



IOWA DEPARTMENT OF NATURAL RESOURCES

LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

NPDES General Permit Number 9: External Stakeholder Meeting

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

Why Issue New General Permit?

- 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:
 - Excavation dewatering
 - Groundwater dewatering to facilitate construction activity
 - Residential open-loop geothermal
- To either:
 - Surface waters of the state
 - Ground surface
 - Geothermal discharges that do not reach a navigable water are exempt

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

- New or expanded discharges to Outstanding Iowa Waters or Outstanding Natural Resource Waters – due to 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 all have provisions for uncontaminated groundwater and foundation or footing drains
 - Narrow definition of uncontaminated groundwater
 - Should a person hold an individual permit for dewatering or geothermal, that permit would trump this one

Notices of Intent

- Most dischargers should be covered without having to submit Notices of Intent
- NOIs are required when:
 - Chemicals have been or will be added to the water
 - Groundwater or soil contamination is known or suspected
- 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 GP9 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
 - 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
- 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%

Monitoring, Reporting, & Recordkeeping

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

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?
- How many NOIs would each company expect to need in a year given the draft permit requirements?
- 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?

Discharge Type	Receiving Area	Contamination or Chemicals?	Notification	Requirements	Monitoring	Duration of Coverage
Dewatering	Ground surface	Yes	NOI	See Part III of permit	Daily visual observation	Dates given on NOI
		No	None		Daily visual observation	First through last days of discharge
	Surface water or storm sewer	No	None	See Part II of permit	Daily visual observation	First through last days of discharge
		Yes	NOI and AAA	See Part II; BMP Plan	Daily visual observation	Dates given on NOI
Household geothermal	Ground surface	Exempt from permit [567 IAC 54.3(1)“d”]				
	Surface water or storm sewer	N/A	None	None	None	Issuance date of permit until permit is reissued