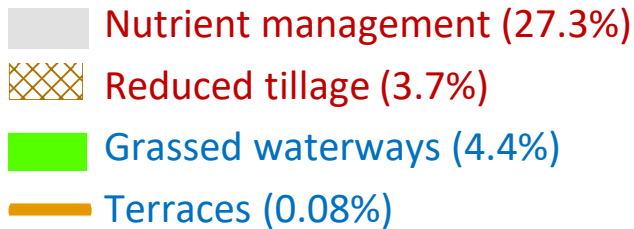
Used a paired subwatershed approach



Sub 11 has a lower BMP coverage than Sub 12

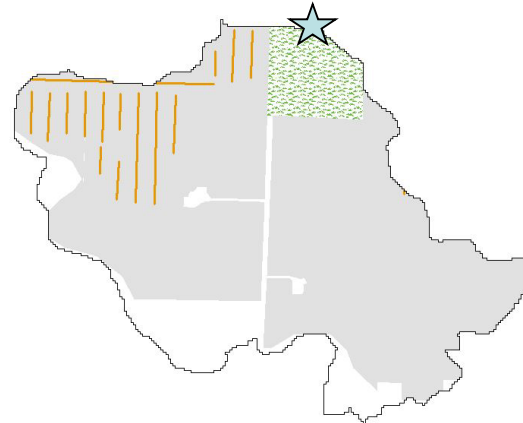
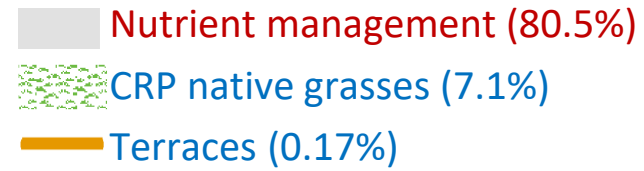
Subwatershed 11 (low BMP)

- 567 acres
- Less BMP implementation (35.5% area)



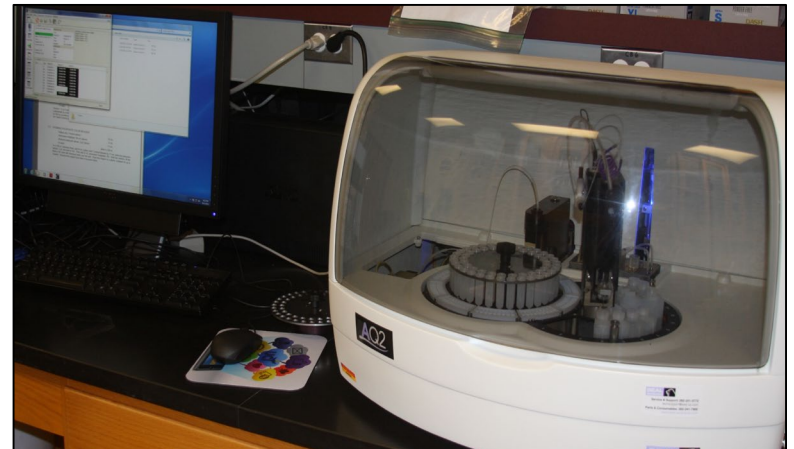
Subwatershed 12 (high BMP)

- 547 acres
- More BMP implementation (87.8% area)



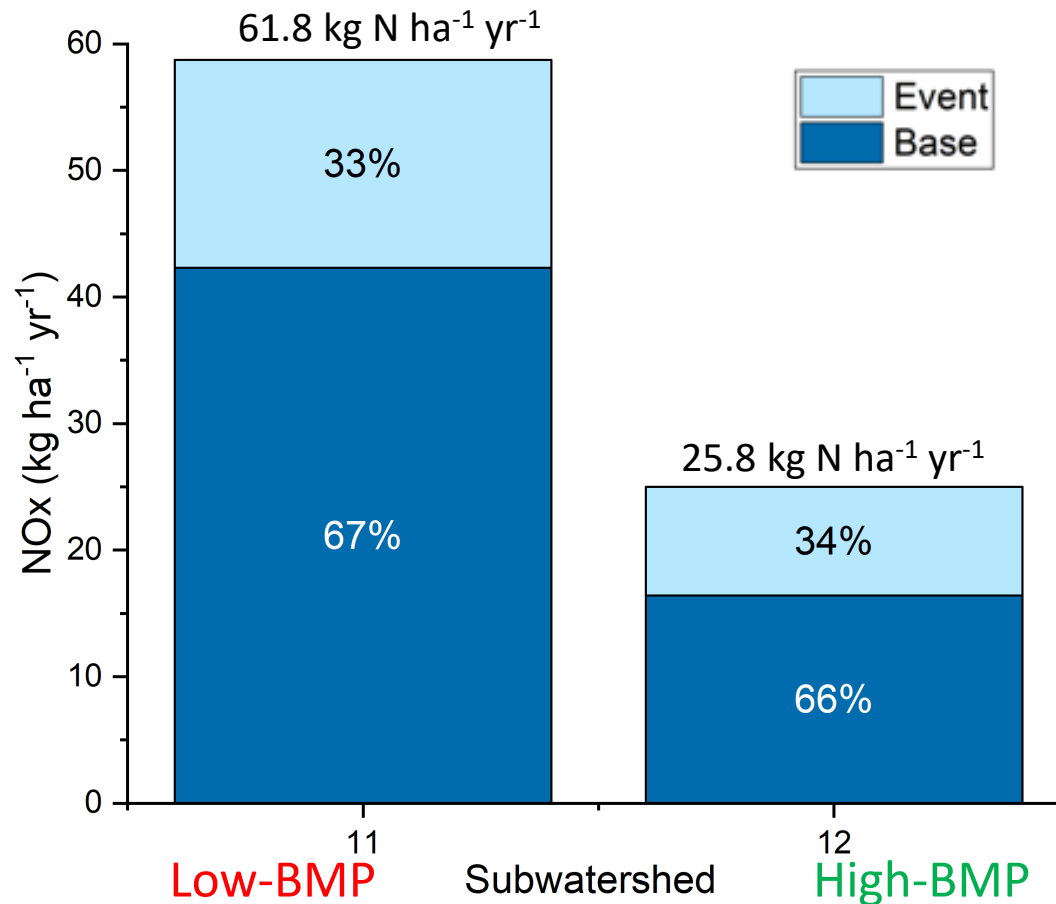
Collected base- and event-flow-weighted water samples

- Flow-weighted samples collected using ISCO 6712 automated samplers, then separated into
 - Base flow samples
 - Event (storm) flow samples
- Samples analyzed for:
 - Nitrate+nitrite ($\text{NO}_3^- + \text{NO}_2^-$)
 - Total Phosphorus (TP)
 - Total Suspended Solids (TSS)
- Flow measured at 5-min intervals



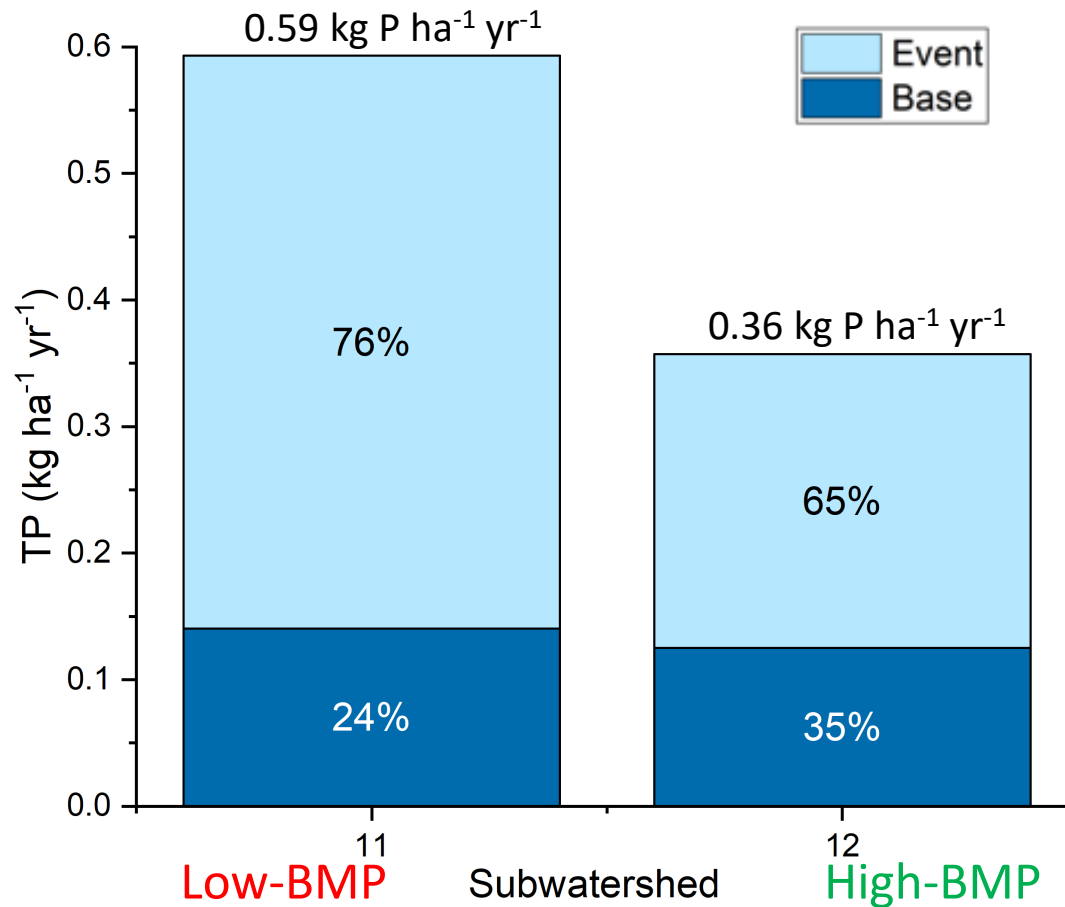
Phase 1 monitoring outcome :

Nitrate export was **58% lower** in the high-BMP subwatershed



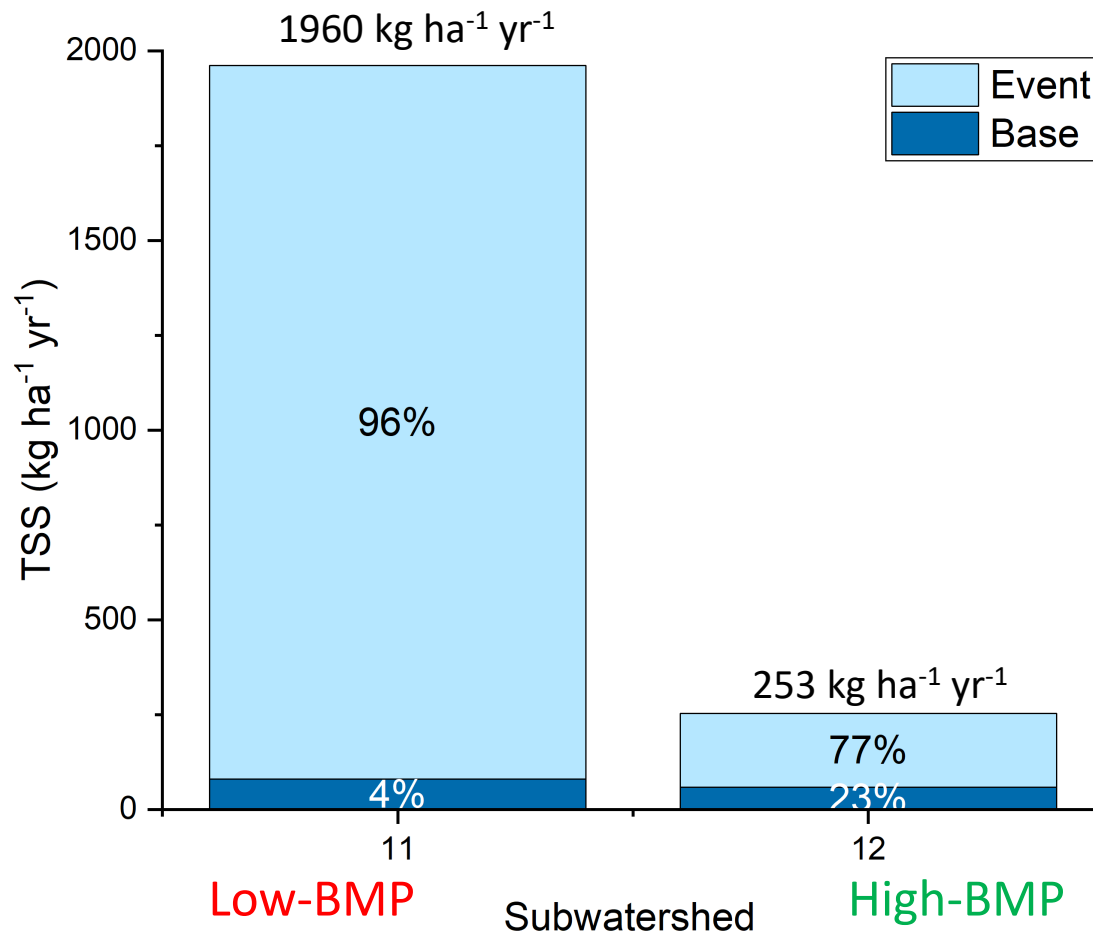
Phase 1 monitoring outcome:

Phosphorus export was **39% lower** in the high-BMP subwatershed

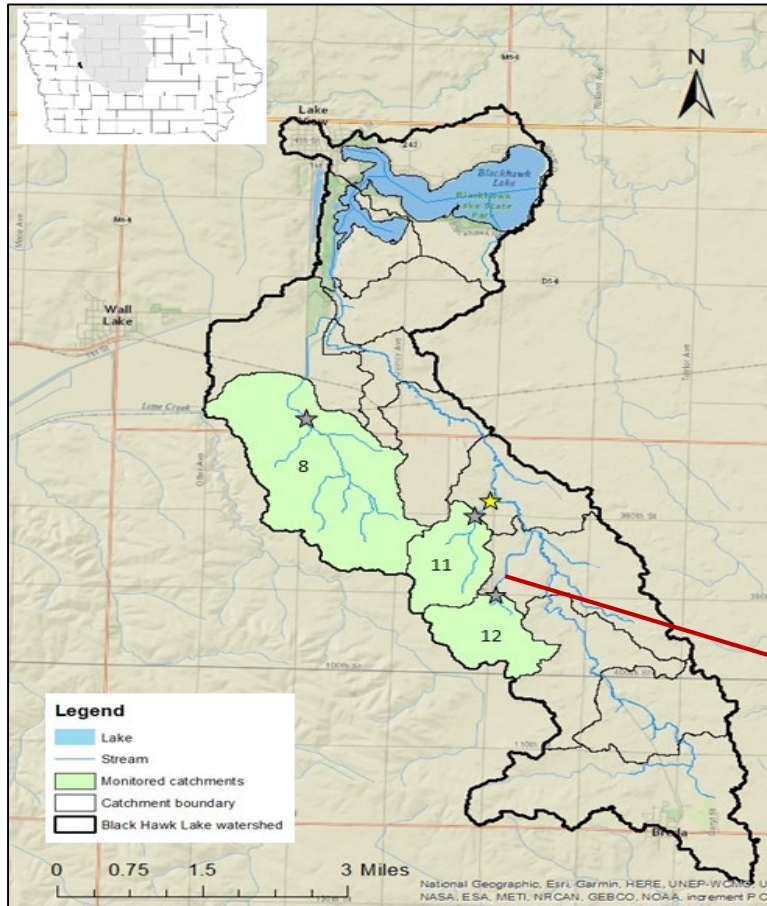


Phase 1 monitoring outcome:

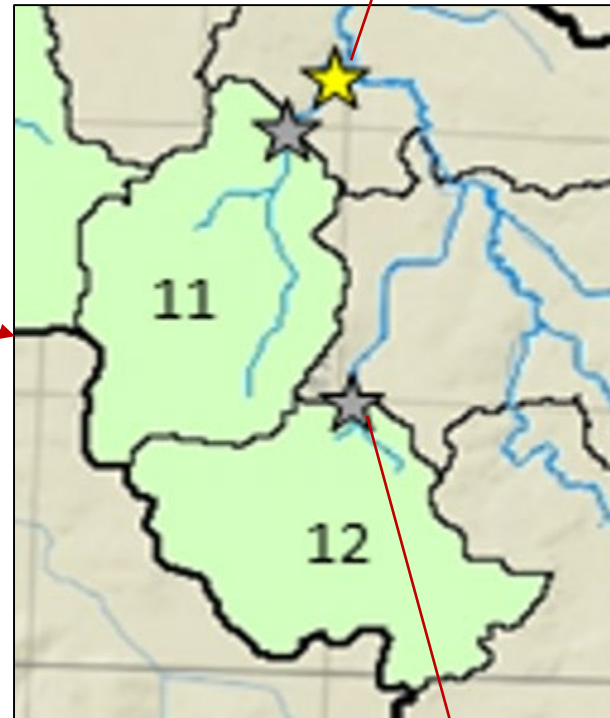
Sediment export was **87% lower** in the high-BMP subwatershed



Phase 2 – wetland construction and monitoring



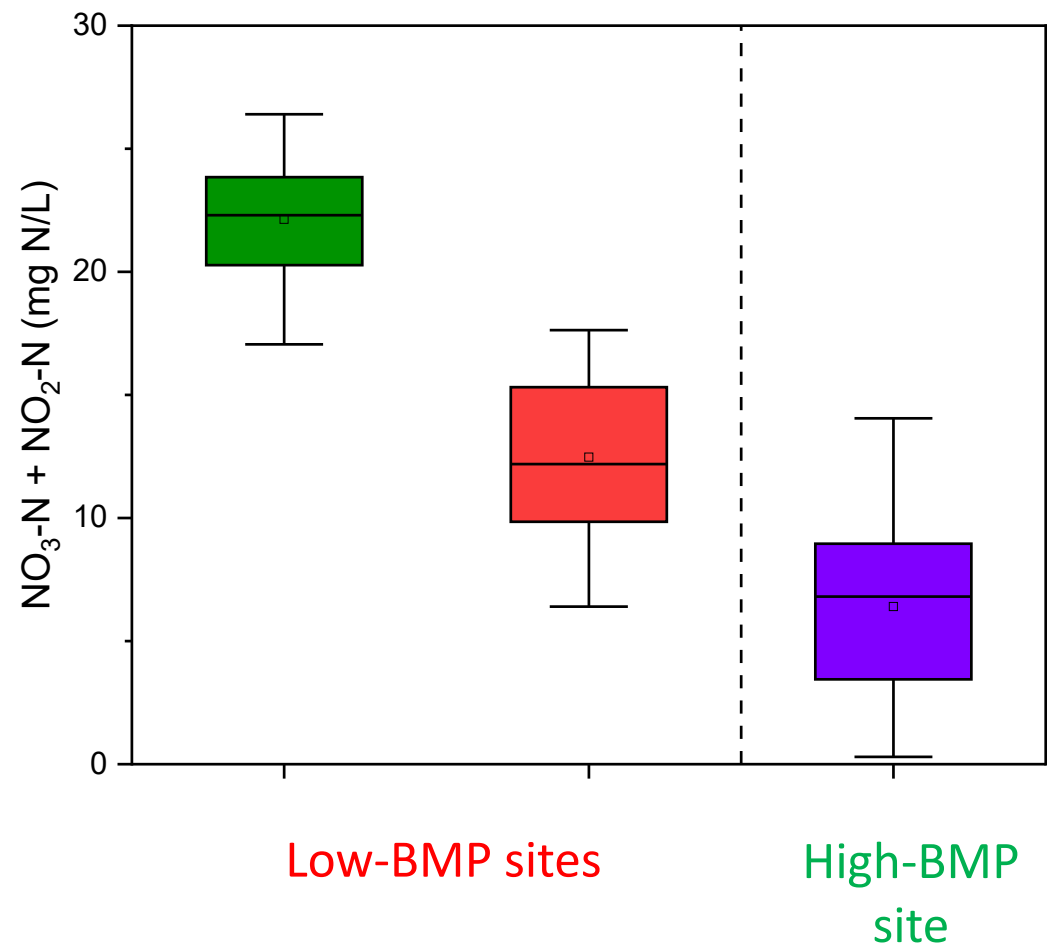
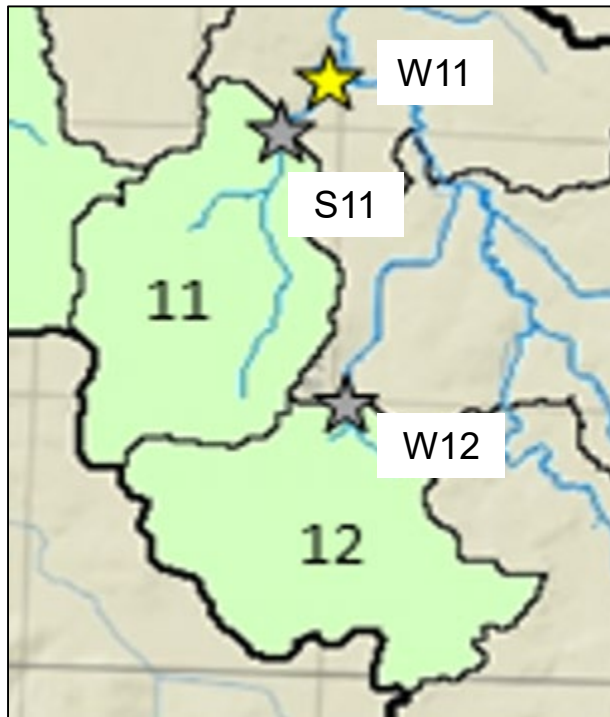
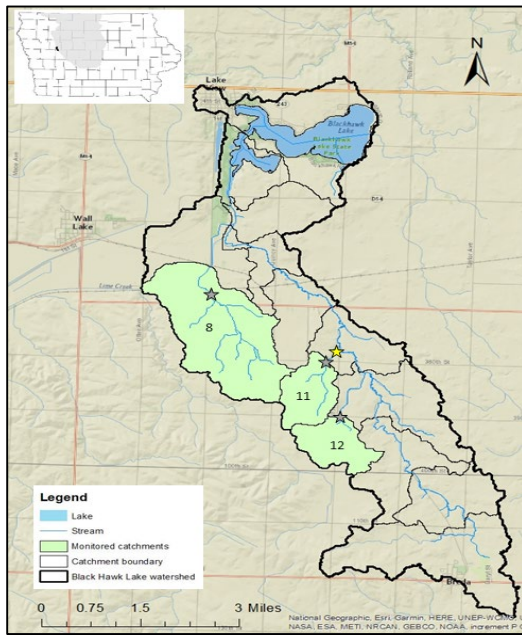
New monitoring location at wetland (W11) outlet (constructed in 2013/14)



New wetland (W12) constructed in 2019

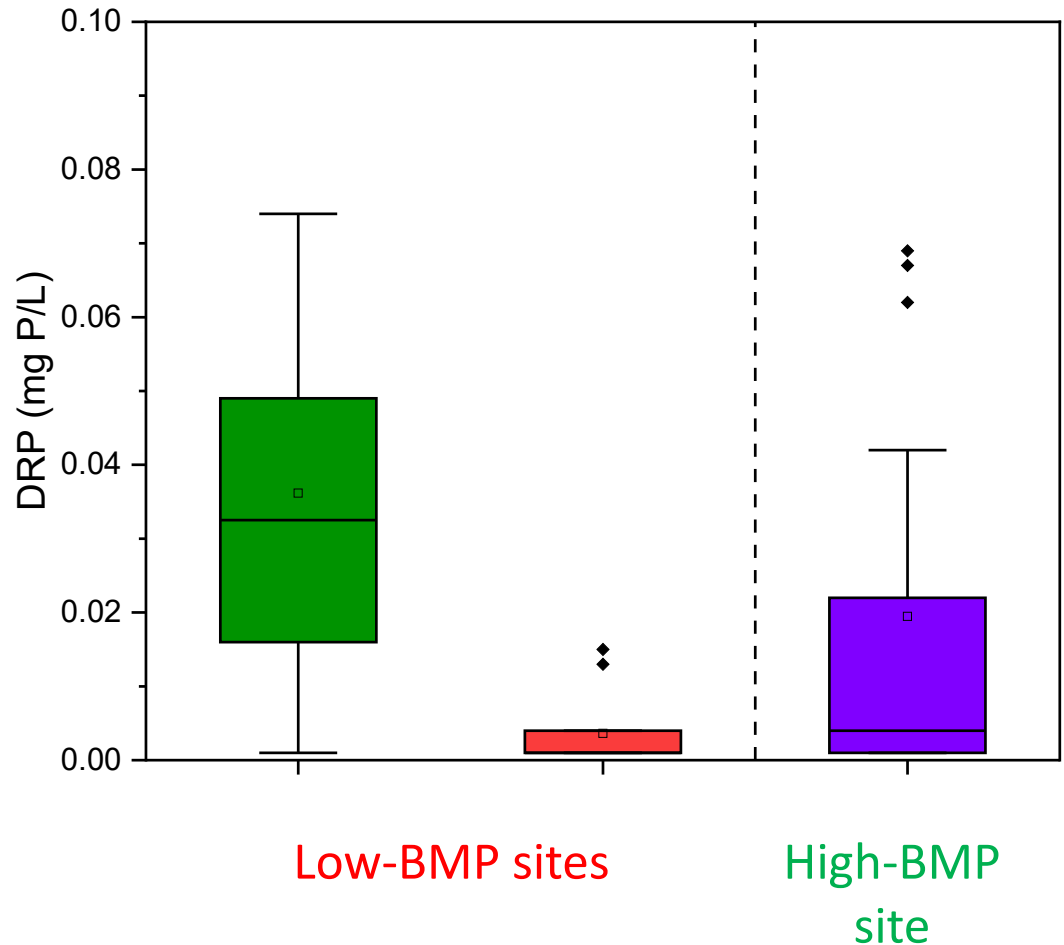
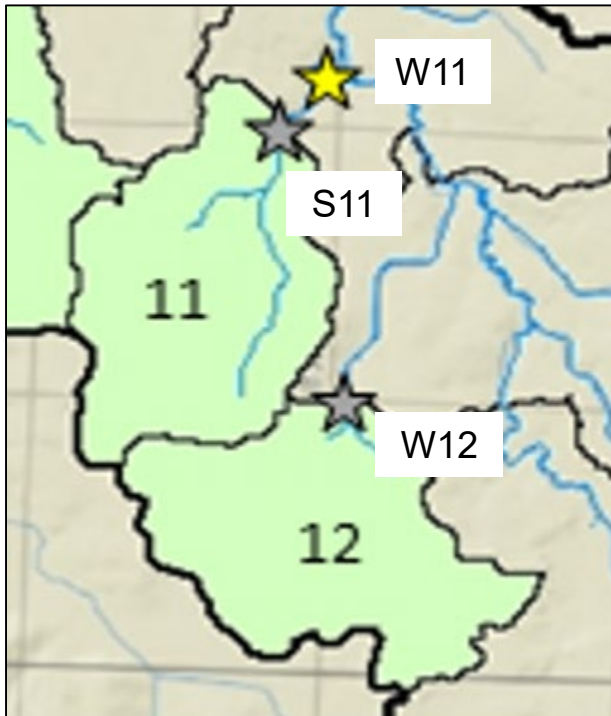
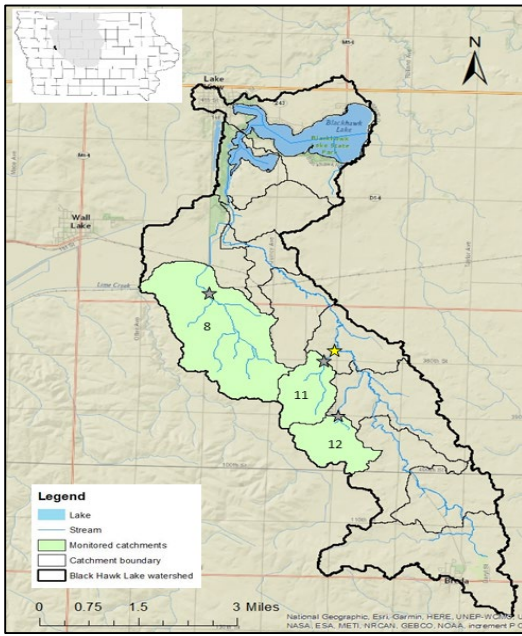
Phase 2 prelim monitoring outcome:

- Low-BMP subwatershed 11
 - wetland reduced nitrate concentration by 45%
- High-BMP subwatershed 12
 - Nitrate concentration was even lower (44%) than the wetland outlet at Sub 11



Phase 2 prelim monitoring outcome:

- Low-BMP subwatershed 11
 - Wetland reduced DRP concentration by 44%
- High-BMP subwatershed 12
 - Higher DRP concentration in the new wetland during 2020-21, but was reduced in 2022





Thank You!

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