



IOWA DEPARTMENT OF NATURAL RESOURCES

LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

Host:

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Co-hosts:

Wendy Hieb

Eric Wiklund

Our meeting will begin shortly...

Wastewater Cleanup Rules

Chapters 60 - 64

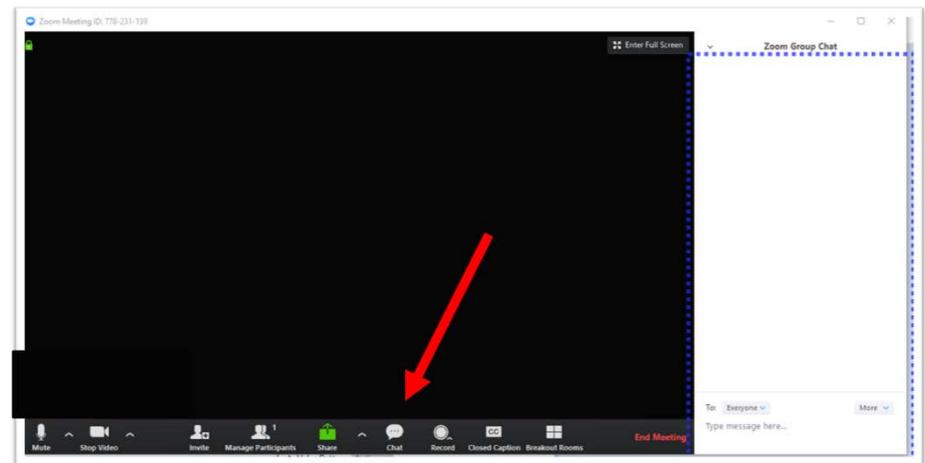
Public Hearing
December 8, 2021
2:00 pm to 4:00 pm

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 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**
 - All those who indicated they wished to comment during the meeting sign up will have 3 minutes to speak
 - If you wish to comment but you did not indicate that in the meeting sign up, 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 will be accepted through December 10th at courtney.cswercko@dnr.iowa.gov**

Chapters 60, 61 and 62

- **Chapter 60 - Definitions, Forms, E-submittal**
 - Include most recent Code of Federal Regulations (CFR) date in the CFR definition
 - Remove the list of permit forms as they are all available on the internet
 - Add language allowing for electronic submittal of forms, amendments, and waiver requests, and for the use of existing and future databases, and
 - Add requirement to include an antidegradation analysis with a permit application when needed
- **Chapter 61 – Correction; Water Quality Standards**
 - Correct a typo in the Final Rule effective on November 11, 2020
- **Chapter 62 – Effluent Limit Guidelines**
 - Change the date of the CFR reference for the federal effluent and pretreatment standards to the most recent CFR date
 - Add a reference to the new federal effluent limitation guidelines and standards (ELG) for the Dental Office Point Source Category, effective on 7/14/2017
 - The requirements of this new ELG for the Dental Office Point Source Category have already been implemented; we are simply adding the reference

Chapter 63 - Analytical Testing

Proposing changes to the analytical testing method language

- Add the adoption date of last federal Method Update Rule (40 CFR Part 136)
- Clarify the test method requirements by adding language and using the correct terminology, which:
 - Allows DNR to specify analysis methods for parameters that do not have federal methods, and
 - Removes confusion regarding applications for alternative test procedures and method modifications
- Update the guidelines for Whole Effluent Toxicity testing
- Update Table II, Minimum Self-Monitoring in Permits for Organic Waste Dischargers, Continuous Discharge WWTPs
 - Adds definition of Total Nitrogen (TN), and
 - Removes the strict TN analysis requirement in the footnotes of Table II to allow facilities to use more than one TN analysis method

Chapter 63 - Supporting Document

Proposing revisions to the rule-referenced document “Supporting Document for Permit Monitoring Frequency Determination”

- This document is used with the monitoring tables in Chapter 63 to determine the monitoring frequencies in permits
- Document has not been updated since 2008
- The proposed revisions will:
 - incorporate recent changes to the Water Quality Standards (Chapter 61),
 - incorporate new parameters,
 - correct the rule citations in the document, and
 - correct typographical errors
- No change to monitoring frequencies for parameters currently in document
- Monitoring frequencies in existing permits for parameters that are not currently in the supporting document are based on the frequencies for similar parameters, thus the addition of these parameters to the document will not increase the monitoring requirements for permittees

Chapter 63 – Electronic Reporting

Proposing to revise the permit reporting requirements in Chapter 63

- Include the requirements of the federal NPDES Electronic Reporting rule (40 CFR Part 127), finalized in 2016
- The federal e-reporting rule:
 - requires the electronic submittal of all documents related to NPDES permits, except for individual permit applications, and
 - did not change the information that permitted facilities are required to submit; it simply changed the format of the submittal
- The proposed language will require electronic reporting (in most cases)
- Paper reports will continue to be accepted under GPs 1, 2, 3, 4, and 5
- Proposed language will allow:
 - temporary and permanent e-reporting waivers for individual permittees and episodic waivers for all permittees, and
 - electronic notification of noncompliance (email)
- AFO facilities are not subject to the same reporting requirements in Chapter 63
- New reporting language is being added for operation permits, as operation permits are not subject to the federal e-reporting requirements

Chapter 63 – Tables III and IV

- Proposing to rescind Table III “Minimum Self-Monitoring in Permits for Land Application Systems”
 - Table III has been rendered obsolete by the DNR’s new Land Application Operation Permit process
 - Monitoring requirements in permits for land application facilities will be based on Chapter 21 of the Wastewater Design Standards, per the new process
 - Change will allow monitoring requirements to be tailored to fit each facility
- Proposing to rescind Table IV, Preservation Techniques, Containers, and Holding Times
 - Rather than copying the preservation techniques, containers and holding times table from 40 CFR Part 136.3, we will reference it in subrule 567 63.1(2) and remove the table from Chapter 63
 - 40 CFR Part 136.3 Table II will be made available on the DNR website for reference
 - In addition, the monitoring well sampling procedures currently in the footnotes of Table IV will be moved to a new location

Chapter 64 - General Permits, Disadvantaged Communities

- **General Permits:**

- Proposed rules will adjust the language regarding general permit suspension and revocation, public notices, and fees
- None of the requirements in any of the General Permits will change
- Changes will simplify and clarify general permit requirements and allow for submittal of both paper and electronic notices of intent (NOIs)

- **Disadvantaged Communities:**

- Proposed changes to the disadvantaged community rules will revise the eligibility requirements to allow entities to apply for a disadvantaged community SRF loan interest rate independent of an NPDES permit or administrative order
- Iowa Code 455B.199B, which establishes the disadvantaged criteria, does not make such a restriction; thus, this rule change will meet the intent of the Iowa Code
- The proposed rule changes also:
 - remove the reference to Iowa CDBG income survey guidelines, as the guidelines no longer exist, and
 - clarify that a disadvantaged community analysis will be evaluated using the disadvantaged community matrix

Chapter 64 – Fees and NRE

- Proposed Changes to Fee Language:
 - Add specific fee amounts for NPDES, operation, and construction permits from Iowa Code section 455B.197 to Chapter 64 (no change to fee amounts)
 - Clarification of existing fee language
 - Add new language that allows fees to be paid by credit card, electronic check, or electronic funds transfer
- Nutrient Reduction Exchange (NRE):
 - The NRE is a tracking system that allows nutrient sources to register and track nutrient reductions resulting from the installation of non-point source best management practices (BMPs)
 - The tracking system will encourage permittees to invest in non-point source BMPs, potentially making them eligible for future regulatory incentives
 - The proposed NRE language will provide a regulatory framework to support possible future nutrient regulatory incentive programs
 - Proposed rule will not require BMP installation

Jobs and Fiscal Impact Statements

- The proposed changes are not anticipated to impact private sector jobs and employment opportunities
- The proposed changes are not estimated to have a fiscal impact to regulated entities, including permittees, engineering consultants, laboratories, municipalities, industries, drainage districts, counties or local governments
- This is because the majority of the changes are for cleanup and clarification purposes, and new requirements reference state or federal law, which the regulated community is already complying with
- Changes to Chapter 63 regarding electronic records submission will result in costs to the state associated with modifications to and maintenance of DNR's databases
 - E-reporting will not result in costs to permittees because most permittees already report electronically using the DNR's existing online databases
 - DNR will use existing budget and resources to implement e-reporting rules

Rule Process and Timeline

- Public Hearing and Public Comment Period
 - Comment period ends on **Friday, December 10th**
- Administrative Rules Review Committee (ARRC) review of NOIA:
 - Tuesday, December 14th at 10:35 am
 - More information: <https://www.legis.iowa.gov/law/administrativeRules/arrc>
- Prepare Final Rule and Responsiveness Summary (if needed)
 - The Responsiveness Summary will address any comments received during the public comment period
- Final Rules to Environmental Protection Commission for approval
 - Anticipated EPC Meeting on Wednesday, January 19, 2022
 - More information: <https://www.iowadnr.gov/About-DNR/Boards-Commissions/Environmental-Protection-EPC>
- ARRC review of Final Rule; anticipated in February 2022
- Final Rule is Effective; anticipated effective date is March 2022

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 but you did not indicate that in the meeting sign up, 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 also be submitted electronically
- Comments are being recorded
- **Oral comments are not required; written/email comments will be accepted through Friday, December 10th**
- **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 December 10th 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

Fax: 515-725-8201

Phone: (515) 725-8411

Proposed rules on website:

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