



Wastewater Treatment Flood Recovery Authorization

The Iowa Department of Natural Resources (DNR) recognizes the extraordinary circumstances associated with the recent storms and flooding of a number of Iowa communities or their wastewater treatment plants and appurtenances, and the challenges that damages can be to public health and the environment both during storms or flooding and post-events.

This authorization only applies to damage and upset conditions at municipal wastewater treatment facilities and their industrial contributors caused by flooding during the months of May through September 2011 in counties under disaster declaration by the President of the United States (DR-1998). This order is in effect for 150 days following the beginning of the disaster, May 25, 2011, or until the facility is no longer in upset condition and damage is repaired. After that time, the DNR shall review and may reissue this authorization. The DNR may also amend this authorization at any time.

If the provisions of this authorization are complied with, the DNR will exercise its enforcement discretion and not seek administrative penalties for violations of National Pollutant Discharge Elimination System (NPDES) permit requirements, 567 IAC Chapters 62-64 and 455B.186 of the Code of Iowa for the following: bypassing treatment units at the treatment plant; overflows or bypassing from the collection system, sewers and lift stations; and exceeding effluent limits due to upset, damage or violations of pretreatment agreements with industrial contributors.

The DNR maintains its authority to take enforcement action when the terms of this authorization are not followed, in cases where there is unwarranted inaction on the part of the publicly owned treatment works (POTW) or an industrial contributor and for egregious actions that may endanger the public health or the environment.

Municipal Mechanical Plants and Aerated Lagoons

Facilities must inform the appropriate DNR field office by phone or email of the upset condition (damage due to flooding). In addition, the facility must record the information listed below on the routine Monthly Operation Report (MOR) that must be submitted to the DNR. Facilities that use electronic MORs can attach a separate document containing this information to eMOR when submitted via email.

- Identification of the violations occurring (bypassing treatment units at the treatment plant; overflows or bypassing from the collection system, sewers and lift stations; exceeding effluent limits).
- Date and time when the violations started.
- Date and time when the violations ceased. If the facility has not recovered by September 31, include the date on which the facility is expected to recover.

As the facility progresses towards compliance (lift stations become operational, treatment units get back on line, bypassing stopped, etc.) status reports briefly outlining the progress made must be sent to the appropriate DNR field office by letter or email within 3 days of the change in status.

Facilities are required to treat wastewater to the highest extent possible under the upset condition or as completely as damaged structures and equipment will permit. Treatment processes shall be operated as efficiently as practicable at all times in order to maximize wastewater treatment.

Controlled Discharged Lagoons

Facilities with Controlled Discharge Lagoons (CDLs) that have been inundated or otherwise filled with flood waters should pump or discharge from the lagoons to create sufficient freeboard to store expected flows through the summer months. Pumping or discharging should be conducted while receiving stream is still running higher than normal to reduce environmental impacts. Higher than normal flows in the receiving stream combined with dilution of effluent by flood waters and storm water will create conditions under which discharges are not likely to violate in-stream water quality standards. Effluent sampling as specified in the permit must be conducted during the discharge or pumping. The monitoring results must be recorded on the MOR along with the estimated volumes of wastewater pumped or discharged.

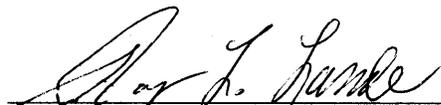
Industrial Contributors

It is preferred that industrial contributors coordinate their waste contributions with the city in order to prevent further upset of the treatment works, overloading the collection system and flooding caused by backups. Existing permits or treatment agreements should be complied with whenever possible. This may include gradual startup of an industry, compliance with effluent contributions contained in the permit or pretreatment agreement, and finding alternate treatment and disposal options. Discharging wastewater without a NPDES permit is a violation of state and federal law.

In the event that the POTW cannot or will not accept industrial waste and the industry must discharge directly to a stream, the DNR may issue a no action assurance and set conditions under which the DNR will exercise its enforcement discretion and not seek administrative penalties for the unpermitted discharges from industrial contributors. Each situation will be evaluated individually to determine if the discharge is in the best interest of the public. The DNR will examine the potential impacts to the stream from the direct discharge and the continuing bypassing around the treatment at the POTW, bypassing from the collection system or incomplete treatment at the POTW. The procedure set forth below has been developed to address potential situations in which a direct discharge of wastewater from an industry may have lesser environmental impacts than the discharge of wastewater to a POTW that is not fully operational.

- 1) The industry will submit a proposal to DNR containing the following:
 - a) Outline of industrial processes producing the wastewater to be discharged.
 - b) Method of discharge prior to the flood (if any)
 - c) Proposed method of requested discharge.
 - d) Proposed plant production rate, including anticipated increases in production as other damaged parts of the plant come on line, if applicable.

- e) A copy of the discharge records for the past year.
 - f) A copy of the permit or treatment agreement between industry and the POTW.
 - g) A list of wastewater treatment processes operating prior to the flood.
 - h) A list of wastewater treatment processes operational at this time. All operational treatment processes must be used.
 - i) A schedule for bringing non operational parts of the wastewater treatment process on line.
 - j) A list of portable treatment devices or temporary process that will be used, if any, including capacity of the equipment and anticipated date by which it will be operating.
 - k) A statement about the extent that the industry's insurance will cover costs associated with additional, temporary or portable treatment.
 - l) Discharge limits that the plant anticipates they will be able to meet.
 - m) The monitoring requirements specified in the city permit or treatment agreement.
 - n) Name of receiving stream and location of discharge. They should also certify that the discharge water will not add to flood conditions.
- 2) DNR will review the proposal and calculate a Waste Load Allocation based on the average flow in the receiving stream for the months of May through October based on data from previous years. If the proposed limits will cause a violation of the acute Water Quality Standard (WQS) criterion, DNR will respond to the industry in writing telling them what limits are acceptable and request a proposal with a plan that will meet the acute WQS criterion.
- 3) When DNR determines that a discharge is in the best interest of the public, facilities with acceptable plans will be issued a no action assurance that includes the acceptable discharge limits, the monitoring requirements and a time frame for ceasing the discharge. The no action assurance shall also include provisions requiring the industry to provide as much treatment to the wastewater as possible at all times and to operate treatment processes as efficiently as possible.


 Roger L. Lande, Director
 Iowa Department of Natural Resources

8-26-11
 Date

for 
 Patrick Hall, State Coordinating Officer
 Iowa Department of Homeland Security

30 Aug 11
 Date