



IOWA DEPARTMENT OF NATURAL RESOURCES

LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

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Our meeting will begin shortly...


General Permits 1 – 3 (Storm Water) and General Permit 4 (Onsite)

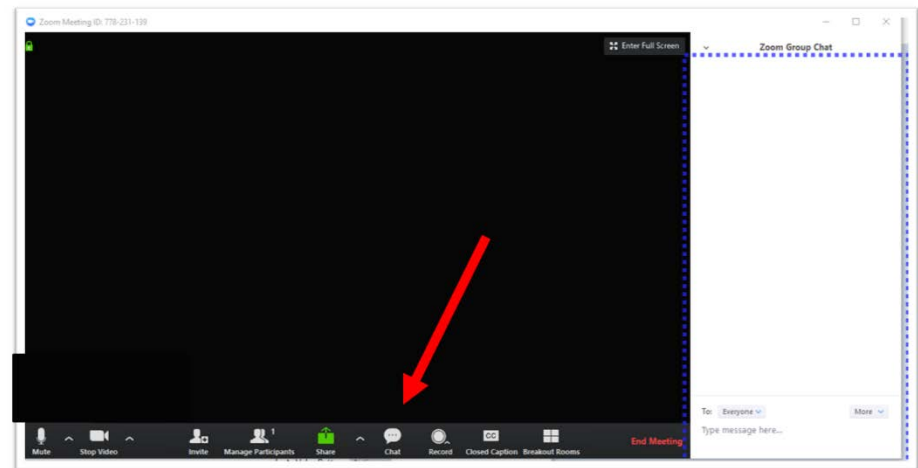
**Public Hearing
September 28, 2022
2:00 pm**

Zoom Basics

- Everyone on today's hearing will be automatically muted to start
- There is a chat box available to type questions or comments into – more instruction will be provided
- To help improve the performance of this presentation for all participants, please turn your video off unless you are talking

Chat with everyone

1. Click **Chat**  in the meeting controls.
2. In the **To:** drop-down menu, select **Everyone**.
3. Enter your message in the chat window.
4. Press **Enter** to send your message.



Hearing Agenda

- **Brief Presentation of Proposed General Permits and Rule Changes**
- **Jobs Impact and Fiscal Impact Statements**
- **Rule Process and Timeline**
- **Questions**
 - If you have a question, you may type the question into the chat box or put your name in the Chat Box and indicate that you have a question
 - I will go through the list of questions from the Chat Box
- **Comments**
 - After the questions are addressed, we will take formal public comments on the proposed general permits
 - If you wish to comment, please put your name in the Chat Box, followed but the word “Comment”, and I will go through people in order
 - **Oral comments and questions are not required; written comments can be mailed or sent to courtney.cswercko@dnr.iowa.gov through September 30th**

Purpose of Proposed Rule

- The purpose of the proposed rule is to:
 - renew three National Pollutant Discharge Elimination System (NPDES) general permits for storm water (GPs #1, #2, and #3) and one NPDES permit for private sewage disposal systems (GP #4), and
 - to update a definition in Chapter 60 associated with storm water.
- These general permits will expire on February 28, 2023.
- Renewal of these permits is necessary because permits cannot be issued for more than five years.
- The new effective dates for all four general permits will be March 1, 2023 to February 29, 2028.

Purpose of Proposed Rule – General Permit Info

- General permits authorize certain types or classes of facilities to discharge without having to apply for an individual NPDES permit, which require a fee and take several months to obtain.
- NPDES general permits benefit the regulated community by shortening the time needed to obtain discharge authorization and reducing costs as compared to individual permits.
- Because of the costs and time constraints, it is not practical to issue individual permits to permittees covered by general permits.
- Failure to renew these general permits would have far-reaching negative impacts on current permittees. If the general permits were not available, permittees would need to apply for individual NPDES permits.

Proposed Revisions to Storm Water GPs

- The proposed rule will renew:
 - GP #1 for Storm Water Discharge Associated with Industrial Activity
 - GP #2 for Storm Water Discharge Associated with Construction Activities
 - GP #3 for Storm Water Discharge Associated with Industrial Activity for Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants, and Construction Sand and Gravel Facilities
- The proposed changes to the storm water General Permits will:
 - Update existing wording in the requirements, definitions, and standard conditions to match the administrative rules and federal regulations, in order to make the wording uniform and improve readability.
 - Clarify the definition of “storm water discharge associated with industrial activity” in the general permits to specify that it includes disturbances of less than one acre that are part of a larger common plan of development. This is already required in both federal regulations and in Chapter 60 of the Iowa Administrative Code.

Proposed Revisions Specific to GP #2

- The proposed revisions specific to GP #2 (for Storm Water Discharge Associated with Construction Activities) will:
 - Specify that seeding alone is not sufficient for site stabilization, and that the establishment of vegetative cover sufficient to preclude erosion is necessary for stabilization.
 - Clarify that other stabilization measures must continue to be implemented, when necessary, until seeded areas achieve sufficient vegetative cover.
 - Modify the definition of “final stabilization” to include areas covered by a permanent structure.

Proposed Revisions to GP #4

- The proposed rule will also renew GP #4 for the Discharge from Private Sewage Disposal Systems.
- The proposed revisions to GP #4 are non-substantive in nature and are intended to make the permit more user-friendly.
- These revisions include:
 - a change to the existing maximum Total Suspended Solids (TSS) limits to make them more user-friendly,
 - changes to simplify existing language, improve clarity, and minimize unnecessary duplication, and
 - updates to wording in the standard conditions to match the administrative rules and federal regulations.

Proposed Revision to Chapter 60

- The proposed change to Chapter 60 will update the definition of “storm water discharge associated with industrial activity” to reflect the Code of Federal Regulations (40 CFR Section 122.26(b)(14)), and it will simplify the definition.
- The definition will now clearly include disturbances of less than one acre that are part of a larger common plan of development.
- The proposed definition in rule will align with the revised definitions in the proposed storm water GPs.

Jobs Impact Statement

- The proposed changes are not anticipated to impact private sector jobs and employment opportunities in the State.
- The reissuance of GPs #1, #2, and #3 for storm water discharges and the update to the definition in Chapter 60 will not impact jobs and employment opportunities, as:
 - the proposed changes are clarifications requested by stakeholders, minor changes to align with the federal regulations, or non-substantive changes to improve readability.
- The reissuance of GP #4 for private sewage disposal systems will not impact jobs and employment opportunities, as:
 - the permit reissuance will maintain the status quo.

Fiscal Impact Statement

- The proposed changes to the general permits are not estimated to have a fiscal impact to the current permittees, including homeowners, small businesses, municipalities, drainage districts, counties, or other local governments, as:
 - the changes clarify permit language, align with federal regulations, or improve readability, and
 - individuals discharging under these GPs will have the same compliance costs under the reissued permits as they do under the active permits. No new costs will be incurred.
- No additional activity by state personnel is required by the changes, as
 - the storm water and private sewage disposal programs already exist,
 - the current workload will not increase, and
 - existing budget and resources will be used to implement the changes.

Rule Process and Timeline

- Public Hearing and Public Comment Period
 - Comment period ends on **Friday, September 30th**
- Prepare Responsiveness Summary and Final Rule
 - The Responsiveness Summary will address any comments received during the public comment period
- Administrative Rules Review Committee (ARRC) review of NOIA:
 - Tuesday, October 11th at 9:00 am
 - More information: <https://www.legis.iowa.gov/law/administrativeRules/arrc>
- Final Rules to Environmental Protection Commission for approval
 - Anticipated EPC Meeting on Tuesday, November 15th
 - More information: <https://www.iowadnr.gov/About-DNR/Boards-Commissions/Environmental-Protection-EPC>
- ARRC review of Final Rule; anticipated in December 2022
- Final Rule is Effective; anticipated effective date is March, 1 2023

Questions

- If you have a question:
 - you may type the question into the chat box, or
 - put your name in the Chat Box and indicate that you have a question (example: Bob Smith – Question)
- I will go through the list of questions from the chat box
- After the questions have been addressed, we will move on to formal comments

Comments

- If you wish to make oral comments, please put your name in the Chat Box and indicate you wish to comment (example: Bob Smith - wish to comment)
- Each person will have three minutes to make comments
- Reminder - prepared statements can be submitted electronically
- Comments are being recorded
- **Oral comments are not required; written/email comments will be accepted through Friday, September 30th**
- **Comments will not be addressed during this hearing; a Responsiveness Summary will be prepared with the final rule after the public comment period and distributed to all commenters**

Written Comments

Written comments can be sent by September 30th to:

Email: courtney.cswercko@dnr.iowa.gov

Mail: Courtney Cswercko

Iowa Department of Natural Resources

NPDES Section

502 E. 9th St.

Des Moines, Iowa 50319

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Proposed rules on website:

<https://www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Wastewater-Permitting/NPDES-Rules>