

**IOWA DEPARTMENT OF NATURAL RESOURCES**

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

**GENERAL PERMIT NO. 3**

**EFFECTIVE DATES**

**MARCH 1, 2023 THROUGH FEBRUARY 29, 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, 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).

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 and the Code of Iowa.

**C. CONTENTS OF A NOI**

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

1. A completed NOI Form, DNR Form 542-1415, signed in accordance with Parts VI.H. and VI.I of this permit. The information on the form shall include all of the following:
  - 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);
  - 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. 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 567 IAC 64.16.
3. **Public Notification.** When the permit is initially issued to a facility a demonstration that the public notice requirements in 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. of this permit to the Department online at <https://programs.iowadnr.gov/stormwater/pages/home.aspx> or by mail to the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E 9<sup>th</sup> 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 (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. 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.H. 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 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 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 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 is subject to the spill notification requirements as specified in Iowa Code section 455B.386. Iowa law requires that as soon as possible but not more than six hours after the onset of a hazardous condition<sup>1</sup> the Department and local sheriff's office or the office of the sheriff of the affected county be notified.

The 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 shall be developed for each facility covered by this permit. SWPPPs shall be prepared in accordance with good engineering practices. The 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 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 SWPPP required under this part as a condition of this permit.

**1. Deadlines for SWPPP Preparation and Compliance.** Preparation of and compliance with the SWPPP shall be as follows:

- a. The SWPPP shall be completed before a NOI is submitted to the Department. Full implementation of the SWPPP 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 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 NOI is submitted to the Department. Full implementation of the SWPPP must be in accordance with Part III.C.4. of this permit.

**2. Signature and SWPPP Review.**

- a. The SWPPP shall be signed in accordance with Part VI.H. of this permit, 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 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. For an unstaffed facility, the owner or operator shall provide SWPPPs 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 at any time and may notify the permittee that the SWPPP 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 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 Amendments.**

- a. The permittee shall amend the SWPPP 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 proves to be ineffective in achieving the general objectives of controlling pollutants in

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<sup>1</sup> see Definitions, Part VIII

storm water discharges associated with industrial activity. Amendments to the SWPPP 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 to reflect any necessary changes resulting from the relocation. Amendments to the SWPPP may be reviewed by the Department in the same manner as Part III.C.2. above.

**4. Contents of the SWPPP.** The SWPPP shall include, at a minimum, the following items:

- a. **Description of Potential Pollutant Sources.** Each SWPPP 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 shall identify all activities and significant materials which may potentially be significant pollutant sources. Each SWPPP 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).i. 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).ii. the method of on-site storage or disposal;
    - a.(2).iii. materials management practices employed to minimize contact of these materials with storm water runoff;
    - a.(2).iv. materials loading and access areas;
    - a.(2).v. the location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and
    - a.(2).vi. 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 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 a schedule for implementing such controls:
  - b.(1). **Responsible Person.** The SWPPP shall identify a specific individual or individuals within the organization responsible for developing the SWPPP and assisting in its implementation, maintenance, and revision.
  - b.(2). **Risk Identification and Assessment/Material Inventory.** The SWPPP shall assess the potential of various sources at the site to contribute pollutants to storm water discharges associated with industrial activity. The SWPPP 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).i. loading and unloading operations;
    - b.(2).ii. outdoor storage activities;
    - b.(2).iii. outdoor manufacturing or processing activities;
    - b.(2).iv. dust or particulate generating processes; and
    - b.(2).v. 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 SWPPP 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 SWPPP. When appropriate, material handling procedures and storage requirements should be considered in the SWPPP. Procedures for cleaning up spills shall be identified in the SWPPP 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 SWPPP 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 based 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 SWPPP shall provide that measures determined to be reasonable and appropriate shall be implemented and maintained.
- b.(7). Sediment and Erosion Prevention.** The SWPPP 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 SWPPP. Training should address topics such as spill response, good housekeeping and material management practices. The SWPPP 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 SWPPP 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 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, in no case less than once per 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 SWPPP 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 shall be observed to ensure that they are operating correctly. A visual inspection of equipment needed to implement the SWPPP, such as spill response equipment, shall be made.
  - c.(2).** Based on the results of the inspection, the description of potential pollutant sources and the pollution prevention measures identified in the SWPPP shall be revised as appropriate within two weeks of the inspection. The revised pollution prevention measures shall be fully implemented within twelve weeks of 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 the inspection, personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of SWPPP, and actions taken in accordance with Part III.C.4.c.(2). of this permit.

- c.(4). When the annual site inspections in the SWPPP are impractical because an employee is not stationed on site or does not routinely visit the site, then site inspections shall occur at least once every three years.
  - c.(5). After a site becomes inactive, at least one site inspection shall occur 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.
  - e. **Consistency with Other Plans.** Storm water management programs may incorporate by reference Spill Prevention Control and Countermeasure (SPCC) plans drafted pursuant to section 311 of the CWA or Best Management Practices (BMP) Programs required by another NPDES permit and may incorporate any part of such plans into the SWPPP by reference.
  - f. **Salt Storage.** Salt storage piles at a site that falls under the definition of storm water discharge associated with industrial activity 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.** 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. Flows from firefighting activities are exempt from this requirement. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
5. All SWPPPs 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. However, the permittee may claim any portion of a SWPPP as confidential in accordance with Iowa Code Chapter 22 and 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.
  - b. **Frequency of Monitoring.** Sampling shall be conducted at least annually (1 time per year) for each facility except as provided by 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.
  - b. **Frequency of Monitoring.** Sampling shall be conducted at least annually (1 time per year) for each facility except as provided by 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.
  - b. Frequency of monitoring.** Sampling shall be conducted at least annually (1 time per year) for each facility except as provided by 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.
- 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., local flooding, high winds, tornadoes, or electrical storms) or otherwise make the collection of a sample impracticable (e.g., drought or extended frozen conditions).
- 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.

### **C. NONCOMPLIANCE REPORTING**

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

**D. REPORTING**

1. Permittees which are subject to the monitoring requirement of Part IV 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 paragraph D.1. of this 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.
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.

**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, records of all monitoring information, copies of all reports required by this permit, and all records used to complete the NOI.
2. Permittees must submit monitoring results to the Department upon request.

**F. ADDRESSES**

All written correspondence to the Department shall be emailed to [npdes.mail@dnr.iowa.gov](mailto:npdes.mail@dnr.iowa.gov) or mailed to the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E. 9<sup>th</sup> 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 and the 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 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 condition of this permit is subject to a civil penalty and other appropriate sanctions as provided by section 309 of the CWA.

**C. CONTINUATION OF THE EXPIRED GENERAL PERMIT**

This permit expires on February 29, 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 NOI or in any other report to the Department, he or she shall promptly submit such facts or information.

**H. SIGNATORY REQUIREMENTS**

All NOIs, NODs, SWPPPs, 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) 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 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.

**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 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. Adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this 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.
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 used to determine these results.
4. Monitoring must be conducted according to test procedures specified in 567 IAC Chapter 63 unless other test procedures have been specified in this permit.
5. Section 309 of the CWA 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:
  - a.(1). The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - a.(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
  - a.(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).
  - a.(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.
  - a.(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.
  - b.(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.
  - b.(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.

**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 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. 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.

***“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. *Iowa Code § 455B.381(4)*

**“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. *Iowa Code § 455B.381(5)*

**“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 ;
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:
  - a. 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);
  - b. are listed as a hazardous substance pursuant to section 311(b)(2)(A) of the CWA at 40 CFR Section 116.4; or
  - c. 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 is used for collecting and conveying storm water and 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 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 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, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, 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 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 (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);
- (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 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 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 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;
- (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.

***“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), contains no more than half the listed concentration of any pollutants in subrule 567 IAC 61.3(3), 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.