

**NPDES General Permit #9: External Stakeholder Meeting
5-20-2015**

Questions for Stakeholders Concerning Proposed General Permit #9

- How many people have used the online storm water database to submit NOIs?
 - No comments
- Is anyone familiar with antidegradation?
 - No comments
- How many NOIs do you expect to submit based on the current draft?
 - Stakeholder Comment: I expect to submit about five NOIs per year
- How long prior to the commencement of discharge should an NOI be received by the department?
 - Stakeholder Comment: It changes from job to job; sometimes they want us there the next day

General Questions from Stakeholders Regarding Proposed GP #9

- Stakeholder Question: What if I arrive at a construction site and the pit is full of water and I have to start pumping? Is a permit required?
 - DNR Response: Yes, and an NOI would not be required to be submitted for this discharge
- DNR Comment: In most instances, discharges covered under this permit are automatically covered under the permit without the submittal of a NOI
- Stakeholder Question: What if you are building a culvert and there is a lot of rain, and the equipment is submerged in the pit and the water needs to be pumped out? We would want to pump out the water ASAP, but there would be a sheen on the water; such a situation would not happen very often
 - DNR Response: If there is a sheen, an NOI is required
- Stakeholder Comment: In the past, for this situation, the DNR field office has allowed the water to be pumped out on a flat area, and booms are placed in front of a surface water
- Stakeholder Question: If you are covered under General Permit #5, will you have to change your permitting?
 - DNR Response: No, you are still covered under GP #5
- Stakeholder Comment: There is no definition of contaminated ground water in the permit
 - DNR Response: There is a definition of uncontaminated ground water in the storm water general permits, and this is the definition that DNR is using
- DNR Comment: DNR is concerned with the sites where there is the potential for contamination
- Stakeholder Question - Could the definition in the storm water permit be revised?
 - DNR Response: DNR considered taking ground water out of the storm water permit, but we decided to keep ground water in the storm water permits and give people different options
- DNR Comment: Right now, we will not be reopening the storm water general permits under the rulemaking for General Permit #9
- Stakeholder Comment: EPA's general storm water permit covers dewatering
 - DNR Response: There is dewatering in Iowa that is not covered under the storm water general permit, and if we expanded the ground water definition in the storm water permit, not all situations would be appropriately covered (like dewatering from an UST site)
- Stakeholder Comment: maybe it would be best to cover this under the storm water general permit, as most people who are dewatering already have a storm water general permit
 - DNR Response: If we expand the storm water permit, it would become longer and more complicated, and we would be looking to cover dewatering that affects less than an acre, when the storm water general permit is for disturbance of an acre or more
- DNR Comment: Other states have dewatering general permits
- Stakeholder Comment: other states have guidelines for dewatering, like a geotechnical survey to discover contamination; they don't all have a separate permit

- DNR Comment: You would only have to submit an NOI under the draft General Permit if the geotechnical survey comes back and shows there is contamination
- Stakeholder Question: there is a line in the permit preventing the discharge of pollutants that will settle; what about dirt? Is a dirt sock needed as a BMP? Is silt included in the other pollutants? If including silt is the intent, the permit should say that
- Stakeholder Question: if you are putting silt on top of dirt, is that ok?
 - DNR Response: Yes, that is ok; we do not allow settleable materials when you are discharging to a surface water
- Stakeholder Question: What if you are pumping groundwater with nitrates and you are discharging to another waterbody with nitrates?
 - DNR Response: We are trying to avoid limits in the permit, and some of these discharges are so short, that if you have to test for nitrates, the discharge will be over before you get the sample results; we are trying to address this with BMPs
- Stakeholder Question: what about the long term geothermal discharges?
 - DNR Response: Obtaining an individual permit for a home geothermal system is quite a burden for a homeowner; we are trying to lessen the burden and permit these as efficiently as possible
 - DNR Response: Industrial geothermal discharges will still receive individual NPDES permits
- Stakeholder Question: if a project is in an OIW, even if you are discharging uncontaminated groundwater, do you have to submit an NOI?
 - DNR Response: You cannot be covered under a general permit for a discharge in an OIW, you need to obtain an individual permit; individual storm water permits are being issued for storm water discharges in OIW areas
- Stakeholder Comment: contractors need to know this; they need to know it would take longer to get an individual permit
- Stakeholder Question: who will have to do the antidegradation analysis?
 - DNR Response: DNR does not specify who has to do the antidegradation analysis; this is left up to the parties involved
- DNR Comment: In the alternative analysis, you are looking at less degrading or non-degrading options to see if they are affordable; anything that is over 115% of the cost of the project can be rule out as too expensive
- Stakeholder Question: what is the order of submittal when an alternative analysis is required?
 - DNR Response: DNR would get the NOI and alternative analysis together, and the 30 day public notice period required for the antidegradation analysis would already be complete
- Stakeholder Question: so the contractor would have to do the public notice for the antidegradation analysis?
 - DNR Response: Yes
- DNR Comment: Any discharge in the OIW areas will be difficult to permit in a short amount of time
- Stakeholder Question: if someone is digging a basement in an OIW area, the alternative analysis would be required?
 - DNR Response: If the discharge is reaching a surface water in an OIW, an individual permit and antidegradation analysis is needed
- Stakeholder Comment: homebuilders will need to know this
- Stakeholder Comment: the OIW list is pretty short
- Stakeholder Comment: but it covers 10 counties

Discussion of Proposed GP #9

- Part I.C. Discharges Not Covered Under GP #9
 - DNR Comment: Mines and quarries covered by General Permit #5 are specifically excluded
 - DNR Comment: There could be mines and quarries that are not covered by GP #5 and they are also excluded from GP #9
 - DNR Comment: These mines or quarries would either need an individual permit or discharge would not be allowed
 - DNR Comment: There are only a few species with a designated critical habitat, and this can be determined

- Part I.E. Notice of Intent for Coverage Under GP #9, 1 & 2, Discharges to a Water of the State and to the Ground Surface
 - Stakeholder Question: is there a definition of plume, like X parts per billion of Y pollutant?
 - DNR Response: we don't have any such definition right now; this could be a long list
 - Stakeholder Comment: such a definition might be needed, there is some uncertainty right now whether or not an NOI is needed, and this would help
 - DNR Response: we picked 1000 feet because we needed to pick something; we don't know if this is reasonable
 - Stakeholder Question: is this 1000 feet from a plume, or 1000 feet from a detection of a pollutant? without the plume definition, the submittal of an NOI could be left to the discretion of the permittees
 - Stakeholder Comment: if there is an underground storage site nearby, and there is no evidence of leakage, could we go ahead?
 - DNR Question: so there would be no geotechnical report?
 - Stakeholder Comment: the geotechnical report might not be considering all of the pollutants, so a list may be needed
 - Stakeholder Comment: if you have a geotechnical report that shows no contamination, you should be able to proceed
 - Stakeholder Comment: sometimes the engineer or owner decides not to have a geotechnical report done
 - Stakeholder Question: what if you are doing something next to a UST site? Do you automatically have to do an NOI? this might happen once a year
 - DNR Question: Do you want a more prescribed permit that details exactly when an NOI is needed?
 - DNR Comment: It sounds like the NOI is reasonable the way it is set up
 - Stakeholder Question: what if you don't know a contaminant is there?
 - DNR Response: The permit expects an NOI submittal for contaminants that are reasonably known to be present
 - Stakeholder Comment: any urban infrastructure project might need to be covered by this permit
 - DNR Question: So you are not comfortable with known or suspected? What language should we use?
 - Stakeholder Comment: you could set it up similar to Phase 1, there is a level of diligence people are used to, and you could say that X places (like UST lists, etc.) need to be checked
 - Stakeholder Comment: If you have reasonable expectation of no contamination and you follow the monitoring requirements, you can demonstrate to DNR that due diligence was done, and if something unexpected is found when dewatering, you could demonstrate to DNR that it was an unknown contaminant
 - Stakeholder Question: who is supposed to submit the NOI?
 - DNR Response: We did not specify this; we want to encourage the responsible party to submit the NOI and let the different parties decide who is responsible for the NOI

- Stakeholder Question: if there are issues, who would DNR go after?
 - DNR Response: Every situation is different, so it is tough to say, but we could go after the property owner
 - Stakeholder Comment: if the contractor submits the NOI, and the homeowner is the responsible party, then the actual responsible party is not covered under the permit
 - DNR Response: Stating exactly who the responsible party is can be construed as telling people how to run their businesses; a contractor can make responsibility for the permit a line item in their bid, or an owner can obtain the permit if they wish
 - Stakeholder Question: could you have a co-permittee signatory sheet?
 - DNR Response: Possibly
 - Stakeholder Comment: it is nice to clarify who is responsible so the appropriate person can make the call on how something should be handled
 - DNR Response :This is only a concern for NOIs
 - DNR Comment: we can definitely look into who should be the responsible party here; we will ask FO staff their opinion as well
- Part I.E. Notice of Intent for Coverage Under GP #9, 3 Discharges Requiring a Notice of Intent and Alternatives Analysis
 - DNR Comment: Expected pollutant concentration could be an analysis result, or an extrapolation or judgement from previous analyses
 - DNR Comment: Some discharges can do a temporary and limited justification rather than a complete antidegradation analysis
 - Part I.F. Duration of Coverage
 - DNR Comment: Start and end dates came up in the General Permit 8 meeting
 - Stakeholder Question: will there be some sort of electronic response when an NOI is submitted, so we know when the 30 days starts
 - DNR Response: Yes, we can send electronic confirmation when an NOI is received
 - Stakeholder Comment: the online storm water NOI system gives you an electronic receipt
 - Stakeholder Question: will someone be able to apply and have coverage for three years?
 - DNR Response: Yes, if they do a full alternatives analysis; if temporary and limited is used, the discharge has to be less than 90 days, because 90 days is considered temporary; we can make this language clearer in the permit
 - Part II.A. Operating Requirements
 - DNR Comment: Permittees should try to avoid discharges to waters of the state, tile lines, or storm sewers
 - Stakeholder Comment: there is concern about pollutants that will settle to from deposits in the stream bed
 - DNR Response: this is a water quality standard in rule that applies at all times to all waters; it has been in place for many years but most people do not see it until it is stated in a general permit
 - Stakeholder Comment: the language on deposits in Chapter 61 is a little different
 - DNR Response: we will look at the language and make sure it is consistent
 - Part III. Requirements for Discharge to Ground Surface
 - Stakeholder Comment: setting some of these requirements for discharges to ground surface are of concern when it is raining; slopes of greater than 5% can be of concern, working during the winter is a concern for item #4

- Stakeholder Comment: you can't shut down a full-blown dewatering system because it is raining
 - DNR Response: the idea is to not have the discharge reach a surface water; maybe we can say if these conditions are met, the surface water discharge requirements will apply
- Stakeholder Comment: that would be helpful
- Part IV.B. Recordkeeping
 - Stakeholder Question: why three years?
 - DNR Response: that is already in existing rules
 - Stakeholder Comment: attachment 3 says that visual records should be kept for 30 days
 - DNR Response: we will have to fix that

Other Discussion of GP#9

- Stakeholder Question: if you know you will be dewatering a contaminated site, can we describe our treatment and seek approval under this permit? We might not be able to get an individual permit in place in time. This example might be a two week dewatering event, and lately we have been pumping to the sanitary sewer.
 - DNR Response: we will have to ask our wastewater engineering staff due to the treatment concerns; we will look at how to handle temporary treatment solutions
- Stakeholder Question: what is the timeframe for the rule?
 - DNR Response: we will likely do another draft and another round of stakeholder comment, then we will take this to our legal staff, then to the governors' office for approval; the earliest this general permit would be effective is late next spring
- DNR Comment: please submit any additional comments or questions to Julie
- Stakeholder Question: why are historical and archaeological sites included? Is this required by federal regulation?
 - DNR Response: we are not sure, we know it is related to wastewater construction permitting; we will find out