

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Rule making related to NPDES general permit no. 6

The Environmental Protection Commission hereby amends 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.198.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.173(11), 455B.186 and 455B.198.

Purpose and Summary

The purpose of this rule making is to renew National Pollutant Discharge Elimination System (NPDES) General Permit No. 6 (GP6), which authorizes the discharge of wastewater associated with well construction activities. The permit requires the implementation of best management practices and requires visual monitoring of the wastewater effluent to determine compliance with the state’s water quality standards.

The rule making includes changes to GP6 in order to increase clarity and to comply with existing state rules. The renewed permit will include an authorization to discharge treated wastewater from drilling fluid and drilling mud if the discharge complies with Iowa’s narrative water quality criteria in subrule 61.3(2). Well drillers have recently improved

their capability to treat the liquid portion of drilling fluid and drilling mud to the point that it will meet narrative water quality criteria. The renewed permit will also include a new limitation on coverage for discharges to outstanding Iowa waters (OIWs) so that GP6 complies with Iowa's antidegradation rules in subparagraph 64.7(2)"f"(5). The antidegradation rules require individual NPDES permits for discharges to OIWs.

A copy of the proposed permit is available online at www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Wastewater-Permitting/NPDES-General-Permits/GP6-Water-Wells.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on May 8, 2019, as **ARC 4421C**. A public hearing was held on May 28, 2019, at the Wallace State Office Building, Des Moines, Iowa. Two people attended the public hearings. Public comments were received from Iowa Environmental Council. Iowa Environmental Council requested the Department maintain the prohibition on discharge of drilling fluid and drilling mud and add requirements for discharges immediately upslope of receiving streams.

These adopted amendments are identical to the amendments proposed in the Notice of Intended Action. No revisions were made to the general permit in response to public comments.

Adoption of Rule Making

This rule making was adopted by the Commission on .

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 upon request.

Jobs Impact

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

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 March 1, 2020.

The following rule-making actions are adopted:

64.15(6) “Discharge Associated with Well Construction Activities,” NPDES General Permit No. 6, effective March 1, ~~2015~~ 2020, to February 28, ~~2020~~ 2025.