



IOWA DEPARTMENT OF NATURAL RESOURCES

LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

NPDES General Permit Number 8: External Stakeholder Meeting

- Welcome & Introductory Remarks
- Overview of Permit
- Advance Questions from Stakeholders
- Questions for Stakeholders
- Discussion of Permit

Why Issue New General Permits?

- The Clean Water Act prohibits the discharge of pollutants to navigable waters without a permit
 - There are no exemptions for very small and/or temporary discharges
- State law requires a permit for operation of a wastewater disposal system
- There are several categories of discharge that:
 - Are relatively low risk
 - Are not adequately covered by other GPs
 - Tend to be of temporary duration or limited impact
 - Tend to be on tight schedules
- These don't fit the individual NPDES process very well.
 - Individual permit process requires application 6 months in advance
 - Typically permits are issued for 5 years

Benefits to Permittees

- Permit shield
- Less paperwork than an individual permit application
- Less liability than a Field Office authorization or discharging without a permit
- Less time than an individual permit application
- Lower cost than an individual permit
 - Currently no annual fee or application fees
 - Most permittees will not have to submit anything to DNR
- Reduces uncertainty:
 - Permit requirements are known up front
 - Less room for variation among Field Offices

Benefits to DNR

- Less work per discharge than an individual permit
- Reduces instances where Field Office would be asked to authorize a discharge without a permit
- Provides better framework for addressing questions from dischargers

Water Quality Protected

- Discharges will still have to meet water quality standards
- Best management practices will reduce other environmental impacts
- Reduce number of illicit discharges

The Permit: Discharges Covered

- Discharges from the following activities:
 - Hydrostatic testing
 - UST ballasting
 - Potable water line testing, flushing, and disinfecting (includes associated equipment)
- To either:
 - Surface waters of the state
 - Ground surface

Terms

- Container: any pipe, pipeline, tank, valve, or other vessel that has previously been used or will be used to store or transport any liquid or gas.
- Surface waters/waters of the state/waters of the U.S.:
 - Legal definition of waters of the state is broader than waters of the U.S.
 - Vast majority of surface waters of the state flow to waters of the U.S.
 - Permit almost always refers to surface waters of the state
 - We will occasionally use surface water as shorthand for surface water of the state
 - Navigable water = water of the U.S.
- Discharges to storm sewers are presumed to reach surface waters of the state

Highlights From Discharges Not Covered

- Cleaning containers that were used for something other than water – greatly increases the number and concentration of pollutants of concern
- New or expanded discharges to Outstanding Iowa Waters or Outstanding Natural Resource Waters – antidegradation restrictions
- Discharge to a state-owned lake – state law does not allow it
- Discharges that contribute to a violation of any water quality standard, or that may reasonably be expected to contribute to a violation – state rules don't allow us to issue a permit unless the discharge complies with WQS
- Discharges covered under another NPDES permit
 - GPs 1, 2, and 3 as well as individual MS4 permits all allow discharges of non-storm water including fire hydrant flushing and waterline flushing
 - Should a person hold an individual permit for hydrostatic testing, that permit would trump this one

Eligibility Criteria

- **Error in draft permit:** The first sentence under I.D. Eligibility Criteria should read “To be authorized by this permit the discharge of hydrostatic test water or tank ballast water to a water of the state shall not contain...” [underlined text added]
- Eligibility criteria vary by what the container previously held (water, petroleum products, natural gas)
- All permittees will need to have some demonstration that their discharge will meet the criteria; this can include:
 - Test results from the water to be discharged
 - Test results from a previous discharge of a similar nature
 - Engineering estimates based on analysis of the source water used
- Some permittees will have to submit this information to DNR

Eligibility Criteria - continued

- Most of the criteria are based on water quality standards, so if the discharge meets the eligibility criteria it greatly lessens the probability that the discharge will contribute to water quality violations
- Knowledge up front – many of these discharges will be so short that by the time a test result from the actual discharge is available, the discharge will be over
- Most of the parameters covered are required in an individual permit application anyway (pH, sulfate, chloride, TSS, O&G, TRC)

Notices of Intent

- Most dischargers should be covered without having to submit Notices of Intent
- NOIs required from discharges to waters of the State when
 - the discharge is over 80,000 gallons,
 - the discharge will have chemicals (other than chlorine) added,
 - the discharge will last for more than 90 consecutive days, or
 - the container being ballasted or tested was used for a fluid other than water, natural gas, or petroleum products.
- NOIs are required from discharges to the ground surface with no runoff to a water of the state when
 - Chemicals other than chlorine will be added
- DNR has 30 days to respond to a complete NOI or discharge is automatically authorized

Notices of Intent – continued

- Permit says paper forms
- However, EPA's Electronic Reporting rule will likely take effect shortly after this permit is issued
- The rule will require all NOIs for general permits to be submitted electronically
- Barring changes in rule, NOIs for GP8 will be electronic-only and no paper forms will be accepted

Antidegradation

- Any new discharge of pollutants to a water of the U.S. triggers antidegradation review
- DNR is developing an Antidegradation Alternatives Analysis that will fulfill the review requirements for most discharges under this permit
- For some discharges, we don't have the information required to do it, so the permittee will be required to
- Any discharger impacting a water of the U.S. that has to submit an NOI is subject to antidegradation requirements in the permit
 - Some may be able to submit only a temporary and limited justification
 - Others may have to do a full alternatives analysis, which must be placed on public notice for 30 days prior to being submitted with the NOI
 - Again, most waters of the state either are waters of the U.S. or flow to them

Requirements – Surface Water Discharge

- Try to avoid direct discharges
- Discharges must be free from pollutants that will settle to form sludge deposits, sheen, objectionable color or odor, acutely toxic pollutants
- Dechlorinate (chemically or natural degradation) if chlorine was added or the source water contains chlorine
- Clean the containers and keep them clean
- Use splash pads, straw bales, etc. to prevent erosion of soil into surface waters
- Dischargers that have to submit an NOI must also develop and implement a best management practices plan to minimize erosion and the amount of pollutants discharged

Requirements – Discharge to Ground Surface

- Don't let the discharge reach a water of the state
- Don't allow ponding
- Don't allow erosion
- Don't discharge onto saturated soils
- Avoid discharge to frozen or snow-covered ground
- No discharges to ground with a slope greater than 5%
- Keep containers clean

Monitoring, Reporting, & Recordkeeping

- Monitoring:
 - For hydrostatic testing and ballasting:
 - Daily visual observation
 - Water lines:
 - No monitoring
- Recordkeeping
 - Daily log of estimated volume discharged and analysis results
 - Retain records for 3 years
- Reporting
 - No monthly or annual reports
 - Records must be made available to DNR upon request

Advance Questions/Comments from Stakeholders (1)

- Section I.D.1. has a 0.019 mg/L chlorine limit for eligibility. Dechlorination is required for discharges to waters of the state (II.A.3.) but not to ground surface discharges (Part III.) If dechlorination is not required for ground surface discharges, is it intended that the 0.019 mg/L chlorine limit apply to those discharges?
 - No. This is an error in the draft. Section I.D only applies to discharges to surface waters; the 0.019 mg/L chlorine limit is not intended to apply to ground surface discharges
- Section I.D.1. references an aluminum limit. From Footnote 2, it looks like that is intended to address drinking water treatment plants that use alum in their treatment process at the plant. Have I got that correct?
 - It was intended to address the situation of a person using surface water for a hydrostatic test and using alum to remove solids either before or after the test. However, it would also apply if someone were using drinking water from a plant that used alum for one of the regulated activities.

Advance Questions/Comments from Stakeholders (2)

- Section I.G.1., Regarding the 80,000 gallon threshold for NOI, is there a time reference? For example, per day, per year, per project...?
 - This is per project; although with the 90-day duration limit you could also read this as 80,000 gallons per 90 days.
- It is not clear from reading GP8 whether or not it applies to hydrostatic testing of potable water storage tanks, ie. water towers, water storage standpipes, clear wells, underground reservoirs, etcetera. I think that it would apply as the use is in line with the others mentioned here and would have the same environmental impacts. Perhaps it should be added to Part 1, Section B, “Discharges Covered under this Permit.”
 - We agree that the permit would apply. The next draft will clarify that.

Advance Questions/Comments from Stakeholders (3)

- There are occasionally overflows from potable water storage tanks and there are field inspectors that consider the overflow to be a potential discharge point. It might be worth mentioning in the GP that this does not apply to overflows since they are not a planned event and cannot be predicted.
 - Overflows can be excluded.
- How does GP3 Fire hydrant and water line flushing overlap GP8? *[quote from GP8]* If GP3 does not cover fire hydrant flushing for public water supply systems, fire hydrant flushing as part of a potable water line discharge should be specifically listed in the coverage.
 - GPs 1, 2, and 3 include fire hydrant flushing when mixed with storm water. Public water supplies would not generally be covered by any of these. We will clarify the permit.

DNR Questions for Stakeholders:

- How many people have used the Online Storm Water General Permit Application? What concerns would you have with using a similar system for this permit?
- Is anyone familiar with antidegradation alternatives analyses/temporary and limited degradation?
- What would be an appropriate volume to exclude ballast water from NOIs?
- How many NOIs would each company expect to need in a year using our current volume/chemical additive thresholds?
- Do emergency repairs to pipelines or water lines ever involve more than 80,000 gallons? If so, should there be an exception to the requirement for an NOI?
- How long prior to commencement of discharge should a Notice of Intent be received by the Department? What seems reasonable for this set of discharges? How much prior notice do you usually have?
- Should the permit require that containers be cleaned before test or ballast water is added to them?

| <u>Receiving Area</u> | <u>Container</u> | <u>Volume</u> | <u>Duration</u> | <u>Chemicals Added</u> | <u>NOI</u> | <u>Eligibility Requirements</u> | <u>Operating Requirements</u> |
|-----------------------|--|-----------------|-----------------|------------------------|------------|---------------------------------|-------------------------------|
| Ground Surface | All | All | All | No | No | No | See Part II |
| | | | | Yes | Yes | No | |
| Water of the State | New or used for water, natural gas, or petroleum | <80,000 gallons | ≤90 days | No | No | Yes | See Part III |
| | | | | Yes | Yes | Yes | See Part III; BMP Plan |
| | | >90 days | All | Yes | Yes | | |
| | >80,000 gallons | All | All | Yes | Yes | | |
| | Used for other fluid | All | All | All | Yes | Yes | |