

**IOWA DEPARTMENT OF NATURAL RESOURCES**

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

**GENERAL PERMIT NO. 4**

**EFFECTIVE DATES**

**MARCH 1, 2023 THROUGH FEBRUARY 29, 2028**

**FOR**

**DISCHARGE FROM PRIVATE SEWAGE DISPOSAL SYSTEMS**

# Table of Contents

Part I. Coverage Under This Permit.....	2
A. Permit Area .....	2
B. Eligibility .....	2
C. Requiring An Individual Permit .....	2
D. Authorization.....	3
E. Reauthorization.....	3
Part II. Notice of Intent (NOI) Requirements .....	3
A. Deadlines for Filing a NOI.....	3
B. Failure to Notify .....	3
C. Contents of a NOI.....	4
D. Where to Submit .....	4
Part III. Compliance Requirements .....	4
A. Compliance.....	4
B. Effluent Sampling by Qualified Samplers .....	4
C. Sampling Frequency and Testing Parameters.....	4
D. Effluent Limits. ....	4
E. Sampling Location and Procedures.....	5
F. Reporting of Sample Results and Repeat Sampling .....	5
G. Duty to Mitigate .....	5
H. Retention of Records.....	5
Part IV. Standard Conditions.....	6
A. Administrative Rules .....	6
B. Duty to Comply.....	6
C. Duty to Provide Information .....	6
D. Signatory Requirements and Certification .....	6
E. Permit Actions.....	6
F. Legal and Financial Liability Waiver .....	6
G. Transfer of Coverage Under this Permit .....	6
H. Notice of Discontinuation (NOD) .....	7
I. Construction Permit Required .....	7
J. Twenty-four hour Reporting and Noncompliance .....	7
K. Need to Halt or Reduce Activity.....	7
L. Property Rights.....	7
M. Effect of the Permit .....	7
N. Severability.....	8
Part V. Reopener Clause .....	8
Part VI. Definitions .....	8

## **Part I. Coverage Under This Permit**

### **A. Permit Area**

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

### **B. Eligibility**

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

### **C. Requiring An Individual Permit**

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

#### **D. Authorization**

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

#### **E. Reauthorization**

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

### **Part II. Notice of Intent (NOI) Requirements**

#### **A. Deadlines for Filing a NOI**

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

#### **B. Failure to Notify**

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

### C. Contents of a NOI

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

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

### D. Where to Submit

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

## Part III. Compliance Requirements

### A. Compliance

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

### B. Effluent Sampling by Qualified Samplers

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

### C. Sampling Frequency and Testing Parameters.

All permitted discharging private sewage disposal systems shall be sampled and tested no less than twice a year at six-month intervals for Carbonaceous Biochemical Oxygen Demand, five day (CBOD5) and Escherichia coli (E. coli), and once a year for total suspended solids (TSS).

### D. Effluent Limits.

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

<sup>1</sup> cfu/100 ml = colony forming units per milliliter

<sup>2</sup> mg/L = milligrams per liter

## **E. Sampling Location and Procedures**

### **1. Sample Collection**

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

### **2. Sample Analysis**

1. Effluent samples must be analyzed by a laboratory certified by the Department. A list of certified laboratories is available from the Department or the local administrative authority.
2. Sample containers provided by the laboratory must be used for the sample.
3. Samples must be cooled to 4 degrees C (38 degrees F) immediately after collection and be maintained at this temperature during transport to the laboratory. Packing the sample in ice is satisfactory.
4. The sampler must ensure that the laboratory receives samples within the 8 hour maximum holding time specified in 40 CFR Part 136.

## **F. Reporting of Sample Results and Repeat Sampling**

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

## **G. Duty to Mitigate**

If a sample does not meet the effluent limits, the owner shall investigate the potential causes of the problem, and a repeat sample shall be taken within 30 days for the specific parameter that was out of compliance. If three consecutive samples do not meet the effluent limits, the owner shall take corrective actions to bring the system into compliance. The owner shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

## **H. Retention of Records**

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

## **Part IV. Standard Conditions**

### **A. Administrative Rules**

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

### **B. Duty to Comply**

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

### **C. Duty to Provide Information**

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

### **D. Signatory Requirements and Certification**

Notices of Intent, Notices of Discontinuation, or other information submitted to the Department in connection with this permit must be signed and certified in accordance with 567 IAC 64.3(8).

### **E. Permit Actions**

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

### **F. Legal and Financial Liability Waiver**

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

### **G. Transfer of Coverage Under this Permit**

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

sewage disposal system, the sewage disposal system serving the building shall be inspected according to the requirements in rule 567 IAC 69.2. *{567 IAC 64.14}*

#### **H. Notice of Discontinuation (NOD)**

1. If a private sewage disposal system is modified to a system that does not discharge to a designated water of the state or a subsurface drainage tile, the owner of the system shall submit a Notice of Discontinuation (NOD) to the Department.
2. A NOD shall include the following information:
  - 1) the name of the owner to which the permit authorization was issued;
  - 2) the general permit authorization number; and
  - 3) the date the discharge is discontinued.
3. A NOD must be signed and certified in accordance with Part IV.D. of this permit.

#### **I. Construction Permit Required**

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

#### **J. Twenty-four hour Reporting and Noncompliance**

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

#### **K. Need to Halt or Reduce Activity**

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

#### **L. Property Rights**

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

#### **M. Effect of the Permit**

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



## **N. Severability**

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

## **Part V. Reopener Clause**

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

## **Part VI. Definitions**

**“Administrative Authority”** means the Department and the local board of health as authorized by Iowa Code section 455B.172 and Iowa Code Chapter 137.

**“Carbonaceous Biochemical Oxygen Demand (five day) (CBOD5)”** means the amount of oxygen consumed in the biological processes that break down carbonaceous organic matter in water by aerobic biochemical action in five days at 20°C.

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

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

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

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

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

**“Qualified sampler,”** for the purposes of collecting compliance effluent samples required under this permit, means one of the following persons: a city or county environmental health staff person, an Iowa-certified wastewater treatment operator, or an individual who has received training approved by the Department to conduct effluent sampling.