

Agenda

Environmental Protection Commission

Tuesday, April 19, 2022

Teleconference: 631-618-4607 PIN: 484 733 354#

Video Conference: <https://meet.google.com/rzo-uidn-tvg>

502 East 9th Street, Des Moines, Iowa 50319

DNR 2 North Conf Room

Tuesday, April 19, 2022

10:00 AM – EPC Business Meeting

If you are unable to attend the business meeting, comments may be submitted to Alicia Plathe at Alicia.Plathe@dnr.iowa.gov or 502 East 9th St, Des Moines IA 50319 up to 24 hours prior to the business meeting for the public record.

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|----|---|------------------------------|
| 1 | Approval of Agenda | |
| 2 | Approval of the Minutes (Packet Page 3) | |
| 3 | Monthly Reports (Packet Page 9) | Ed Tormey
(Information) |
| 4 | Director's Remarks | Kayla Lyon
(Information) |
| 5 | Notice of Intended Action - Chapter 64 – Renewal of General Permits Nos. 5, 6, 7, 8 and 9 with Cleanup and Clarification (Packet Page 21) | Dave Schelling
(Decision) |
| 6 | Contract with University of Iowa State Hygienic Lab-Beach Monitoring (Packet Page 141) | Roger Bruner
(Decision) |
| 7 | Contract extension with Iowa Association of Municipal Utilities (IAMU) (Packet Page 150) | Laurie Sharp
(Decision) |
| 8 | Pollution Prevention Services and Intern Program Presentation (Packet Page 152) | Jeff Fiagle
(Information) |
| 9 | General Discussion <ul style="list-style-type: none">• Upcoming EPC Officer election | |
| 10 | Items for Next Month's Meeting <ul style="list-style-type: none">• Tuesday, May 17, 2022, Wallace Building• Tuesday, June 21, 2022, Wallace Building | |

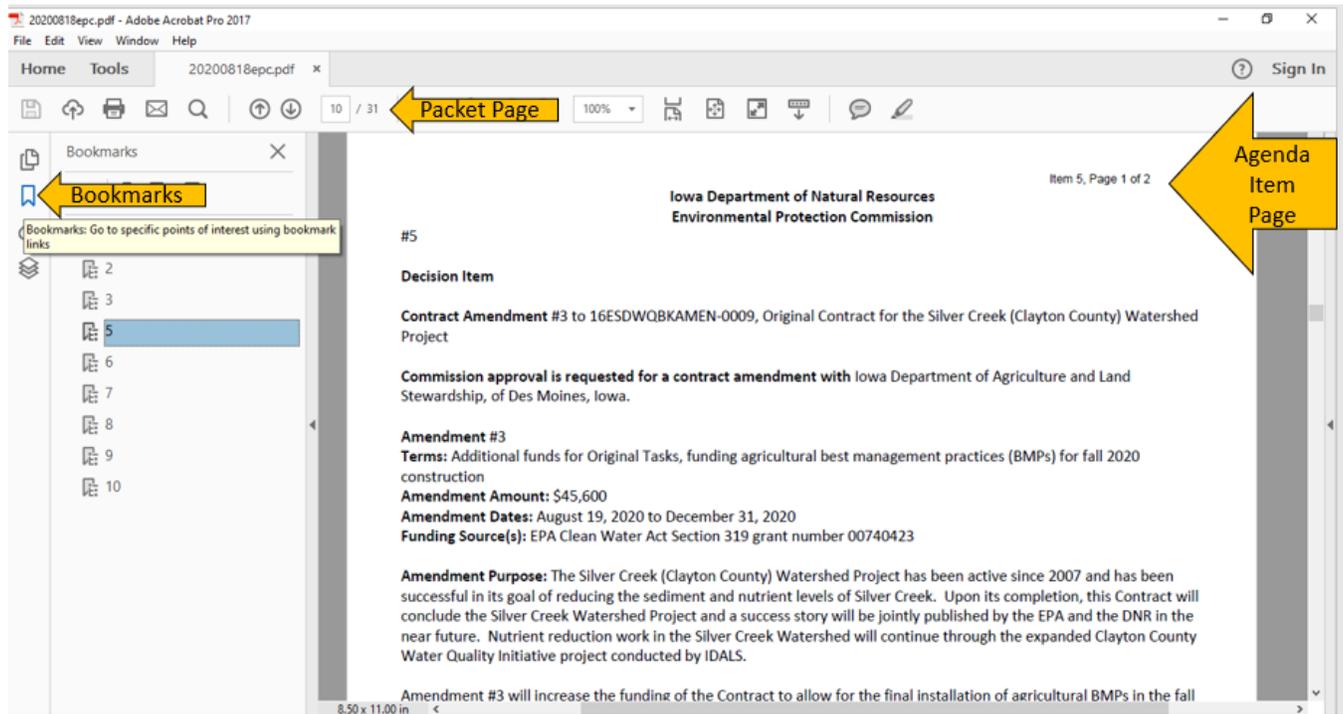
For details on the EPC meeting schedule, visit <http://www.iowadnr.gov/About-DNR/Boards-Commissions>

¹Comments during the public participation period regarding proposed rules or notices of intended action are not included in the official comments for that rule package unless they are submitted as required in the Notice of Intended Action.

Any person with special requirements such as those related to mobility or hearing impairments who wishes to participate in the public meeting should promptly contact the DNR or ADA Coordinator at 515-725-8200, Relay Iowa TTY Service 800-735-7942, or Webmaster@dnr.iowa.gov to advise of specific needs.

Utilize bookmarks to transition between agenda items or progress forwards and backwards in the packet page by page with the Packet Page number on the agenda.

The upper right-hand corner will indicate the Agenda Item Number and the page of the agenda item.



**MINUTES OF THE
ENVIRONMENTAL PROTECTION COMMISSION
MEETING**

March 15, 2022

**Video Teleconference
and
State Hygenic Lab**

Approved by the Commission **TBD**

RECORD COPY
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Sender's Initials <u>ap</u>

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Meeting Minutes

CALL TO ORDER

The meeting of the Environmental Protection Commission (Commission or EPC) was called to order by Chairperson Ralph Lents at 10:01am on March 15, 2022 via a combination of in-person and video/teleconference attendees. A verbal attendance list was conducted for Commissioners, Department of Natural Resources (DNR) staff, and members of the public. General Counsel, Tamara McIntosh, stated for the record that the requirements of Iowa Code section 21.8 were met, due to poor travel conditions across the state with fog, for the EPC meeting to take place virtually until all Commissioners were able to arrive on site.

COMMISSIONERS PRESENT

- Mark Stutsman
- Stephanie Dykshorn-arrived at 10:50 a.m.
- Amy Echard-arrived at 10:15 a.m.
- Patricia Foley
- Ralph Lents
- Harold Hommes-video conference
- Lisa Gochenour-video conference

COMMISSIONERS ABSENT

- Rebecca Dostal
- Brad Bleam

APPROVAL OF AGENDA

Motion was made by Harold Hommes to approve the agenda as presented. Seconded by Lisa Gochenour. The Chairperson asked for the Commissioners to approve the agenda by saying aye. There were no nay votes. Motion passes.

AGENDA APPROVED AS PRESENTED

APPROVAL OF MINUTES

*Motion was made by Lisa Gochenour to approve the February 15, 2022 EPC minutes as presented. Seconded by Patricia Foley.
Mark Stutsman-aye, Harold Hommes-aye, Patricia Foley-aye, Lisa Gochenour-aye, Ralph Lents-aye, Stephanie Dykshorn-absent, Amy Echard-absent, Brad Bleam-absent and Rebecca Dostal-absent.
Motion passes.*

APPROVED AS PRESENTED

MONTHLY REPORTS

- Ed Tormey, Division Administrator, reported on the Avian Influenza detects in Buena Vista and Taylor counties. He explained that the Department is monitoring the situation closely with the Iowa Department of Agriculture and Land Stewardship and that DNR field staff are putting all poultry facility inspections on hold for biosecurity purposes. Chairperson Lents commented on the recent winter storm near Winterset and the migratory bird fatalities due to the storm.
- Ed Tormey also shared that Air Quality Bureau Chief, Catharine Fitzsimmons, will be retiring at the end of March after 29 years as a DNR employee. He commented that her service to the state has helped Iowa’s air quality program become one of the top, most efficient air quality programs in the nation.
- Catharine Fitzsimmons thanked the Commissioners for their support in air quality rulemaking, budget, and enforcement cases throughout her career.

INFORMATION

DEPUTY DIRECTOR’S REMARKS

- Director Lyon informed the Commission that DNR wildlife staff are taking samples of harvested snow geese and the storm-fallen birds, as mentioned previously by Chairperson Lents, as part of Avian Influenza monitoring efforts in Iowa.
- Director Lyon reported that Red Haw State Park suffered severe damage from the recent tornado. She noted that the park lost most of its mature trees in the campground, and that damage occurred to the park’s docks, beach area, shelter, bathhouse and storage building . The DNR is focusing on making the park safe before encouraging visitation to the park.
- Director Lyon also provided an update on Honey Creek Resort, mentioning that the Army Corps of Engineers is updating their master plan for Lake Rathbun, which includes Honey Creek Resort, and that the Army Corps of Engineers will be looking for public comments on the master plan as part of the process.
- Director Lyon responded to Commissioner questions on carcass disposal for birds affected by the Avian Influenza and the size of facilities where it has been detected.

INFORMATION

SOLID WASTE ENVIRONMENTAL MANAGEMENT SYSTEM PROGRAM-DESIGNATION OF APPLICANT

Laurie Rasmus presented on the recommendation to designate Harrison County Landfill Commission to become a participant in the Environmental Management System Program.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the Environmental Management System recommendation as presented. Seconded by Patricia Foley.

Mark Stutsman-aye, Harold Hommes-aye, Patricia Foley-aye, Lisa Gochenour-aye, Ralph Lents-aye, Stephanie Dykshorn-absent, Amy Echard-aye, Brad Bleam-absent and Rebecca Dostal-absent.

Motion passes.

APPROVED AS PRESENTED

AIR QUALITY-FISCAL YEAR 2023 DRAFT BUDGET REVIEW

Wendy Walker presented the Air Quality Fiscal Year 2023 draft budget.

Public Comments – None

Written Comments – None

INFORMATION

FINAL RULES-CHAPTER 20, 21, AND 22-AIR QUALITY RULES, ELECTRONIC SUBMITTAL PROVISIONS

Christine Paulson presented on the air quality rule changes in Chapter 20, 21, and 22 that require electronic submission of all air emissions reporting, air permit applications, and other air quality documents. Christine explained that stack test reporting has not been added to the reports that can be submitted electronically due to their complexity and because electronic submission does not meet EPA’s data submission compliance requirements for stack test reporting.

Public Comments – None

Written Comments – None

Motion was made by Mark Stutsman to approve the item as presented. Seconded by Amy Echard.

Mark Stutsman-aye, Harold Hommes-aye, Patricia Foley-aye, Lisa Gochenour-aye, Ralph Lents-aye, Stephanie Dykshorn-absent, Amy Echard-aye, Brad Bleam-absent and Rebecca Dostal-absent.

Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH STEARNS, CONRAD AND SCHMIDT CONSULTING ENGINEERS INC.-WASTE CHARACTERIZATION STUDY

Tom Anderson presented on the proposed contract with Stearns, Conrad and Schmidt Consulting Engineers, Inc. to provide a Statewide Waste Characterization Study by manually sorting municipal solid waste and visually sorting construction and demolition waste at 10 Iowa sanitary landfills.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the item as presented. Seconded by Patricia Foley. Mark Stutsman-aye, Harold Hommes-aye, Patricia Foley-aye, Lisa Gochenour-aye, Ralph Lents-aye, Stephanie Dykshorn-absent, Amy Echard-aye, Brad Bleam-absent and Rebecca Dostal-absent. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH THE STATE HYGIENIC LABORATORY AT THE UNIVERSITY OF IOWA-WATER QUALITY IMPROVEMENT MONITORING

Steve Konrady presented on the proposed contract with the State Hygienic Laboratory for continued analytical services for the Clean Water Act Section 319 and TMDL monitoring programs.

Public Comments – None

Written Comments – None

Motion was made by Mark Stutsman to approve the item as presented. Seconded by Amy Echard. Mark Stutsman-aye, Harold Hommes-aye, Patricia Foley-aye, Lisa Gochenour-aye, Ralph Lents-aye, Stephanie Dykshorn-absent, Amy Echard-aye, Brad Bleam-absent and Rebecca Dostal-absent. Motion passes.

APPROVED AS PRESENTED

CONTRACT WITH POLK COUNTY, IOWA-OUTREACH COORDINATOR

Steve Konrady presented on the proposed contract with Polk County, Iowa, to provide Section 319 funding to Polk County to support the hiring of a new full-time Outreach Coordinator.

Public Comments – None

Written Comments – None

Motion was made by Harold Hommes to approve the item as presented. Seconded by Patricia Foley. Mark Stutsman-aye, Harold Hommes-aye, Patricia Foley-aye, Lisa Gochenour-aye, Ralph Lents-aye, Stephanie Dykshorn-aye, Amy Echard-aye, Brad Bleam-absent and Rebecca Dostal-absent. Motion passes.

APPROVED AS PRESENTED

CLEAN WATER AND DRINKING WATER STATE REVOLVING LOAN FUND-FY 2022 INTENDED USE PLAN FOURTH QUARTER UPDATE

Theresa Enright presented on the fourth quarter updates for the FY 2022 Intended Use Plan of the State Revolving Loan fund. Theresa explained that the the land acquisition project in the draft use plan as presented has been withdrawn. She also committed to emailing the total FY 2022 project numbers for the clean water and drinking water programs to Chairperson Lents, as requested.

Public Comments – None

Written Comments – None

Motion was made by Amy Echard to approve the item as presented. Seconded by Mark Stutsman. Mark Stutsman-aye, Harold Hommes-aye, Patricia Foley-aye, Lisa Gochenour-aye, Ralph Lents-aye, Stephanie Dykshorn-aye, Amy Echard-aye, Brad Bleam-absent and Rebecca Dostal-absent. Motion passes.

APPROVED AS PRESENTED

GENERAL DISCUSSION

- Alicia Plathe reminded Commissioners of two requirements: completion of the Personal Financial Disclosure report, and completion of the Preventing Sexual Harassment training. She mentioned that the April EPC meeting will be back at the Wallace Building on April 19, 2022.
- Chairperson Lents reported that he will be stepping down as Chairperson for the next officer election cycle. He also reminded the Commissioners he has one more year on his term as a Commissioner to help the new Chairperson during the transition.

ADJOURN

The Chairperson adjourned the Environmental Protection Commission meeting at 11:06 am on March 15, 2022.

ADJOURNED

DRAFT

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: April 2022
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Attorney General Referrals (Dec 2021 – March 2022)

Name, Location and Region Number	Program	Alleged Violation	DNR Action	Status	Date
City of Sioux City (3)	Wastewater	Inadequate wastewater treatment	Referred to Attorney General	Referred Petition Filed Answer Filed by City Awaiting Trial Scheduling Conf.	6/27/16 1/07/22 2/21/22
Global Fiberglass Solutions, LLC	Solid Waste	Illegal Stockpile	Referred to Attorney General	Referred	7/7/21
JDog and Justin Pollard Cambridge (5)	Solid Waste	Open Dumping; Open Burning	Referred to Attorney General	Referred Petition Filed Answer Court Ordered Stay due to Pollard filing for bankruptcy Court Granted Relief From Stay Discovery Served Motion for Partial Summary Judgment Filed Hearing on MSJ scheduled 9/7/21 Trial Scheduled for 10/6/21 Consent Decree Approved - \$19,800 penalty to be repaid over 3 years.	6/16/20 10/1/20 10/14/20 11/3/20 2/25/21 4/23/21
Steven Kerns Clearfield (4)	Animal Feeding Operation	Manure release; Composting dead animals	Referred to Attorney General	Referred Tolling Agreement through August 17, 2020 Consent Decree Approved - \$23,000 penalty and injunctive relief to be repaid over 2 years	10/15/19 9/4/20
Sierra Club (5)	Animal Feeding Operation	Petition for Judicial Review	DNR Named Respondent	Petition filed in Clayton County Motion to Dismiss Filed Petition Dismissed without Prejudice Petition Re-filed in Polk County Motion to Dismiss Filed Hearing on Motion to Dismiss Petition to Intervene by Trout Unlimited Intervenor Petition for Judicial Review (PJR) Order Granting Intervention Motion to Dismiss Intervenor PJR Hearing on Motion to Dismiss	9/23/21 10/18/21 10/24/21 10/27/21 11/22/21 1/6/22 1/6/22 1/6/22 1/25/22 2/15/22 3/22/22
Gary Eggers (2)	Solid Waste	Open Dumping of Tires	Referred to Attorney General	Application for Order to Show Cause for Contempt Order to Show Cause Contempt Hearing	11/08/21 11/17/21 2/8/22

				Eggers Sentenced to 90 days in Jail	3/8/22
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**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: April 2022
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Contested Cases (Nov 2021 – April 2022)

Date Received	Name Of Case	Action Appealed	Program	Assigned Attorney	Status
6/10/13	Mike Jahnke	Dam Application	FP	Schoenebaum	<p>Hearing held 7/30/14. ALJ upheld the permit issued by the Department. Mr. Jahnke appealed but on 11/3/14 he asked that his appeal be put on hold until April, 2015. For various reasons has asked that the appeal be postponed. Sept. 2017 – Mr. Jahnke called and asked that his appeal be put on hold until Spring 2018. September 2018 Mr. Jahnke called and asked that the matter be postponed to Spring '19. Jan. 2019 no changes, matter was postponed to Spring 2019.</p> <p>April 2019 – no change; matter postponed to Spring 2019.</p> <p>July 2019 – No changes.</p> <p>10/25/19 – Mr Jahnke has called many times to discuss his ongoing medical problems and his families' each time he asks for the matter not to be placed on the agenda and asks for a delay. He again asked for a delay until Spring.</p> <p>1/24/20 – Mr. Jahnke called again and explain ongoing medical problems and that he cannot be present for a winter meeting and asked that the matter continue to be delayed.</p> <p>5/25/20 – No changes</p> <p>11/18/20 – no changes</p> <p>3/29/21 – no changes</p> <p>5/25/21 – no changes</p> <p>8/25/21 – no changes</p> <p>11/19/21 – no changes</p> <p>3/28/22 – No changes</p>
6/27/16	Plum River Fault Line Golf Inc.; Meadowcrest Farms, Ltd.	Order/Penalty	WS	Schoenebaum	<p>Assigned to new attorney. negotiating. August 2017 - Settlement offers mailed. April 2018 – Dept sent an updated settlement offer. 1/24/20 – No changes since July 2019 (7/19 and 10/25/19)</p>

					<p>5/25/20 – No changes 11/18/20 – No Changes (new referral forthcoming) 3/29/21 – no changes 5/25/21 – no changes 8/25/21 – no changes 11/29/21 – no changes 3/28/22 – no changes</p>
11/9/17	IA Regional Utilities Association	Permit Issuance	WW	Poppelreiter (Crotty)	<p>10/25/18 –Negotiating before setting a hearing date. A final meeting with facility’s new director is expected before the end of 2018. 01/24/19 –Negotiating before setting a hearing date. Meeting with permittee 1/24/19. Permittee must discuss options with Board. Decision from Permittee on whether to withdraw appeal or move forward with hearing is expected in Spring 2019. April 2019 – Waiting on permittee to decide whether to set a hearing or withdraw appeal. 10/25/19 – Permittee and DNR still in negotiations re: engineering proposals at the facility. No change in the appeal status. 1/24/20 – Finalizing the report on the progress they have made and will meet with DNR’s Wastewater staff in February to discuss settlement options. 5/25/20 – No Changes</p> <p>11/18/2020 - Ongoing negotiations with IRUA. No hearing set as yet. Looking into alternative solutions.</p> <p>3/25/2021 - Continuing discussions with IRUA. Both parties are interested in non-litigation solutions. No hearing set.</p> <p>5/27/21 - No Changes.</p> <p>8/25/21 - No Changes</p> <p>11/29/21 – No changes</p> <p>3/28/22 – No Changes</p>

2/15/22	William and Jeff Lawler	Order	AFO	Book	3/24/22 Settled, awaiting final signatures on settlement agreement.
3/7/22	JR Recycling/ Jason Delaney	Order	SW	Scott	<p>2/16/22 – Administrative Order issued requiring compliance with tire storage and disposal regulations following many months of negotiations.</p> <p>3/7/22 – Appeal received.</p> <p>Hearing scheduled for May 18, 2022. DNR remains open to settlement negotiation prior to hearing.</p>
11/3/21	Chamness Tech. Inc.	Order	SW	Scott	<p>9/13/21 – Order issued seeking revocation of composting permit following multiple years of non-compliance and settlement negotiations seeking compliance.</p> <p>11/3/2021 – Appeal Received</p> <p>Hearing set for April 19 and 20.</p>

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**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: April 1, 2022
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Enforcement Report Update (November 20, 2021 – March 25, 2022)

The following new enforcement actions were taken during this reporting period:

Individual/Entity (County)	Program	Alleged Violation	Type of Order/Action	Penalty Amount Due	Date
LCNJ Farms, L.L.C.	Animal Feeding Operation	Manure Discharge	Consent	\$5,500.00 administrative \$3,349.82 fish restitution	12/1/21
Cedar Rapids Community School District	Air Quality	Asbestos	Consent	\$4,500.00	12/1/21
Jacob Geiseler dba JDG Pork Enterprises	Animal Feeding Operation	Manure Management Plan	Consent	\$2,000.00	12/3/21
Interstate Power and Light Company/Lansing Generating Station	Wastewater	Order Rescission	Rescission	0	12/9/21
Gold-Eagle Cooperative	Air Quality	Construction Permit; Excess Emissions	Consent	\$6,500.00	12/17/21
Brad Wilson	Animal Feeding Operation	Manure Applicator Certification Revocation	Consent	0	12/29/21
Steve Seelye	Air Quality/Solid Waste	Open Burning/Improper Solid Waste Disposal	Unilateral	\$750.00	12/29/21
Timothy Danielson	Water Supply	Operator Certification	Consent	\$1,000.00	12/29/21
Leigh Armstrong	Water Supply	Operator Certification	Consent	\$500.00	12/29/21
Tim Peters and TNT Disposal, LLC	Solid Waste	Hauling/Disposal of Waste Tires	Unilateral	\$10,000.00	1/3/22
David Omar Mercado	Solid Waste	Hauling/Disposal of Waste Tires	Unilateral	\$10,000.00	1/3/22
David Snyder	Solid Waste	Improper Solid Waste Disposal	Unilateral	\$10,000.00	1/4/22
Brenda and Bradley Miller	Solid Waste	Open Burning and Disposal of Tires	Consent	0	1/5/22
City of Corydon	Wastewater	Completion Dates	Consent Amendment	0	1/14/22
City of Wapello	Wastewater	Completion Dates	Consent Amendment	0	1/18/22

Jon Halverson	Animal Feeding Operation	Manure Management Plan	Consent	\$2,000.00	1/20/22
Ken Ries	Animal Feeding Operation	Manure Management Plan	Consent	\$3,000.00	1/21/22
Hill Phoenix, Inc.	Air Quality	Recordkeeping	Consent	\$6,500.00	1/26/22
City of Conesville	Wastewater	Permit	Consent	\$2,484.00	1/26/22
Jeff Lynch	Animal Feeding Operation	Manure Management Plan	Unilateral	\$3,000.00	2/1/22
William and Jeff Lawler	Animal Feeding Operation	Manure Discharge	Unilateral	\$10,000.00	2/2/22
Newt's Cafe LLC	Water Supply	Monitoring	Consent	0	2/4/22
Upcountry Fab, LLC and Alexander Buck	Air Quality and Solid Waste	Open Burning and Improper Solid Waste Disposal	Consent	\$1,530.00	2/9/22
Mark Snyder	Solid Waste	Order Rescission	Rescission	0	2/14/22
Mark Snyder	Solid Waste	Improper Solid Waste Disposal	Consent	\$4,000.00	2/14/22
Jason Delaney and JR Recycling, LLC	Solid Waste	Improper Waste Disposal	Unilateral	\$10,000.00	2/16/22
Amy Knapp dba Knapp Mobile Home Court 4	Water Supply	Monitoring	Consent	\$4,000.00	2/16/22
Amy Knapp dba Knapp Mobile Home Court 4	Wastewater	Prohibited Discharge	Consent	\$4,500.00	2/16/22
Nick and Ray Ohl	Air Quality and Solid Waste	Open Burning and Improper Solid Waste Disposal	Consent	\$3,000.00	2/18/22
Reschly Metals, Inc. and Terry Reschly	Air Quality and Solid Waste	Appliance De-manufacturing and Open Burning	Consent	\$5,950.00	2/22/22
Gregg Hora	Animal Feeding Operation	Manure Management Plan	Consent	\$2,000.00	3/2/22
City of Bloomfield	Air Quality and Solid Waste	Open Burning and Improper Solid Waste Disposal	Consent	\$2,000.00	3/4/22
American Bath Group, LLC	Air Quality	Construction Permitting	Consent	\$10,000.00	3/4/22
Jarrold Ruckle dba Four Seasons Improvements-Construction	Wastewater	Permit	Consent	\$7,500.00	3/10/22
Nor-Am Cold Storage, Inc.	Wastewater	Prohibited Discharge	Consent	\$10,000.00	3/14/22
Contitech USA, Inc.	Wastewater	Prohibited Discharge	Consent	\$10,000.00	3/16/22
Regancrest Holsteins, LLC	Animal Feeding Operation	Manure Discharge	Consent	\$1,500.00	3/22/22

Jacob Wagoner dba Wagoner Construction, Inc.	Air Quality	Asbestos	Consent	\$6,000.00	3/22/22
Guthrie Center Fire Department	Air Quality	Asbestos	Consent	\$1,500.00	3/22/22
Digital Print Enterprises, LLC	Wastewater	Permit	Unilateral	\$1,000.00	3/23/22
Grand Total				\$165,563.82	

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: April 2022
TO: Environmental Protection Commission
FROM: Tamara McIntosh
SUBJECT: Summary of Administrative Penalties (November 20, 2021 – March 25, 2022)

The following administrative penalties are being collected by DRF:

NAME/LOCATION	PROGRAM	AMOUNT (remaining)
Jon Knabel (Clinton Co.)	AQ/SW	\$1,037.00
Randy Wise; Wise Construction (Buena Vista Co.)	AQ/SW	\$2,081.32
Gary Eggers (Stacyville)	SW/WW	\$10,000.00
Dennis R. Phillips; Marty's Convenience Mart (Riverton)	UT	\$9,954.53
Frank Robak (Little Sioux)	UT	\$10,000.00
Randy Cates	AQ/SW	\$10,000.00
Jeff Gray dba Grayz Metal Recycling	AQ/SW	\$918.53
Jayson Schlafke	AFO	\$3,000.00
Strickler Farms, LTD	AFO	\$4,000.00
Grand Total		\$50,991.38

The following administrative penalties are DUE (and being collected by DNR):

NAME/LOCATION	PROGRAM	AMOUNT (remaining)
Sport Wade, Inc. (Decatur Co)	UT	\$10,000.00
Recycling Services	WW/HC/SW	\$7,000.00
Michael Pearson	WW	\$5,000.00
Lu Jen Farms	AFO	\$5,000.00
Blue Hyll Dairy Farm, LLC	AFO	\$6,500.00
Michael Matthews	AQ	\$4,630.00
Bar K Cattle, LLC	AFO	\$5,000.00
Robert Bryant	AFO	\$2,000.00
Amritdeep Kaur – Pari, Inc.	UT	\$7,000.00
Amritdeep Kaur – Cissy's II	UT	\$8,890.00
Ronald Stratton	FP	\$5,000.00
Jaymaharaj, L.L.C. and Monaj Desai	HC	\$7,000.00
Calcium Products	WW	\$6,700.00
CJ's Construction, Inc.	WW	\$5,000.00
RAM Development	AQ	\$500.00
Tyler Investment Company, Inc.	WW	\$10,000.00
Harold Chapman	WW	\$1,350.00
North Iowa Custom Finishing, Inc.	AFO	\$4,100.00
ReNew Trient I, LLC dba NuOrganics, LLC	WW	\$8,000.00
Jason Larabee	AFO	\$7,500.00
Larrell DeJong	AFO	\$4,000.00
Rodney Ballhagen	AQ/SW	\$1,900.00
Wright Materials Company	AQ	\$2,500.00
Larrel DeJong	AFO	\$4,000.00
Tim Peters and TNT Disposal	SW	\$10,000.00
David Omar Mercado	SW	\$10,000.00

Amy Knapp dba Knapp Mobile Home Court 4	WS	\$4,000.00
Amy Knapp dba Knapp Mobile Home Court 4	WW	\$4,500.00
Steve Seelye	AFO	\$4,000.00
Grand Total		\$161,070

The following administrative penalties have been COLLECTED:

NAME	PROGRAM	AMOUNT (Collected)
Sheryl Sovereign (Revenue)	WS	\$75.00
LCNJ Farms, L.L.C.	AFO	\$2,249.82
Chisagkumar Patel	WW	\$665.00
Rod Ballhagen	AQ/SW	\$1,000.00
Freedom Junk Removal & Dumpsters LLC	SW (AG)	\$2,200.00
City of Osceola	WW	\$2,500.00
Chad Even	AFO	\$3,000.00
Cedar Rapids Community School District	AQ	\$4,500.00
Gaylon Rozeboom	AFO	\$2,000.00
S&V LLC	AFO	\$750.00
JDG Pork Enterprises, L.C.	AFO	\$2,000.00
Richard Tompkins	AQ/SW	\$400.00
Timothy Danielson	WS	\$1,000.00
Jon Halverson	AFO	\$2,000.00
Ken Ries	AFO	\$3,000.00
John Tuttle	AFO	\$250.00
Vorwerk Custom Pumping	AFO	\$1,355.36 administrative \$464.64 fish restitution
Gold Eagle Cooperative	AQ	\$6,500.00
Leigh Armstrong	WS	\$500.00
Gregg Hora	AFO	\$2,000.00
Hills Phoenix, Inc.	AQ	\$6,500.00
City of Conesville	WW	\$2,484.00
Mark Snyder	SW	\$4,000.00
City of Bloomfield	AQ/SW	\$2,000.00
Wagoner Construction	AQ	\$2,000.00
The Praxis Companies, LLC	AQ	\$10,000.00
Nor-Am Cold Storage	WW	\$10,000.00
City of Guthrie Center	AQ	\$1,500.00
		\$76,893.82

**IOWA DEPARTMENT OF NATURAL RESOURCES
LEGAL SERVICES BUREAU**

DATE: April 2022 (Dec 2021 – March 2021)

TO: Environmental Protection Commission

FROM: Tamara McIntosh

SUBJECT: Rulemaking Status Report

Rule Proposal	Sent to Director for Approval	Sent for Gov's Approval	Received Gov's Approval	Notice to EPC	Notice Published	ARRC #	ARRC Mtg	Hearing	Comment Period ends	Final to EPC	Rules Published	ARRC #	ARRC Mtg	Rules Effective
WS – Separation Distance (9,40,43,49)	8/9/21	8/10/21	9/8/21	10/19/21	11/17/21	6037C	12/14/21	12/9/21	12/13/21	1/19/22	2/9/22	6190C	NA	3/16/22
Sewage Sludge (Chp. 67)	8/10/21	8/10/21	9/8/21	10/19/21	11/17/21	6038C	12/14/21	12/9/21	12/13/21	1/19/22	2/9/22	6192C	NA	3/16/22
Chp. 81 – OpCert general	8/23/21	8/23/21	9/8/21	10/19/21	11/17/21	6039C	12/14/21	12/8/21	12/13/21	1/19/22	2/9/22	6193C	NA	3/16/22
Water Quality, Chp. 6-64	8/23/21	8/23/21	9/8/21	10/19/21	11/17/21	6041C	12/14/21	12/8/21	12/10/21	1/19/22	2/9/22	6191C	NA	3/16/22
Chp. 122 - CRTs	10/20/21	10/26/21	12/6/21	1/19/22	3/23/22	6261C	APRIL?	4/12/22	4/12/22					
AQ electronic submission Chps. 20-22	11/2/21	11/5/21	11/16/21	12/21/21	1/12/22	6144C	2/4/22	2/14/22	2/14/22	3/15/22	4/6/22	6271C	MAY?	5/11/22
Floodplain Bridge rules, Chp. 72	12/17/21	12/21/21	12/21/21	1/19/22	3/23/22	6262C	APRIL?	4/12/22	4/12/22					

**Iowa Department of Natural Resources
Environmental Protection Commission**

ITEM #5 DECISION

TOPIC **Notice of Intended Action - Chapter 64 – Renewal of General Permits Nos. 5, 6, 7, 8 and 9 with Cleanup and Clarification**

The Commission is requested to approve this Notice of Intended Action for modification of the wastewater rule in Chapter 64 which lists the National Pollutant Discharge Elimination System (NPDES) general permits adopted by the Department and the term of each permit. In brief, the proposed amendments renew five of the general permits (General Permit Nos. 5, 6, 7, 8 and 9). The current expiration dates for these five general permits vary, with General Permit Nos. 8 and 9 expiring first on June 30, 2023. The proposed amendments will streamline future renewals by aligning the effective dates for all five of the general permits. The effective dates for all five general permits will be July 1, 2023, through June 30, 2028. Edits to these five general permits are also proposed and summarized below.

The proposed edits to General Permit Nos. 5, 6, and 7 do the following:

- Align definitions with recently-revised definitions in Chapter 60.

The proposed edits to General Permit No. 8 do the following:

- Clarify requirements for electronic Notice of Intent submittals;
- Extend applicable timeframes;
- Insert consistent terminology;
- Add eligibility criteria for ammonia; and
- Update the eligibility criteria for lead and aluminum.

The proposed edits to General Permit No. 9 do the following:

- Clarify requirements for electronic Notice of Intent submittals;
- Extend applicable timeframes; and
- Insert consistent terminology.

Timeline for rulemaking:

- A Proposed Rule will come to the Commission as a Notice of Intended Action for decision on April 19, 2022.
- Proposed Public Hearing: June 8, 2022 via Zoom
- Proposed end date for collecting written comments: June 10, 2022
- Estimated responsiveness summary completed: June 27, 2022
- Estimated return to Commission for proposed Adopted and Filed rule: July 13, 2022

David Schelling, Environmental Specialist
NPDES Section, Water Quality Bureau
Environmental Services

March 22, 2022

ENVIRONMENTAL PROTECTION COMMISSION[567]**Notice of Intended Action**

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 64, “Wastewater Construction and Operation Permits,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 455B.173(11).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.173(11), 455B.183, and 455B.186.

Purpose and Summary

The proposed rule making renews five National Pollutant Discharge Elimination System (NPDES) general permits (General Permit Nos. 5, 6, 7, 8 and 9). General permits authorize certain types or classes of facilities to discharge wastewater without having to obtain an individual NPDES permit. General permits are required by law to be adopted through rulemaking.

The proposed renewal of all five permits in one rule making will streamline future renewals by aligning the permits’ respective effective dates. The effective dates for all five general permits will be July 1, 2023, through June 30, 2028.

Other permit edits are proposed, too. General Permit Nos. 5 through 7 are amended to align with recently-revised definitions in 567 Iowa Administrative Code chapter 60. More substantive amendments are proposed to General Permit Nos. 8 and 9. This is the first renewal for these two permits. The changes to both of these permits are necessary to clarify and revise regulatory requirements. Among other updates, the amendments clarify requirements for electronic Notice of Intent submittals, extend applicable timeframes, and insert consistent terminology. Further amendments to General Permit No. 8 add eligibility criteria for ammonia and update the eligibility criteria for lead and aluminum.

The proposed permit amendments can be viewed in full at www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Wastewater-Permitting/NPDES-General-Permits

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa. A copy of the fiscal impact statement is available from the Department of Natural Resources (Department) upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 10, 2022. Direct comments to:

David Schelling
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Email: david.schelling@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally will be held via Zoom. Persons who wish to attend the Zoom public hearing should contact David Schelling via email at david.schelling@dnr.iowa.gov. A meeting registration link will be provided prior to the hearing. Persons who wish to make oral comments at the public hearing must submit a request to David Schelling prior to the hearing to facilitate an orderly hearing.

June 8, 2022 1:00 – 2:00 p.m.

Video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the hearing and have special requirements, such as those related to hearing impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

ITEM 1. Amend subrules 64.15(5) to 64.15(9) as follows:

64.15(5) "Discharge from Mining and Processing Facilities," NPDES General Permit No. 5, effective ~~July 20, 2024~~July 1, 2023, to ~~July 19, 2026~~June 30, 2028.

64.15(6) "Discharge Associated with Well Construction Activities," NPDES General Permit No. 6, effective ~~March 1, 2020~~July 1, 2023, to ~~February 28, 2025~~June 30, 2028.

64.15(7) "Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States from the Application of Pesticides," NPDES General Permit No. 7, effective ~~May 18, 2021~~July 1, 2023, to ~~May 17, 2026~~June 30, 2028.

64.15(8) "Discharge from Hydrostatic Testing, Tank Ballasting and Water Lines," NPDES General Permit No. 8, effective July 1, ~~2018~~2023, to June 30, ~~2023~~2028.

64.15(9) "Discharge from Dewatering and Residential Geothermal Systems," NPDES General Permit No. 9, effective July 1, ~~2018~~2023, to June 30, ~~2023~~2028.

IOWA DEPARTMENT OF NATURAL RESOURCES

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

GENERAL PERMIT NO. 5

EFFECTIVE DATES

~~JULY 20, 2021~~ JULY 1, 2023 THROUGH ~~JULY 19, 2026~~ JUNE 30, 2028

FOR

**DISCHARGE FROM
MINING AND PROCESSING FACILITIES**

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Part I. Coverage Under This Permit

A. Discharges Covered Under This Permit

This permit authorizes discharge of the following to waters of the United States within the State of Iowa:

1. Materials wash water;
2. Materials transport water;
3. Scrubber water used for air pollution control;
4. Water used for dust suppression;
5. Mine or quarry dewatering; and
6. Non-contact cooling water used for cooling of crusher bearings, drills, saws, dryers, pumps and air compressors.

From facilities primarily engaged in mining or quarrying the following materials:

1. Dimension Stone (SIC 1411, NAICS 212311);
2. Crushed and Broken Limestone (SIC 1422, NAICS 212312);
3. Construction Sand and Gravel (SIC 1442, NAICS 212321); or
4. Clay, Ceramic, and Refractory Minerals, NEC (SIC 1459, NAICS 212325), except bentonite and magnesite.

Storm water associated with industrial activity that is discharged into an active mine or quarry, and is mixed with one or more sources of wastewater identified in the preceding paragraph, may be discharged under this permit. Separate storm water discharges, that is, storm water that is not discharged into an active mine or quarry before being discharged to a water of the United States, must be permitted under General Permits #3.

B. Limitations on Coverage

The following discharges are not authorized by this permit:

1. Domestic sewage whether treated or untreated;
2. Non-storm water discharges unless specifically identified in Part I.A. of this permit;
3. Discharges from open dumps as defined under RCRA;
4. The discharge of hazardous substances or oil resulting from an on-site spill;
5. Water used in air pollution control devices by asphalt and concrete manufacturing facilities;
6. Any wastewater not generated at the site of the mine or quarry;
7. Storm water discharges associated with industrial activity defined in Part VI of this permit except those identified in Part I.A. of this permit;
8. Any new or expanded discharge to Outstanding Iowa Waters (OIW), or any new or expanded discharge to Outstanding National Resource Waters (ONRW);
9. Any discharge to a state-owned natural or artificial lake;
10. Any discharge with a sulfate concentration higher than 1,514 mg/L; and
11. Any discharge that the department has shown to be or may reasonably be expected to be contributing to a violation of a water quality standard.

C. Requiring an Individual Permit

1. The department may require any person authorized to discharge under this permit to apply for and obtain an individual NPDES permit by notifying the permittee in writing that an individual permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a

statement setting a deadline to submit the application, and a statement that on the effective date of the individual NPDES permit, coverage under this general permit shall automatically terminate. If a person fails to submit an individual NPDES permit application required by the department under this paragraph, coverage of this general permit automatically is terminated at the end of the day specified for submittal of the individual NPDES permit application.

2. Any person authorized to discharge under this permit may apply for an individual NPDES permit. In such cases, the discharger shall submit an individual application using DNR Forms 1, 2, and 5 in accordance with 567 IAC 64.3(4).
3. When an individual NPDES permit is issued for a discharge authorized under this general permit, the applicability of this general permit is automatically terminated on the effective date of the individual NPDES permit. When an individual NPDES permit is denied for a discharge otherwise subject to this general permit, the applicability of this general permit is automatically terminated on the date of such denial, unless otherwise specified by the department.

D. Authorization

Where a mine or quarry is owned by one person but operated by another person, it is the operator's duty to obtain coverage under this permit.

1. A Notice of Intent (NOI) must be submitted in accordance with the requirements of Part II of this permit to be authorized to discharge under this general permit.
2. Within 30 days of the receipt of a complete NOI, the department will either:
 - a. Issue an authorization to discharge; or
 - b. Deny coverage under this general permit and require submittal of an application for an individual NPDES permit in accordance with Part I.C.1 of this permit.

If the department does not respond within 30 days of the receipt of a completed NOI, the discharge is automatically authorized.

Part II. Notice of Intent (NOI) Requirements

A. Deadlines for Filing a Notice of Intent

1. Existing dischargers who had coverage under the general permit that expired July 19, 2021 and who intend to obtain coverage under this general permit shall submit to the department the NOI specified in Part II.C. of this permit no later than January 15, 2022.
2. For new dischargers the NOI specified in this Part shall be submitted to the department at least 30 days prior to the commencement of discharge.

B. Failure to Notify

Dischargers who fail to submit an NOI to be covered by this general permit or an application for an individual permit, and nonetheless discharge pollutants to a water of the United States within the State of Iowa, are in violation of the Clean Water Act and the ~~Code of Iowa~~ Code.

C. Contents of the Notice of Intent

A complete NOI shall include a completed Notice of Intent (NOI) form, DNR Form 542-4006, or electronic equivalent, signed in accordance with Standard Condition #5 of this permit, and the applicable fee as specified in 567 IAC 64.16(455b). The following information shall be provided in the NOI:

1. Name, street address, and location of the site for which this notification is submitted. The site location must include the 1/4 section, section, township, and range, the latitude and longitude, and the county in which the discharge is located;
2. The owner's name, address, email address, and telephone number;
3. The name, address and telephone number of any operator (contractor);
4. The name, title, email address, and telephone number of a contact person;
5. A description of the discharge which includes:
 - a. The type of discharge (new or existing);
 - b. Whether or not the discharge is to a municipal separate storm sewer system;
 - c. The number of discharge points;
 - d. What the discharge includes (quarry dewatering, materials wash water, non-contact cooling water, or air scrubber water);
 - e. The name of the receiving stream; and
 - f. For new discharges, the date the discharge is to commence.
6. An indication of whether any existing quantitative data collected within three years prior to the effective date of this permit are available describing the concentration of pollutants in discharges;
7. The results of analysis of at least one representative sample of the discharge from each outfall for sulfate. If a discharge is not occurring when the NOI is being completed, a sample result for sulfate shall be submitted within sixty (60) days following the next discharge.
For sites that are renewing an authorization under General Permit #5, a sample result for sulfate collected within 10 years prior to submittal of the NOI is sufficient; and
8. The Standard Industrial Classification (SIC) code and the North American Industry Classification System (NAICS) for the facility.

D. Where to Submit

Paper Notices of Intent must be submitted to the department at the following address:

NPDES Section
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, IA 50319-0034

E. Continuing Coverage

Any authorization to discharge under this permit that is submitted and approved on or after July 20, 2021, will remain is-valid only throughuntil the permit expiration date. Coverage under this permit remains in effect beyond the expiration date only if the permittee:

1. Has filed a complete Notice of Intent to be covered by a reissued general permit within 180 days after the expiration of this permit; or
2. Has filed a complete application for an individual NPDES permit in accordance with 567 IAC 64.3(4).

This continuing coverage remains in effect only until the department takes final action on the NOI or individual permit application. If this general permit is not reissued, the department will notify each discharger covered by this permit to apply for an individual NPDES permit according to the procedures identified 567 IAC 64.3(4) and Part I.C.1.

F. Transfer of Coverage Under this Permit

See Standard Condition #7.

G. Notice of Discontinuation

1. Within 30 days prior to or after elimination of the wastewater discharge, the operator or owner of the facility shall submit a Notice of Discontinuation (DNR Form 542-8038 or electronic equivalent) to the department.
2. The Notice of Discontinuation shall contain the following information:
 - a. The name of the owner/operator to which the permit was issued;
 - b. The permit authorization number;
 - c. The date the discharge was, or will be, eliminated; and
 - d. A signed certification in accordance with Standard Condition #5.

Part III. Effluent Limitations

Any discharge authorized by this permit shall not exceed a maximum concentration for any day of 45 mg/l of Total Suspended Solids (TSS) or a 30 day average concentration of 30 mg/l Total Suspended Solids (TSS), nor shall the pH of the discharge be less than 6.5 or greater than 9.0. Dischargers subject to this permit must be in compliance with these limits upon commencement of coverage and for the entire term of this permit.

Part IV. Monitoring and Reporting Requirements

A. Monitoring Requirements

The following monitoring is required for all facilities subject to this permit. If a facility has multiple discharge points, each discharge point must be monitored.

1. For quarry dewatering and other authorized discharges (except for materials wash water), a representative sample shall be collected at least annually and shall be analyzed for total suspended solids and pH; and
2. For discharges of materials wash water or materials wash water in combination with any other authorized discharge, discharge samples shall be collected at least monthly for each month the discharge occurs. The discharge samples shall be analyzed for total suspended solids and pH. A discharge is considered to contain wash water when there is a wash plant operating at the facility and for one calendar month after the wash plant ceases operation.

B. Reporting

All permittees are required to submit discharge monitoring results on the Annual Discharge Monitoring form, DNR Form 542-8035 or the electronic equivalent, by January 15th each year for the previous calendar year. The Annual Discharge Monitoring form must contain all monitoring as required in Part IV.A and must be signed in accordance with

Standard Condition #5 of this permit. Paper Annual Discharge Monitoring forms must be submitted to NPDES Section, Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, IA 50319-0034.

C. Notification

Facilities with at least one discharge through a large or medium municipal separate storm sewer system must submit signed copies of discharge monitoring reports or results to the operator of the municipal separate storm sewer system upon request.

D. Hazardous Condition Documentation and Reporting

1. Six (6) Hour Hazardous Condition Notification

If you observe or are otherwise made aware of a hazardous condition, as defined in Part VI, which may have resulted from a discharge authorized under this permit, you must immediately notify the department. As required at 567 IAC Chapter 131.2, this notification must be made by telephone within six (6) hours of you becoming aware of the hazardous condition. Notification shall be made by calling the department's Environmental Emergency Reporting Hotline at (515)725-8694. At a minimum, notifications must include the following:

- a. The caller's name and telephone number;
- b. Operator name and mailing address;
- c. The name and telephone number of a contact person, if different than the person providing the 6-hour notice;
- d. How and when you became aware of the hazardous condition;
- e. The exact location of the hazardous condition;
- f. Name of any waterbody affected by the hazardous condition;
- g. Description of the hazardous condition; and
- h. Description of any steps you have taken or will take to contain any hazardous effects.

2. Thirty (30) Day Hazardous Condition Written Report

Within thirty (30) days of becoming aware of the hazardous condition reported pursuant to Part IV.D.1, you must postmark a written report of the hazardous condition to the appropriate regional department Field Office. The Field Office addresses are available at <http://www.iowadnr.gov>. Your hazardous condition report must include the information required in 567 IAC Chapter 131.2, Report of Hazardous Conditions. Contact the appropriate department Field Office for more information. A copy of the hazardous condition report submitted to the department must be retained in accordance with Standard Condition #4 of this permit.

E. Retention of Records

See Standard Condition #4.

Part V. Best Management Practices for New and Expanded Dischargers

All new and expanded dischargers must provide settling and pH adjustment sufficient to comply with the numeric effluent limitations in Part III of this permit and, in addition, shall use best management practices which will reduce the discharge of pollutants including the following:

1. Use settled wash water and/or quarry water for dust suppression when dust suppression is necessary; and

2. Locate, design and operate quarry sumps, settling ponds and pumping equipment to maximize the settling of suspended solids prior to discharge.

New and expanded dischargers shall also implement other best management practices which are practical, cost effective and economically efficient including but not limited to the following:

1. Implement recycling of water used for materials washing and classifying whenever it is practical; and
2. Use hydraulic dredging whenever practical and affordable (applicable only to sand and gravel facilities).

Part VI. Definitions

“CWA or Clean Water Act” - means the Federal Water Pollution Control Act.

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

“Existing discharge” - means a discharge from a mine or quarry that commenced prior to July 20, 2011.

“Expanded discharge” - means a discharge from a mine or quarry from which: (i) any material was extracted prior to July 20, 2011; and, (ii) new activities will be conducted that will result in a new or increased discharge of pollutants; or, the point of discharge is moved to an upstream location on the same stream. For example, a wash plant is set-up on the site for the first time. An increase in the areal extent of a mine or quarry at an existing site as a result of normal mining does not constitute an expanded discharge for purposes of this permit.

“Facility or activity” - means any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

“Hazardous condition” - any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment. [567 IAC Chapter 131]

“Hazardous substance” - means any substance or mixture of substances that presents a danger to the public health or safety and includes but is not limited to a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substances" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act. [Iowa Code § 455B.381\(5\)](#), ~~2019 Code of Iowa~~.

“Large and Medium municipal separate storm sewer system” - means all municipal separate storm sewers that are either:

- (i) located in an incorporated place with a population of 100,000 or more as determined by the latest Decennial Census by the Bureau of Census; or
- (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties; or
- (iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the Department as part of the large or medium municipal separate storm sewer system.

“Municipality” - means a city, town, borough, county, parish, district, association, or other public body created by or under State law.

“New discharge” - means a mine or quarry the construction of which is commenced after July 20, 2011 and from which there is or will be a new, altered or increased discharge of pollutants. A new discharge also includes a mine or quarry the construction of which commenced prior to July 20, 2011 where there will be a discharge into a stream or a stream segment not previously affected by a discharge from the mine or quarry. Construction will be deemed to have commenced beginning with the start of removing overburden.

“Owner or operator” - means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

“Representative sample” – means a sample which can be expected to exhibit the average properties of the discharge.

“Storm water” - means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm water discharge associated with industrial activity” - means the discharge from any conveyance which is used for collecting and conveying storm water and which is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. The term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR ~~part~~Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. Material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product, or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in the following paragraphs (i)-(xi) of this definition) include those facilities designated under 40 CFR § 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this definition;

- (i) Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (xi) of this definition);
- (ii) Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;
- (iii) Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR § 434.11(1) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations which have been released from applicable State or Federal reclamation requirements after December 17, 1990) and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate

products, finished products, byproducts or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);

- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;
- (vi) Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-4225), 43, 44, 45 and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (i)-(vii) or (ix)-(xi) of this definition are associated with industrial activity;
- (ix) Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR [Part 403](#). Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR [Part 503](#);
- (x) Construction activity including clearing, grading and excavation activities except operations that result in the disturbance of less than one acre of total land. Construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more;
- (xi) Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39 and 4221-4225.

“Water of the United States or Waters of the U.S.” - means those waters defined at 40 CFR §122.2 ~~(June 22, 2020)~~.

“Water quality standard” - means water quality standards established by 567 IAC 61, including the general water quality criteria (narrative standards) in 567 IAC 61.3(2) and the specific water quality criteria (numeric standards) in 567 IAC 61.3(3).

Part VII. Standard Conditions

1. Administrative Rules

Rules of this department that govern the operation of your facility in connection with this permit are published in Part 567 of the Iowa Administrative Code (IAC) in Chapters 60-65, 67 and 121. Reference to the term “rule” in this permit

means the designated provision of Part 567 of the IAC. Reference to the term “CFR” means the Code of Federal Regulations.

2. Definitions

- (a) 30 day average means the sum of the total daily discharges by concentration during a calendar month, divided by the total number of days during the month that measurements were made.
- (b) Daily maximum means the total discharge by concentration during a twenty-four hour period.

3. Duty to Provide Information

You must furnish to the Director, within a reasonable time, any information the Director may request to determine compliance with this permit or determine whether cause exists for terminating coverage under this permit, in accordance with 567 IAC 64.3(11)“c”. You must also furnish to the Director, upon request, copies of any records required to be kept by this permit.

4. Monitoring and Records of Operation

- (a) Maintenance of records. You shall retain for a minimum of three years all paper and electronic records of monitoring activities and results including all original strip chart recordings for continuous monitoring instrumentation and calibration and maintenance records. **{See 567 IAC 63.2(3)}**
- (b) Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than two years, or both. **{See 40 CFR § 122.41(j)(5)}**

5. Signatory Requirements

Applications, reports or other information submitted to the department in connection with this permit must be signed and certified as required by 567 IAC 64.3(8).

6. Other Information

Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, you must promptly submit such facts or information. Where you become aware that you failed to submit any relevant facts in the submission of in any report to the Director, including records of operation, you shall promptly submit such facts or information. **{See 567 IAC 60.4(2)“a” and 567 IAC 63.7}**

7. Transfer of Coverage Under the Permit

Where the owner and/or operator of the facility changes, the department must be notified of the transfer within 30 days. If a discharge is covered by this general permit, the operator of record shall be subject to all terms and conditions of this general permit. The Director shall be notified in writing within 30 days of the transfer. No transfer of the authorization to discharge from the facility represented by the permit shall take place prior to notifying the department of the transfer. Whenever the address of the operator is changed, the department shall be notified in writing within 30 days of the address change.

8. Proper Operation and Maintenance

All facilities and control systems shall be operated as efficiently as possible and maintained in good working order. A sufficient number of staff, adequately trained and knowledgeable in the operation of your facility shall be retained at all times and adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this permit. **{See 40 CFR § 122.41(e) and 567 IAC 64.7(7)“f”}**

9. Permit Modification, Suspension or Revocation

- (a) Coverage under this permit may be revoked for cause including but not limited to those specified in 567 IAC 64.3(11) and 567 IAC 64.6(3).
- (b) This permit may be modified due to conditions or information on which this permit is based, including any new standard the department may adopt that would change the required effluent limits. ***{See 40 CFR § 122.62(a)(2) and 567 IAC 64.3(11)}***

The filing of a request for permit modification, revocation or suspension, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

10. Duty to Comply

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; termination of coverage under this permit; or denial of coverage under a reissued general permit. Authorization to discharge under this permit does not relieve you of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements applying to the operation of your facility. ***{See 40 CFR § 122.41(a) and 567 IAC 64.7(4)“e”}***

11. Duty to Mitigate

You 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. ***{See 40 CFR § 122.41(d) and 567 IAC 64.7(5)“i”}***

12. Twenty-four Hour Reporting

You shall report any noncompliance that may endanger human health or the environment, including, but not limited to, violations of maximum daily limits for any toxic pollutant (listed as toxic under 307(a)(1) of the Clean Water Act) or hazardous substance (as designated in 40 CFR Part 116 pursuant to 311 of the Clean Water Act). Information shall be provided orally within 24 hours from the time you become 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 within 5 days of the occurrence. ***{See 567 IAC 63.12}***

13. Noncompliance

You shall report all instances of noncompliance not reported under the Hazardous Condition reporting requirements contained in Part IV at the time monitoring reports are submitted. You 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. ***{See 567 IAC 63.14}***

14. Inspection of Premises, Records, Equipment, Methods and Discharges

You are required to permit authorized personnel to:

- (a) Enter upon the premises where a regulated facility or activity is located or conducted or where records are kept under conditions of this permit.
- (b) Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit.
- (c) Inspect, at reasonable times, any facilities, equipment, practices or operations regulated or required under this permit.
- (d) Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the Clean Water Act.

15. Failure to Submit Fees

Authorization to discharge under this permit may be revoked, if the required permit fees are not submitted within thirty (30) days of the date of notification that such fees are due. *{See 567 IAC 64.16(1)}*

16. 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.

{See 40 CFR § 122.41(c) and 567 IAC 64.7(7)“j”}

17. Notice of Changed Conditions

You are required to notify the director of any changes in existing conditions or information on which this permit is based. This includes, but is not limited to, the following:

- (a) As soon as you know or have reason to believe that any activity has occurred or will occur which would result in the discharge of any toxic pollutant which is not limited in this permit. *{See 40 CFR § 122.42(a)}*
- (b) If you have begun or will begin to use or manufacture as an intermediate or final product or byproduct any toxic pollutant which was not reported in the permit application.
- (c) No construction activity that will result in disturbance of one acre or more shall be initiated without first obtaining coverage under NPDES General Permit No. 2 for “Storm water discharge associated with construction activity”.

18. Use of Certified Laboratories

Analyses of wastewater that are required to be submitted to the department as a result of this permit must be performed by a laboratory certified by the State of Iowa. Routine, on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine and other pollutants that must be analyzed immediately upon sample collection, settleable solids, physical measurements, and operational monitoring tests specified in 567 IAC 63.3(4) are excluded from this requirement.

19. Bypasses

- (a) Definition – “Bypass” means the diversion of waste streams from any portion of a treatment facility or collection system. A bypass does not include internal operational waste stream diversions that are part of the design of the treatment facility, maintenance diversions where redundancy is provided, diversions of wastewater from one point in a collection system to another point in a collection system, or wastewater backups into buildings that are caused in the building lateral or private sewer line.
- (b) Prohibitions
 - i. Bypasses from any portion of a treatment facility or from a sanitary sewer collection system designed to carry only sewage are prohibited.
 - ii. Bypass is prohibited and the department may not assess a civil penalty against a permittee for bypass if the permittee has complied with all of the following:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage; and
 - (2) There were no feasible alternatives to the bypass such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) The permittee submitted notices as required by paragraph “d” of this section.

- (c) The Director may approve an anticipated bypass after considering its adverse effects if the Director determines that it will meet the three conditions listed above and a request for bypass has been submitted to the department in accordance with 567 IAC 63.6(2).
- (d) Reporting bypasses. Bypasses shall be reported in accordance with 567 IAC 63.6.

20. Upset Provision

- (a) Definition - "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) Effect of an upset. An upset constitutes an affirmative defense in an action brought for noncompliance with such technology based permit effluent limitations if the requirements of paragraph "c" of this condition are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- (c) Conditions necessary for demonstration of an upset. A permittee who wishes to establish the affirmative defense of upset shall demonstrate through properly signed operating logs or other relevant evidence that:
 - (i) An upset occurred and that the permittee can identify the cause(s) of the upset;
 - (ii) The permitted facility was at the time being properly operated;
 - (iii) The permittee submitted notice of the upset to the department in accordance with 567 IAC 63.6(3); and
 - (iv) The permittee complied with any remedial measures required in accordance with 567 IAC 63.6(6).
- (d) Burden of Proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

21. Property Rights

This permit does not convey any property rights of any sort or any exclusive privilege. *{See 567 IAC 64.4(3)"b"}*

22. Effect of a Permit

Compliance with a 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. *{See 567 IAC 64.4(3)"a"}*

23. 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.

24. Responsible Person

An operator authorized to discharge under this general permit is responsible for compliance with all terms and conditions of this permit including but not limited to all discharges caused by or resulting from activities by leaseholders, contractors and subcontractors.

IOWA DEPARTMENT OF NATURAL RESOURCES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

GENERAL PERMIT NO. 6

EFFECTIVE DATES

**~~MARCH 1, 2020~~ JULY 1, 2023 THROUGH ~~FEBRUARY 28, 2025~~ JUNE 30,
2028**

FOR

WELL CONSTRUCTION AND WELL SERVICE DISCHARGES

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PART I. COVERAGE UNDER THIS PERMIT

A. PERMIT AREA

This permit covers all areas of the State of Iowa

B. ELIGIBILITY

1. COVERAGE

Except for discharges identified under Part I.B.2, this permit authorizes well construction and well service related discharges that reach a Water of the United States.

2. LIMITATIONS ON COVERAGE

The following discharges are **not** authorized by this permit:

- A. Well construction and well service discharges mixed with sources other than well construction and well service discharges.
 - B. Well construction and well service discharges resulting in an acutely toxic condition in a Water of the United States.
 - C. Any well construction and well service discharge covered by an existing individual NPDES permit or which is issued an individual permit in accordance with Part I.C. of this permit.
 - D. Any well construction or well service discharge not adequately treated to meet 567 Iowa Administrative Code (IAC) 61.3(2). The portion of drilling fluid and drilling mud that cannot be adequately treated must be disposed of in an alternate manner that complies with federal, state and local requirements.
 - E. Stormwater associated with industrial or construction activities.
 - F. Discharges from geothermal supply wells also known as “pump and dump wells” that are not under construction or reconstruction.
 - G. Any new or expanded discharge to Outstanding Iowa Waters (OIW) or Outstanding National Resource Waters (ONRW) (See Attachment 1). Persons seeking to discharge to OIW may apply for an individual permit. Discharges to ONRW cannot be authorized in Iowa.
- 3. EXCLUSIONS** NPDES permits are not required for well construction and well service discharges that do not reach Waters of the United States.

C. REQUIRING AN INDIVIDUAL PERMIT

1. The Department may require any person authorized to discharge under this permit to apply for and obtain an individual NPDES permit. The causes for such a request may include but are not limited to location of the discharge, amount of discharge or history of non-compliance with the general permit. 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 a complete individual NPDES permit application by the deadline established by the Department under this paragraph, his/her 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 include DNR NPDES Application Forms 1, 2 and 5, an antidegradation alternatives analysis (or justification for temporary and limited degradation) and 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. Well construction and well service discharges that reach Waters of the United States are authorized so long as the conditions of this permit are satisfied.
2. Permittees shall notify the Department no earlier than five (5) calendar days prior to and no later than 24 hours after commencing well construction and/or well service activities on a site. Failure to notify the Department is a violation of this General Permit. Instructions for notification are included in the DNR supplement named "Guidance Document for Well Construction and Well Service Discharges" and can be viewed or downloaded on the DNR web site: www.iowadnr.gov.

PART II. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS**A. PROHIBITION ON NON-WELL CONSTRUCTION AND WELL SERVICE DISCHARGES**

All discharges authorized by this permit shall be composed entirely of well construction and well service discharge.

B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES

Any owner or operator identified in the Well Water Pollution Prevention Plan (WWPPP or Plan) is subject to the spill notification requirements as specified in [Iowa Code § 455B.386](#) ~~of the Iowa Code~~. Iowa law requires that as soon as possible but not more than six hours after the onset of a "hazardous condition" the Department and local police department or the office of the sheriff of the affected county be notified. Well construction and well service activities must cease until the WWPPP described in Part III of this permit is modified to provide a description of the release and the circumstances leading to the release and to identify and provide for the implementation of steps to prevent the reoccurrence of such releases and to respond to such releases.

C. COMPLIANCE WITH EXISTING RULES

Well construction and well service discharges shall be in compliance with 567 IAC. 61.3(2).

PART III. WELL WATER POLLUTION PREVENTION PLANS

A site-specific WWPPP shall be developed or obtained by the permittee prior to commencement of well construction or service activities. Plans for public water supply wells must be developed prior to letting bids for the construction project. All well activities that use the services of an engineer shall have an engineer: a) prepare the WWPPP, b) prepare all revisions pursuant to Part III.C, and c) provide the following certification for the WWPPP and any revisions: "The WWPPP is designed using good engineering practices."

The Plan shall identify the anticipated quantities of pollutants which may reasonably be expected to affect the quality of the well construction and well service discharge. In addition, the Plan shall describe and ensure the implementation of controls, identified as Best Management Practices (BMPs), which will be used to reduce the pollutants in well construction and well service discharge at the construction site and to assure compliance with the terms and conditions of this permit. Suggested BMPs are listed in the DNR supplement named "Guidance Document for Well Construction and Well Service Discharges" and can be viewed or downloaded on the DNR web site: www.iowadnr.gov.

A. DEADLINES FOR WWPPP PREPARATION AND COMPLIANCE

1. WWPPP PREPARATION DEADLINE

- A. For public water supply wells, the WWPPP must be developed prior to letting bids for the construction project. The WWPPP shall be updated as needed to ensure that the discharge complies with 567 IAC 61.3(2).
- B. For all other water wells, the WWPPP shall be completed prior to the commencement of well construction and well service activities and shall be updated as needed to ensure that the discharge complies with 567 IAC 61.3(2).

2. WWPPP COMPLIANCE DEADLINE

The WWPPP shall provide for compliance with the terms and schedule of the Plan prior to the commencement of well construction and well service activities.

B. SIGNATURE AND PLAN REVIEW

1. The Plan shall be signed in accordance with Part V.G. and be retained according to Part IV of this permit.
2. The permittee shall make Plans available to the Department for review upon request, or in the case of a discharge associated with well construction and well service activities that discharges through a large or medium municipal separate storm sewer system with an NPDES permit, to the municipal operator of the system.
3. The Department may notify the permittee at any time that the Plan does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the Plan and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have seven (7) days after such notification to make the necessary changes.
4. All WWPPPs are considered reports that shall be available to the public under Section 308(b) of the CWA and [Iowa Code](#) Chapter 22 ~~of the Code of Iowa~~. However, the permittee may request that any portion of a WWPPP be treated as confidential in accordance with 561 IAC 2.5.

C. KEEPING PLANS CURRENT

The permittee shall amend the Plan whenever there is a change in design, construction, operation, or maintenance which has a significant effect on the discharge of pollutants to a Water of the United States and which has not been addressed in the Plan, or if the Plan proves to be ineffective in significantly minimizing pollutants from well construction and well service activity, or in otherwise achieving the general objectives of controlling pollutants in discharge associated with well construction and well service activity. In addition, the Plan shall be updated to identify any change or transfer of the permit and permit responsibilities or, if required, by the occurrence of a hazardous condition (as defined in Part VII.G of this permit). Amendments to the Plan may be reviewed by the Department in the same manner as Part III.B.2. The Department retains the right to request and review the Plan before or during the well construction and well service and for a period of six months after permit authorization as noted in Part IV.

D. CONTENTS OF THE WWPPP

The WWPPP shall include the following items:

1. SITE DESCRIPTION

Each Plan shall provide a description of the following:

- A. A description of the planned activity. (For example, construction of a water supply well approximately 400 feet in depth.) The description must also include the types of constituents generated and products used in the well construction and well service activities that may be present

in the wastewater discharge, e.g. bentonite drilling fluid, polymers, foaming agents, and other chemicals or products needed in well construction and well services that may be discharged with the wastewater.

- B. Estimates of the total amount of well construction and well service wastewater to be discharged.
- C. A site map indicating drainage patterns and approximate slopes, the location of structural and non-structural controls identified in the WWPPP, surface waters (including wetlands), and locations where well construction and well service wastewater is discharged to a surface water; and
- D. The location of the discharge, the point of entrance into the water body, and the name of the receiving water(s).

2. **CONTROLS**

Each Plan shall include a description of Best Management Practices that will be implemented at the well construction and well service site. The Plan will clearly describe the appropriate BMPs and the timing during the well construction and well service process that the measures will be implemented. (For example, retention ponds with a minimum of 10 minutes retention time will be utilized for air drilling, followed by retention ponds with 3 minutes retention time will be utilized for test pumping.) The description of BMPs shall address the following minimum components:

A. **EROSION AND SEDIMENT CONTROLS**

1. **STABILIZATION PRACTICES** A description of temporary and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Site plans should ensure that existing vegetation is preserved where attainable and that disturbed areas are stabilized. Stabilization practices may include: temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures.
2. **STRUCTURAL PRACTICES** A description of structural practices to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas of the site. Such practices may include silt fences, earth dikes, brush barriers, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions, and temporary or permanent sediment basins.

B. **OTHER CONTROLS**

1. **WASTE DISPOSAL** All wastes composed of building materials or other solid or hazardous substances must be removed from the site for disposal in permitted disposal facilities. No such wastes or unused building materials shall be buried, dumped, or discharged at the site.
2. Off-site vehicle tracking of sediments shall be minimized.
3. The Plan shall ensure and demonstrate compliance with applicable State and local waste disposal, sanitary sewer or septic system regulations.

3. **INSPECTIONS**

Qualified personnel (provided by the permittee) shall inspect all control measures at least once every 6 hours during well construction and well service activities that result in discharge.

- A. Based on the results of the inspection, the description of potential pollutant, the types of pollutants to be treated as identified in the Plan in accordance with paragraph III.D.1 of this permit and pollution prevention measures identified in the Plan in accordance with paragraph III.D.2. of this permit shall be revised as appropriate as soon as practicable after such inspection.
- B. A report summarizing the scope of the inspection, name(s) and qualifications of personnel making the inspection, the date of the inspection, the time of inspection, major observations relating to the performance of the BMPs, and any actions taken to alter the BMPs shall be documented and retained as part of the WWPPP. The report shall be signed by the permittee or co-permittee in accordance with Part V.G. of this permit.

c. Any discharge deficiencies that are found during inspection that are not consistent with this permit require immediate corrective action and modification of the WWPPP.

4. **CONTRACTORS**

A. CO-PERMITTEE

The WWPPP must clearly identify for each BMP in the Plan the contractor(s) and/or subcontractor(s) that will install, manage, or alter the BMPs. All contractors and subcontractors identified in the Plan must sign a copy of the certification statement in Part III.D.4.B. of this permit in accordance with Part V.G. of this permit. Upon signing the certification, the contractor or sub-contractor is a co-permittee with the owner and other co-permittee contractors. All signatures and certifications must be included in the WWPPP.

B. CERTIFICATION STATEMENT

All contractors and subcontractors identified in a WWPPP in accordance with Part III.D.4.A. of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the WWPPP:

"I certify under penalty of law that I understand the terms and conditions of National Pollutant Discharge Elimination System (NPDES) general permit #6 that authorizes well construction and well service discharges from the construction or well services site. Further, by my signature, I understand that I am becoming a co-permittee, along with the owner(s) and other contractors and subcontractors signing such certifications. As a co-permittee, I understand that I, and my company, are legally required under the Clean Water Act and the ~~Code of Iowa~~ Code, to ensure compliance with the terms and conditions of the Well Water Pollution Prevention Plan developed under this NPDES permit and other terms and conditions of this NPDES permit."

The certification must include the name and title of the person providing the signature; the name, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

The failure of any qualifying individual to provide a signed certification statement does not exempt that individual, or entity from whom they are employed, from meeting the requirements as found in the general permit if they meet the qualifications of a co-permittee.

PART IV. RETENTION OF RECORDS

The permittee shall retain copies of the WWPPP and all records required to be kept by this permit for a period of at least six months from the completion date of well services that require the use of this permit.

If there is a construction trailer, shed, portable document mailbox or other covered structure located on the property the permittee shall retain a copy of the WWPPP and all associated records required by this permit at the construction site from the date of project initiation to the date of completion. If there is no construction trailer, shed or other covered structure located on the property, the permittee shall retain a copy of the Plan and associated records at a readily available alternative site and provide it for inspection upon request. If these documents are maintained at an off-site location such as a corporate office, it shall be provided for inspection no later than three hours after being requested.

PART V. STANDARD PERMIT CONDITIONS

A. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the ~~Code of Iowa Code~~ and the Clean Water Act and is grounds for enforcement action; for termination of coverage under this general permit; and/or, for denial of a request for coverage under a reissued general permit.

B. CONTINUATION OF THE EXPIRED GENERAL PERMIT

This permit expires on February 28, 2025. An expired general permit continues in force until replaced by adoption of a new general permit.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

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.

D. DUTY TO MITIGATE

The permittee 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.

E. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within a reasonable time, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

F. OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the Department, he or she shall promptly submit such facts or information.

G. SIGNATORY REQUIREMENTS

All WWPPPs, certifications or other information either submitted to the Department or that this permit requires be maintained by the permittee, shall be signed by the appropriate party as indicated in this general permit. If the signatory is not an individual, the person signing shall be as follows:

1. *Corporations.* In the case of corporation, a responsible corporate officer means:
 - A. A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
 - B. The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. *Partnerships.* In the case of a partnership, a general partner.
3. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
4. *Municipality, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:
 - A. The chief executive officer of the agency; or
 - B. A senior executive officer having responsibility for the overall operations of a unit of the agency.

H. CERTIFICATION

Any person signing documents under paragraph V.G. shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

I. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

J. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations.

K. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

L. PROPER OPERATION AND MAINTENANCE

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of the WWPPPs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by a permittee only when necessary to achieve compliance with the conditions of this permit.

M. INSPECTION AND ENTRY

The permittee shall allow the Department or an authorized representative of EPA, the State, county, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and
4. Sample any discharge of pollutants.

N. PERMIT ACTIONS

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

O. ENVIRONMENTAL LAWS

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

PART VI. ADDITIONAL PERMITTING CLAUSE

If there is evidence indicating potential or realized impacts to water quality due to any discharge from an authorized well construction and well service activity 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 VII. DEFINITIONS

- A. **"Acutely Toxic Condition"** means that level of pollutants which would rapidly induce a severe and unacceptable impact on organisms.
- B. **"Best Management Practices"** ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of Waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- C. **"Contractor(s) and/or Subcontractor(s)"** means any individual or entity who performs work on the well construction/service site involved in installing, managing, and/or altering BMPs intended to manage and treat well construction/service wastewater, or whose on-site work may alter the effectiveness of the BMPs that have been deployed, increase the amount of discharge wastewater, or reduce the quality of the discharge wastewater.
- D. **"CWA" or "Clean Water Act"** means the Federal Water Pollution Control Act.
- E. **"Co-permittee"** means any individual who performs work on the well construction/service site involved in installing, managing, and/or altering BMPs intended to manage and treat well construction/service wastewater or whose on-site work may alter the effectiveness of the BMPs that have been deployed, increase the amount of discharge wastewater, or reduce the quality of the discharge wastewater. Planning and design activities related to development or modification of the WWPPP, by themselves, do not constitute co-permittee status.
- F. **"Department"** means the Iowa Department of Natural Resources.
- G. **"Hazardous Condition"** means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance on to the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. 455B.381(2), [Code of Iowa Code](#).
- H. **"Hazardous Substance"** means any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons, radioactive materials; sludges; and organic solvents. "Hazardous substances" may include any hazardous waste identified or listed by the administrator of the United States Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act (49 CFR § 172.101). 455B.381(1), [Code of Iowa Code](#), and 40 CFR Part 116 pursuant to section 311 of the Clean Water Act.
- I. **"Municipality"** means a city, town, borough, county, parish, district, association, or other public body created by or under State law.
- J. **"Permittee"** means the owner of the water supply well.
- K. **"Plan"** means Well Water Pollution Prevention Plan (WWPPP).
- L. **"Waters of the United States"** *Waters of the United States or waters of the US* means those waters defined at 40 CFR § 122.2 ~~adopted by the United States in effect as of January 1, 2015.~~
- M. **"Well Service(s)"** means any service that meets the following definitions: *"construction"* of a water well, *"water well"* and *"well reconstruction"* as found in Iowa Code § 455B.171, *"well services"* as found in 567 Iowa Administrative Code Chapter 49, and all well construction performed in accordance with 567 Iowa Administrative Code Chapter 43. Examples of water well and well services include but are not limited to: well drilling and well construction for private and public water supply wells, well servicing, well development, well rehabilitation, well repair, and test pumping of all types of water supply wells, well drilling and construction

for geothermal production supply wells, borehole drilling and heat exchanger installation for vertical geothermal closed loop heat exchangers, and any other water well services related activity that generates wastewater.

**Attachment 1:
ONRW and OIW Waters in Iowa**

Outstanding National Resource Waters (ONRW)

There are no waters in Iowa designated as Outstanding National Resource Waters as of the date of issuance of this permit.

Outstanding Iowa Waters (OIW)

STREAM	DESCRIPTION	LENGTH (Miles)
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	From road crossing in SW ¼, NW1/4, S11, T86N, R10W, Benton Co. to E line, S25, T87N, R10W, Buchanan Co.	5.2
Bloody Run	From (W. line of Section 22, T95N, R4W, Clayton Co.) to the confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44	8.59
Brownfield Creek	Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)	0.94
Clear Creek	Mouth (Allamakee Co.) to W. line of Section 25, T99N, R4W, Allamakee Co.	3.79
Deer Creek	Road crossing in SE¼, S35, T100N, R19W, Worth Co. to the N. line of S7, T100N, R19W, Worth Co.	7.29
Dousman Creek	Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line.	3.44
Duck Creek	From the mouth (S14, T100N, R06W Allamakee Co.) to the Iowa-Minnesota state line.	1.98
Ensign Creek (aka Ensign Hollow)	Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)	1.05
Unnamed Creek (aka Erickson Spring Branch)	Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.	0.91
French Creek	Mouth (Allamakee Co.) to E. line of Section 23, T99N,	5.58

	R5W, Allamakee Co.	
Grannis Creek	Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.	3.56
Jones Creek	From the mouth (S19, T98N, R04W Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R05W Allamakee Co.)	5.75
Kleinlein Creek	Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)	3.96
Lime Creek	From confluence with unnamed tributary in NE ¼, NW ¼, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.	3.0
Little Paint Creek	Mouth to N. line of Section 30, T97N, R3W	1.92
Ludlow Creek	Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)	2.00
Mill Creek (aka Big Mill Creek)	Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)	8.04
Mossey Glen Creek	Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.	1.96
North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line.	6.39
Pine Creek (aka South Pine Creek)	Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.	2.80
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
South Canoe Creek	From the mouth (S22, T99N, R08W Winneshiek Co.) to the bridge crossing at Winn Rd. (S21, T99N, R08W Winneshiek Co.)	1.90
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83

Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co.	1.37
Trout Run	Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach.	1.0
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
Unnamed Creek (aka Cold Water Creek)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of Section 31, T100N, R9W, Winneshiek Co.)	2.46
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line.	9.39
West Branch French Creek	From the mouth (S23, T99N, R05W, Allamakee Co.) to the confluence with Unnamed Creek (S26, T99N, R05W, Allamakee Co.)	0.67
	Grand Total:	118.08
LAKES	DESCRIPTION (Section, Township, Range)	SIZE (Acres)
Big Spirit Lake SGMA	S33, T100N, R36W	5684
Wst Okboji Lake SGMA	S20, T99N, R36W	3,847

IOWA DEPARTMENT OF NATURAL RESOURCES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)

GENERAL PERMIT NO. 7

EFFECTIVE DATES

~~MAY 18, 2021~~ JULY 1, 2023 THROUGH ~~MAY 17, 2026~~ JUNE 30, 2028

**PESTICIDE GENERAL PERMIT (PGP) FOR
POINT SOURCE DISCHARGES TO WATERS OF THE UNITED STATES
FROM THE APPLICATION OF PESTICIDES**

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PART I. COVERAGE UNDER THIS PERMIT

A. PERMIT AREA

This permit covers all areas of the State of Iowa.

B. ELIGIBILITY

1. COVERAGE

Except as described under Part I.B.2, this permit authorizes discharges that result from the application of 1) biological pesticides and 2) chemical pesticides that leave a residue from point sources to Waters of the United States (U.S.) (hereinafter referred to “pesticide discharges”). This permit covers the following pesticide use patterns:

- a) Mosquito and Other Flying or Aquatic Nuisance Insect Control** - management of all public health/nuisance pests which develop or are present during a portion of their life cycle in standing or flowing water, when applying pesticides in or over standing or flowing water. Public health/nuisance pests in this use category include but are not limited to mosquitoes and black flies.
- b) Weed, Algae, Bacteria, Fungi, or Fish Parasite Control** - management of weeds, algae, bacteria, fungi, and fish parasites in water and at water's edge including but not limited to lakes, rivers, streams, irrigation canals, and drainage systems.
- c) Aquatic Nuisance Animal Control** - management of invasive or other nuisance species in water and at water's edge. Aquatic nuisance animals in this use category include but are not limited to fish, lampreys, and mollusks.
- d) Forest Canopy Pest Control** - aerial and ground application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where a portion of the pesticide unavoidably will be applied over and deposited to water to target the pests effectively.

2. LIMITATIONS ON COVERAGE

You are required to apply for and/or obtain authorization to discharge under an individual NPDES permit in accordance with the Iowa Administrative Code (IAC) at 567 IAC Chapter 64 if you have a discharge covered by Parts I.B.2.a to I.B.2.e. Refer to Part I.D for a further description of individual NPDES permits.

a) Discharges to Impaired Waters

You are not eligible for coverage under this permit for any pesticide discharges to waters identified as impaired by that pesticide or its degradates. Impaired waters are those which have been identified by the department pursuant to Section 303(d) of the Clean Water Act (CWA) as not meeting applicable Iowa water quality standards. Impaired waters include both waters with established Total Maximum Daily Loads (TMDLs) and those for which a TMDL has not yet been established.

b) Discharges to Waters Designated as OIW or ONRW

You are not eligible for coverage under this permit for pesticide discharges to waters designated by the department as Outstanding Iowa Waters (OIW) or Outstanding National Resource Waters (ONRW) (See Attachment 1).

c) Endangered and Threatened Species and Critical Habitat Protection

You are not eligible for coverage under this permit for pesticide discharges to waters that are published critical habitat for federally listed species.

d) Discharges Covered by another Individual or General NPDES Permit

You are not eligible for coverage under this permit for the following types of pesticide discharges:

- Discharges currently covered under another NPDES permit. For example, controlled discharge lagoons with individual permits must request a permit amendment to discharge algaecide residuals.
- Discharges covered within five years prior to the effective date of this permit by another NPDES permit that established site-specific numeric water quality-based limitations.
- Discharges covered by another NPDES permit which has been or is in the process of being denied, terminated, or revoked by the department. This does not apply to the routine reissuance of permits every five years.

e) Any Discharge Resulting From the Use of a Pesticide Contrary to Its Labeling

You are not eligible for coverage under this permit for a discharge that occurs when using a pesticide contrary to its labeling. This permit only covers discharges that occur when a pesticide is applied in accordance with the pesticide product label.

f) Discharges near Shallow Wells and Waters Designated as Drinking Water Supply (Class C)

You are not eligible for coverage under this permit for any pesticide discharges to waters located in any of the following areas, unless you obtain prior authorization from the department:

- Within 50 feet of a shallow well as defined in Part VII;
- Within one-half mile upstream to one-half mile downstream of a river or stream segment designated as a drinking water supply (Class C) in 567 IAC Chapter 61.3(5); or,
- To any lake, reservoir or wetland designated as Class C in 567 IAC Chapter 61.3(5).

In order to request authorization, you must submit the Class C Waters Form to the department at least ninety (90) days before the anticipated pesticide application.

This form and a list of Class C designated waters are available at <http://www.iowadnr.gov>.

For pesticide discharges to Class C waters, authorization shall only be granted to certified applicators who possess a current certification in Category 5 – Aquatic Pest Control, as licensed by the Iowa Department of Agriculture and Land Stewardship (IDALS).

Authorization will not be granted for pesticide discharges to Class C waters if any of the following conditions apply:

- If the active or inert ingredients in the pesticide are regulated under the Safe Drinking Water Act (SDWA);
- If the pesticide will be applied within 2,000 feet upstream to 100 feet downstream of a public or private water supply intake in a river or stream; or
- If the pesticide will be applied within 2,000 feet of a public or private water supply intake in a lake, reservoir, or wetland.

Notwithstanding the above conditions, authorization may be granted to the impacted water purveyor for discharges from a pesticide application intended to correct or control water quality problems within the water supply or system.

C. AUTHORIZATION TO DISCHARGE UNDER THIS PERMIT

1. HOW TO QUALIFY FOR AUTHORIZATION

To qualify for authorization under this permit, an operator must meet the eligibility requirements as identified in Part I.B. For the purposes of this permit, an operator is defined as any person involved in the application of a pesticide that results in a discharge to a Water of the U.S. that meets either of the following two criteria:

- The person has operational control over the financing for or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions; or,
- The person has day-to-day operational control of activities which are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit).

2. DISCHARGE AUTHORIZATION

Except as described under Part I.B.2, pesticide discharges are immediately authorized under this permit as long as the conditions of this permit are satisfied.

3. CONTINUATION OF THIS PERMIT

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with 567 IAC Chapter 64 and will remain in force and effect. If you were authorized to discharge under this permit prior to the expiration

date, any pesticide discharges authorized under this permit will automatically remain covered by this permit until the earliest of:

- The issuance or denial of an individual permit for pesticide discharges that would otherwise be covered under this permit; or
- A decision by the department to revoke or not reissue this general permit because the supporting law no longer requires it, at which time the department will identify a reasonable time period for covered dischargers to seek coverage under an alternative general permit or an individual permit, if required by federal or state law.

4. DISCONTINUATION OF COVERAGE

Coverage under this permit is terminated when an operator no longer has pesticide discharges or the discharges are covered under an individual permit.

D. REQUIRING AN INDIVIDUAL NPDES PERMIT

1. THE DEPARTMENT REQUIRING COVERAGE UNDER AN INDIVIDUAL PERMIT

The department may require you to apply for and/or obtain authorization to discharge under an individual NPDES permit in accordance with 567 IAC Chapter 64.3(4) "a". If you are required to apply for an individual permit, you will be notified in writing that an individual permit application must be submitted. This notification will include a brief statement of the reasons for this decision and will provide application information. In addition, if you are an operator whose discharges are authorized under this general permit, the notification will set a deadline for submitting the individual permit application. The deadline shall be no longer than one year from the date of the written notification, and the notification will state that coverage under this general permit will terminate on the effective date of the individual NPDES permit.

The department may grant additional time to submit the individual permit application if you submit a request setting forth reasonable grounds for additional time. If you are covered under this general permit and fail to submit an individual NPDES permit application (if required by the department), then your coverage under this general permit is terminated at the end of the day on the date the department specified as the deadline for application submittal. The department may take appropriate enforcement action for any unpermitted discharge.

2. OPERATOR REQUESTING COVERAGE UNDER AN INDIVIDUAL PERMIT

You may request to be excluded from coverage under this general permit by applying for an individual NPDES permit. In such a case, you must submit the reason for the request and an individual permit application in accordance with the requirements of 567 IAC Chapter 64 to the Iowa Department of Natural Resources, NPDES Section at 502 East 9th Street, Des Moines, IA 50319. If your reasons are warranted, the department may grant your request by issuing an individual NPDES permit for pesticide discharges. Your

authorization to discharge under this general permit is terminated on the issuance date of the individual permit.

E. SEVERABILITY OF THIS PERMIT

Invalidation of a portion of this permit does not necessarily render the whole permit invalid. The department's intent is that the permit is to remain in effect to the extent possible. In the event that any part of this permit is invalidated, the department will advise the regulated community as to the effect of such invalidation.

F. OTHER FEDERAL AND STATE LAWS

You must comply with all other applicable federal and state laws that pertain to your application of pesticides. This includes but is not limited to: Iowa Code Chapter 206; 21 IAC Chapter 45; 567 IAC Chapter 131; 571 IAC Chapter 54; and, the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and its implementing regulations.

PART II. TECHNOLOGY-BASED EFFLUENT LIMITATIONS

A. REQUIREMENTS

All operators must implement the control measures in this Part to minimize pesticide discharges. The term "minimize" means to reduce and/or eliminate discharges using control measures (e.g., best management practices) and to the extent technologically and economically practicable and achievable.

1. PEST MANAGEMENT TOOLS

Prior to a pesticide discharge pursuant to this permit, you must evaluate alternative pest management tools while considering pest resistance, feasibility, cost effectiveness, and the impact to water quality and non-target organisms. Alternative management tools include:

- No action
- Prevention of the situation requiring pest management
- Mechanical/physical methods of pest management
- Cultural methods of pest management
- Biological control agents (e.g. predators)
- Available pesticides appropriate for the target pest.

The pest management tools chosen must be efficient and effective means of pest management and must successfully minimize discharges resulting from the application of pesticides.

2. PESTICIDE APPLICATION RATE

In order to use the lowest effective amount of pesticide product per application, follow the pesticide product label instructions and apply pesticides at no more than the recommended application rate.

3. REGULAR MAINTENANCE ACTIVITIES

Perform regular container maintenance activities to minimize potential for leaks, spills, and unintended or accidental release of pesticides from pesticide containers to Waters of the U.S. Maintain application equipment in proper operating condition by adhering to any manufacturer conditions and industry practices and by calibrating, cleaning, and repairing equipment on a regular basis to ensure effective pesticide application and pest control. Properly calibrate equipment to deliver no more than the recommended application rate as noted on the pesticide product label. Proper calibration includes but is not limited to the following: nozzle choice, and droplet size.

PART III. WATER QUALITY-BASED EFFLUENT LIMITATIONS

Pesticide discharges that cause or contribute to an excursion of any applicable numeric or narrative state water quality standard (WQS) as stated in 567 IAC Chapter 61 are prohibited and are a violation of this permit. If at any time you become aware, or the department determines, that your discharge causes or contributes to an excursion of applicable WQS, you must take corrective action as required in Part V. The department may impose additional water quality-based limitations or require you to obtain coverage under an individual permit if your discharges are not controlled as necessary to meet applicable WQS.

PART IV. MONITORING REQUIREMENTS**A. BASIC MONITORING REQUIREMENTS**

All operators must:

- Monitor the amount of pesticide applied to ensure that you apply no more than the recommended application rate as noted on the pesticide product label;
- Monitor your pesticide application activities to ensure you are performing regular maintenance activities; and
- Monitor your application equipment to ensure that it is in proper operating condition.

This monitoring is intended to minimize the potential for leaks, spills, and unintended or accidental discharge of pesticides.

B. VISUAL MONITORING REQUIREMENTS

All operators must conduct visual assessment(s) of the application site(s) as follows:

- During the application when considerations for safety and feasibility allow; and
- During any post-application surveillance or efficacy check.

Visual assessments will consist of spot checks in the area to and around where pesticides are applied for possible and observable adverse impacts caused by your application of pesticides. Possible and observable adverse impacts include, but are not limited to:

- The unanticipated death or distress of non-target organisms;
- Disruption of wildlife habitat; and
- Disruption of recreational or municipal water use.

PART V. CORRECTIVE ACTION

A. SITUATIONS REQUIRING REVISION OF CONTROL MEASURES

If any of the following situations occur, you must review and, as necessary, revise the selection and implementation of your control measures to ensure that the situation is eliminated and will not be repeated in the future:

- An unauthorized release or discharge (e.g., spill, leak, or discharge not authorized by this or another NPDES permit) occurs;
- You become aware, or the department determines, that your control measures are not adequate or sufficient for the discharge to meet applicable WQS;
- You become aware, or the department determines, that you failed to perform regular container maintenance activities or to maintain application equipment in proper operating condition as required in Part II.A.3;
- Your monitoring activities, as required in Part IV, determine that you applied more than the recommended application rate as noted on the pesticide product label or failed to properly calibrate equipment to deliver the recommended application rate;
- An inspection or evaluation of your activities by the department determines that modifications to the control measures are necessary to meet the non-numeric effluent limits in this permit, or
- You observe or are otherwise made aware of a hazardous condition, as defined in Part VII.

B. CORRECTIVE ACTION DEADLINES

If you determine that changes to your control measures are necessary to eliminate any situation identified in Part V.A, such changes must be made before the next pesticide application that results in a discharge, or as soon as practicable.

C. HAZARDOUS CONDITION DOCUMENTATION AND REPORTING

1. SIX (6) HOUR HAZARDOUS CONDITION NOTIFICATION

If you observe or are otherwise made aware of a hazardous condition, as defined in Part VII, which may have resulted from a discharge from your pesticide application, you must immediately notify the department. As required at 567 IAC Chapter 131.2, this notification must be made by telephone within six (6) hours of you becoming aware of the hazardous condition. Notification shall be made by calling the department's Environmental

Emergency Reporting Hotline at (515)725-8694. Notifications must include at least the following information:

- The caller's name and telephone number;
- Operator name and mailing address;
- The name and telephone number of a contact person, if different than the person providing the 6-hour notice;
- How and when you became aware of the hazardous condition;
- The exact location of the hazardous condition;
- Name of any waterbody affected by the hazardous condition;
- Description of the hazardous condition identified, including the U.S. EPA pesticide registration number for each product you applied in the area of the hazardous condition; and
- Description of any steps you have taken or will take to contain any hazardous effects.

The hazardous condition notification and reporting requirements are in addition to what the registrant is required to submit under FIFRA section 6(a)(2) and its implementing regulations at 40 CFR Part 159.

2. THIRTY (30) DAY HAZARDOUS CONDITION WRITTEN REPORT

Within thirty (30) days of becoming aware of the hazardous condition reported pursuant to Part V.C.1, you must postmark a written report of the hazardous condition to the appropriate department field office. The field office addresses are available at <http://www.iowadnr.gov>. Your hazardous condition report must include the information required in 567 IAC Chapter 131.2, Report of Hazardous Conditions. Contact the appropriate department field office for more information. You must report hazardous conditions even for those instances when the pesticide labeling states that adverse effects may occur. A copy of the hazardous condition report submitted to the department must be retained in accordance with Part VI of this permit.

Note that if the department provides future notification to dischargers that other reporting options are available (e.g., electronic submission), operators may take advantage of those options to satisfy the reporting requirements of this permit.

PART VI. RECORDKEEPING

You must keep written records as required in this permit. These records must be accurate and complete to demonstrate your compliance with the conditions of this permit. You can rely on records and documents developed for other obligations, such as requirements under FIFRA, and state or local pesticide programs, provided all requirements of this permit are satisfied.

A. REQUIRED RECORDS

All operators are required to keep the following records:

- A copy of any written Hazardous Condition Reports (See Part V.C.2);
- A copy of any Class C Waters Form (See Part I.B.2.f); and
- Any correspondence exchanged between you and the department specific to coverage under this permit.

B. MAINTENANCE AND AVAILABILITY OF RECORDS

You must retain the records outlined in Part VI.A for a period of at least three (3) years from the date that the record was generated, even if your coverage under this permit expires or is discontinued before the end of the three year period. All records kept under this section must be made available upon request to an authorized representative from the department, U.S. EPA, or IDALS.

PART VII. DEFINITIONS, ABBREVIATIONS, AND ACRONYMS

A. DEFINITIONS

Active Ingredient –

- In the case of a pesticide other than a plant growth regulator, defoliant or desiccant, an ingredient which will prevent, destroy, repel, or mitigate insects, nematodes, fungi, rodents, weeds, or other pests.
- In the case of a plant growth regulator, an ingredient which, through physiological action, will accelerate or retard the rate of growth or rate of maturation or otherwise alter the behavior of ornamental or crop plants or the produce thereof.
- In the case of a defoliant, an ingredient which will cause the leaves or foliage to drop from a plant.
- In the case of a desiccant, an ingredient which will artificially accelerate the drying of plant tissue.

[Iowa Code ~~Section~~ § 206.2]

Best Management Practices (BMPs) – schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to Waters of the U.S. BMPs also include treatment requirements, operating procedures, and practices to control spillage or leaks, or drainage from raw material storage. [40 CFR § 122.2]

Biological Control Agents – organisms that can be introduced to your sites, such as herbivores, predators, parasites, and hyperparasites. [U.S. FWS IPM Guidance, 2004]

Biological pesticides (also called biopesticides) – include microbial pesticides, biochemical pesticides and plant-incorporated protectants (PIP).

Microbial pesticide means a microbial agent intended for preventing, destroying, repelling, or mitigating any pest, or intended for use as a plant regulator, defoliant, or dessicant, that

- (1) Is a eucaryotic microorganism including, but not limited to, protozoa, algae, and fungi;
 - (2) Is a procaryotic microorganism, including, but not limited to, Eubacteria and Archaeobacteria;
- or
- (3) Is a parasitically replicating microscopic element, including but not limited to, viruses.

[40 CFR [§](#) 158.2100(a)]

Biochemical pesticide means a pesticide that

- (1) Is a naturally-occurring substance or structurally-similar and functionally identical to a naturally-occurring substance;
- (2) has a history of exposure to humans and the environment demonstrating minimal toxicity, or in the case of a synthetically-derived biochemical pesticides, is equivalent to a naturally-occurring substance that has such a history; and
- (3) Has a non-toxic mode of action to the target pest(s). [40 CFR [§](#) 158.2000(a)]

Plant-incorporated protectant means a pesticidal substance that is intended to be produced and used in a living plant, or in the produce thereof, and the genetic material necessary for production of such a pesticidal substance. It also includes any inert ingredient contained in the plant, or produce thereof. [40 CFR [§](#) 174.3]

Certified Applicator – any individual who is certified under 21 IAC Chapter 45 as authorized to use any pesticide. [Iowa Code ~~Section~~ [§](#) 206.2]

Chemical pesticides – all pesticides not otherwise classified as biological pesticides.

Code of Federal Regulations (CFR) – the federal administrative rules adopted by the United States.

Control Measure – refers to any BMP or other method used to meet the effluent limitations to minimize the discharge of pollutants to Waters of the U.S.

Cultural Methods – manipulation of the habitat to increase pest mortality by making the habitat less suitable to the pest.

Discharge – when used without qualification, means the "discharge of a pollutant."

Discharge of a pollutant – any addition of any pollutant or combination of pollutants to Waters of the U.S. or waters of the state from any point source. "Discharge of a pollutant" includes additions of pollutants into navigable waters or waters of the state from surface runoff which is collected or channeled by human activity; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works; and discharges through

pipes, sewers, or other conveyances, leading into privately owned treatment works. [567 IAC Chapter 60]

Facility or Activity – any NPDES “point source” that is subject to regulation under the NPDES program.

Hazardous condition – any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state or into the atmosphere which, because of the quantity, strength and toxicity of the hazardous substance, its mobility in the environment and its persistence, creates an immediate or potential danger to the public health or safety or to the environment. [567 IAC Chapter 131]

Hazardous substance – any substance or mixture of substances that presents a danger to the public health or safety and includes, but is not limited to, a substance that is toxic, corrosive, or flammable, or that is an irritant or that, in confinement, generates pressure through decomposition, heat, or other means. The following are examples of substances which, in sufficient quantity, may be hazardous: acids; alkalis; explosives; fertilizers; heavy metals such as chromium, arsenic, mercury, lead and cadmium; industrial chemicals; paint thinners; paints; pesticides; petroleum products; poisons; radioactive materials; sludges; and organic solvents. [567 IAC Chapter 131]

Impaired Water – A water is impaired for purposes of this permit if it has been identified by the department pursuant to Section 303(d) of the CWA as not meeting applicable Iowa water quality standards (see 567 IAC Chapter 61). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Inert Ingredient – an ingredient which is not an active ingredient. [Iowa Code [Section-§ 206.2](#)]

Insect – any of the numerous small invertebrate animals generally having the body more or less obviously segmented, for the most part belonging to the class Insecta, comprising six-legged, usually winged forms, as for example, beetles, bugs, bees, flies and to other allied classes of arthropods whose members are wingless and usually have more than six legs, as for example, spiders, mites, ticks, centipedes and wood lice. [21 IAC Chapter 45]

Label – the written, printed, or graphic matter on, or attached to, the pesticide or device, or the immediate container thereof, and the outside container or wrapper of the retail package, if any there be, of the pesticide or device. [Iowa Code [Section-§ 206.2](#)]

Mechanical/Physical Methods – mechanical tools or physical alterations of the environment for pest prevention or removal.

Minimize – to reduce and/or eliminate pesticide discharges to Waters of the U.S. through the use of control measures and to the extent technologically and economically practicable and achievable.

Non-target Organisms – includes the plant and animal hosts of the target pest, the natural enemies of the target pest living in the community, and other plants and animals, including vertebrates, living in or near the community that are not the target of the pesticide.

Operator – For the purposes of this permit, an operator is defined as any person involved in the application of a pesticide that results in a discharge to a Water of the U.S. that meets either of the following two criteria:

- The person has operational control over the financing for, or the decision to perform pesticide applications that result in discharges, including the ability to modify those decisions; or,
- The person has day-to-day operational control of activities which are necessary to ensure compliance with the permit (e.g., they are authorized to direct workers to carry out activities required by the permit).

Person – any individual, partnership, association, corporation, or organized group of persons whether incorporated or not. [Iowa Code [Section § 206.2](#)]

Pest – Any insect, rodent, nematode, fungus, weed, or any form of plant and animal life, virus, or other microorganism, except viruses or other microorganisms on or in living man or other living animals, which exists under circumstances that make it unduly injurious to plants, man, domestic animals, other useful vertebrates, useful invertebrates, or other articles or substances. [21 IAC Chapter 45]

Pesticide –

- a) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating directly or indirectly any insects, rodents, nematodes, fungi, weeds, and other forms of plant or animal life or viruses, except viruses on or in living persons, which the secretary shall declare to be a pest, and
- b) any substances intended for use as a plant growth regulator, defoliant, or desiccant.

[Iowa Code 206.2]

Defoliant means any substance or mixture of substances intended for causing the leaves or foliage to drop from the plant with or without causing abscission. [21 IAC Chapter 45]

Desiccant means any substance or mixture of substances intended for artificially accelerating the drying of plant tissue. [21 IAC Chapter 45]

Plant growth regulator means any substance or mixture of substances intended, through physiological action, for accelerating or retarding the rate of growth or rate of maturation, or for otherwise altering the behavior of ornamental or crop plants or the produce thereof, but shall not include substances to the extent that they are intended as plant nutrients, trace elements, nutritional chemicals, plant inoculants, and soil amendments. [Iowa Code 206.2]

Pesticide Discharges – means “Pesticide Discharges to Waters of the United States from Pesticide Application”

Pesticide Discharges to Waters of the United States from Pesticide Application – means the discharges that result from the application of biological pesticides, and the application of chemical pesticides that leave a residue, from point sources to Waters of the United States. In the context of this definition of pesticide discharges to Waters of the United States from pesticide application, this does not include agricultural storm water discharges and return flows from irrigated agriculture, which are excluded by law (33 U.S.C. 1342(I); 33 U.S.C. 1362(14)).

Pesticide Product – a pesticide in the particular form (including composition, packaging, and labeling) in which the pesticide is, or is intended to be, distributed or sold. The term includes any physical apparatus used to deliver or apply the pesticide if distributed or sold with the pesticide.

Pesticide Residue – includes that portion of a pesticide application that is discharged from a point source to Waters of the U.S. and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

Point source – any discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, or vessel or other floating craft, from which pollutants are or may be discharged. “Point source” does not include return flows from irrigated agriculture or agricultural storm water runoff. [567 IAC Chapter 60]

Pollutant – sewage, industrial waste, or other waste. [567 IAC Chapter 60]

Sewage means the water-carried waste products from residences, public buildings, institutions, or other buildings, including the bodily discharges from human beings or animals together with such groundwater infiltration and surface water as may be present.

Industrial waste means any liquid, gaseous, radioactive, or solid waste substance resulting from any process of industry, manufacturing, trade, or business, or from the development of any natural resource.

Other waste means heat, garbage, municipal refuse, lime, sand, ashes, offal, oil, tar, chemicals, and all other wastes which are not sewage or industrial waste.

Shallow well – means a well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least 5 feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn. [567 IAC Chapter 40]

Target Pest – the organism(s) toward which pest management tools are being directed.

Total Maximum Daily Loads (TMDLs) – A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL includes wasteload allocations for point source discharges, load allocations for nonpoint sources and/or natural background, and must include a margin of safety and account for seasonal variations.

Toxic – causing or producing a dangerous physiological, anatomic or biochemical change in a biological system. [567 IAC Chapter 131]

Use of a pesticide contrary to its labeling – to use any registered pesticide in a manner not permitted by the labeling provided that the phrase shall not include:

1. Applying a pesticide for agricultural or horticultural purposes only at any dosage, concentration, or frequency less than that specified on the labeling.
2. Applying a pesticide for agricultural or horticultural purposes only against any target pest not specified on the labeling if the application is to the crop, animal or site specified on the labeling unless the labeling specifically states that the pesticide may be used only for the pests specified on the labeling; or
3. Employing any method of application not prohibited by the labeling for agricultural or horticultural purposes only.
4. Mixing pesticides or mixing pesticide with a fertilizer when such mixture is not prohibited by the labeling for agricultural or horticultural purposes only.

[21 IAC Chapter 45]

Waters of the United States or Waters of the U.S. – means those waters defined at 40 CFR [§ 122.2](#) ~~(June 22, 2020)~~.

Water Quality Standards (WQS) – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures. Iowa's Water Quality Standards are contained in 567 IAC Chapter 61.

Weed – any plant which grows where not wanted. [21 IAC Chapter 45]

Wetlands - means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

You and Your – as used in this permit are intended to refer to the operator, or the discharger as the context indicates and that party's activities or responsibilities.

B. ABBREVIATIONS AND ACRONYMS

BMP – Best Management Practice

CFR – Code of Federal Regulations

CWA – Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §§1251 *et seq.*)

FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. §§ 136 *et seq.*

IAC – Iowa Administrative Code

NPDES – National Pollutant Discharge Elimination System

OIW – Outstanding Iowa Water

ONRW – Outstanding National Resource Water

SDWA – Safe Drinking Water Act

TMDL – Total Maximum Daily Load

U.S. – United States

U.S.C. – United States Code

U.S. EPA – United States Environmental Protection Agency

U.S. FWS – United States Fish and Wildlife Service

WQS – Water Quality Standard

PART VIII. STANDARD CONDITIONS

A. DUTY TO COMPLY

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the ~~Code of Iowa~~ Code and the Clean Water Act and is grounds for enforcement action; for termination of coverage under this general permit; and/or, for denial of a request for coverage under a reissued general permit.

B. CONTINUATION OF THE EXPIRED GENERAL PERMIT

This permit expires on May 17, 2026. An expired general permit continues in force until replaced by adoption of a new general permit or rescinded by the department.

C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE

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.

D. DUTY TO MITIGATE

The permittee 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.

E. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the department, within a reasonable time, any information which the department may request to determine compliance with this permit. The permittee shall also furnish to the department upon request copies of records required to be kept by this permit.

F. OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report to the department, he or she shall promptly submit such facts or information.

G. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

H. PROPERTY RIGHTS

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws.

I. SEVERABILITY

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

J. INSPECTION AND ENTRY

The permittee shall allow the department or an authorized representative of U.S. EPA, the State, or county, upon the presentation of credentials and other documents as may be required by law, to:

- Enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
- Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
- Inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and
- Sample any discharge of pollutants.

K. PERMIT ACTIONS

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

L. ENVIRONMENTAL LAWS

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations. Pertinent regulations include but are not limited to the following: 40 CFR § 122.41(j)(5); 567 IAC 63.1; 567 IAC 63.2; 567 IAC 63.6; 567 IAC 63.12-15; 567 IAC 64.3(8); and 567 IAC 64.7(7)“f”.

Attachment 1: ONRW and OIW Waters in Iowa

Outstanding National Resource Waters (ONRW)

There are no waters in Iowa designated as Outstanding National Resource Waters as of the date of issuance of this permit.

Outstanding Iowa Waters (OIW)

STREAM	DESCRIPTION	LENGTH (Miles)
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	From road crossing in SW ¼, NW1/4, S11, T86N, R10W, Benton Co. to E line, S25, T87N, R10W, Buchanan Co.	5.2
Bloody Run	From (W. line of Section 22, T95N, R4W, Clayton Co.) to the confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44	8.59
Brownfield Creek	Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)	0.94
Clear Creek	Mouth (Allamakee Co.) to W. line of Section 25, T99N, R4W, Allamakee Co.	3.79
Deer Creek	Road crossing in SE¼, S35, T100N, R19W, Worth Co. to the N. line of S7, T100N, R19W, Worth Co.	7.29
Dousman Creek	Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line.	3.44
Duck Creek	From the mouth (S14, T100N, R06W Allamakee Co.) to the Iowa-Minnesota state line.	1.98
Ensign Creek (aka Ensign Hollow)	Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)	1.05
Unnamed Creek (aka Erickson Spring Branch)	Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.	0.91
French Creek	Mouth (Allamakee Co.) to E. line of Section 23, T99N, R5W, Allamakee Co.	5.58
Grannis Creek	Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.	3.56
Jones Creek	From the mouth (S19, T98N, R04W Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R05W Allamakee Co.)	5.75

Kleinlein Creek	Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)	3.96
Lime Creek	From confluence with unnamed tributary in NE ¼, NW ¼, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.	3.0
Little Paint Creek	Mouth to N. line of Section 30, T97N, R3W	1.92
Ludlow Creek	Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)	2.00
Mill Creek (aka Big Mill Creek)	Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)	8.04
Mossey Glen Creek	Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.	1.96
North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line.	6.39
Pine Creek (aka South Pine Creek)	Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.	2.80
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
South Canoe Creek	From the mouth (S22, T99N, R08W Winneshiek Co.) to the bridge crossing at Winn Rd. (S21, T99N, R08W Winneshiek Co.)	1.90
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83
Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co.	1.37
Trout Run	Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach.	1.0
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
Unnamed Creek (aka Cold Water Creek)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of Section 31, T100N, R9W, Winneshiek Co.)	2.46
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line.	9.39

West Branch French Creek	From the mouth (S23, T99N, R05W, Allamakee Co.) to the confluence with Unnamed Creek (S26, T99N, R05W, Allamakee Co.)	0.67
	Grand Total:	118.08
LAKES	DESCRIPTION (Section, Township, Range)	SIZE (Acres)
Big Spirit Lake SGMA	S33, T100N, R36W	5684
West Okoboji Lake SGMA	S20, T99N, R36W	3,847

IOWA DEPARTMENT OF NATURAL RESOURCES

**NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES)
and
STATE OPERATION PERMIT**

GENERAL PERMIT NO. 8

EFFECTIVE DATES

JULY 1, ~~2018-2023~~ THROUGH JUNE 30, ~~2023~~2028

FOR

**DISCHARGE FROM
HYDROSTATIC TESTING, TANK BALLASTING and WATER LINES**

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PART I. COVERAGE UNDER THIS PERMIT

A. Coverage Area

This National Pollutant Discharge Elimination System (NPDES) and State Operation Permit General Permit No. 8 (hereafter "GP #8" or "this permit") covers all areas within the borders of the State of Iowa.

B. Activities Covered Under This Permit

This permit authorizes the discharge of pollutants to surface waters of the State or ~~the discharge of pollutants~~ to the ground surface resulting from the following activities:

- 1. Hydrostatic testing using water to verify the integrity of pipes, pipelines (including related appurtenances), tanks, containers, and other vessels designed to hold liquids or gases;
- 2. Removal of water used as ballast for underground storage tanks prior to adding any other liquid or gas to the tank or used to stabilize tanks during floods; and
- 3. Disinfecting, flushing, or pressure testing of water lines and new sanitary sewer lines and associated equipment, except those excluded under Part I.C.9.

C. ~~Discharges~~ Activities Not Covered Under This Permit

Discharges from the ~~following~~ activities listed below are not authorized by this permit. ~~and Exclusion~~ exclusion from this permit does not exempt the discharges ~~below~~ from environmental regulation.

1. Discharges ~~which have received an authorization~~ authorized ~~under another general NPDES permit or~~ under an individual ~~NPDES or state operation~~ permit or another general NPDES permit (GP).
 - a. ~~General Permits~~ GP #1, #2, or #3; or Municipal Separate Storm Sewer (MS4) Permits:
 - i. These permits authorize discharges from fire hydrant flushing, discharges from potable water sources, and discharges from water line flushing.
 - ii. A ~~discharge which~~ permittee who is already authorized under GP #1, #2, #3, or an MS4 permit who will conduct one or more of the discharges does not need coverage under GP #8 for the activities listed in Part I.C.1.a.i does not need coverage under this permit for those discharges.
 - b. Individual NPDES or State Operation Permits:
 - i. A permittee authorized for any of the discharges listed in Part I.B under an individual permit shall adhere to the requirements of their individual permit for that activity.
 - ii. A permittee authorized under an individual permit may discharge from any of the activities covered under this permit but not listed in their individual permit, according to the requirements of this permit.
2. Hydrostatic testing using fluids other than water as a test medium. Persons seeking to do this should investigate disposal options other than discharging or apply for an individual permit.
 - ~~Persons seeking to do this should investigate disposal options other than discharging or apply for an individual permit.~~
3. Any discharge resulting from cleaning or rinsing of pipes, pipelines, tanks, or other containers prior to testing, with the exception of water used for flushing or disinfecting water lines. Persons seeking to do this should investigate other disposal options or apply for an individual permit.
 - ~~Persons seeking to do this should investigate other disposal options or apply for an individual permit.~~
4. Any new or expanded discharge to Outstanding Iowa Waters (OIW) or Outstanding National Resource Waters (ONRW) (~~See~~ Attachment 1).
 - a. ~~Persons seeking to discharge~~ Discharges to OIW ~~may apply for an~~ can only be authorized by individual permits; ~~and~~
 - a.b. Discharges to ONRW cannot be authorized in Iowa.

5. Any discharge to a ~~state~~State-owned natural or artificial lake (~~See see~~ Attachment 2). Iowa Code § 455B.186(1) prohibits the discharge of pollutants to a state-owned natural or artificial lake.
 - ~~Iowa Code prohibits the discharge of pollutants to a state-owned natural or artificial lake.~~
6. Any discharge ~~the Department has shown to be contributing~~that contributes to, or may reasonably be expected to contribute to, a violation of any water quality standard.
7. Discharges that contain domestic sewage, industrial process waste, or manure, whether treated or untreated. Persons seeking to do this should contact the Iowa Department of Natural Resources.
 - ~~Persons seeking to do this should contact the Iowa Department of Natural Resources.~~
8. The discharge of hazardous substances or oil resulting from an on-site spill.
9. Discharges from flushing of sprinkler systems and irrigation systems.
10. Discharges from an animal feeding operation that are regulated ~~under~~pursuant to 567 Iowa Administrative Code (IAC) Chapter 65, General Permit GP #2, or an individual stormwater permit.
11. Discharges that may adversely impact critical habitat of threatened or endangered species as designated by the ~~Iowa Department of Natural Resources~~department (www.iowadnr.gov) or the U.S. United States Fish and Wildlife Service (www.fws.gov).

PART II. HYDROSTATIC TESTING AND TANK BALLAST DISCHARGES TO THE GROUND SURFACE

A. Coverage

For ~~this part~~Part II of ~~the this~~ permit, “discharge to the ground surface” means the operation of a wastewater disposal system that directs hydrostatic test wastewater or ballast wastewater to the surface of the ground. This does not include disposal systems that result in a discharge to surface waters of the ~~state~~State. For Part II only, “discharge” means “discharge to the ground surface”. ~~This Part II~~ does not apply to discharges from water lines or new sanitary sewer lines. These discharge requirements are found in Part IV.

B. Electronic Notice of Intent (eNOI)

1. eNOI Not Required

An eNOI is not required for discharge to the ground surface unless the discharge is listed in Part II.B.2. All covered ground surface discharges that are exempt from the eNOI submittal requirements are automatically authorized. No submittal to the ~~Department~~department is required to commence these discharges.

2. eNOI Required

An eNOI is required for discharge to the ground surface ~~must be submitted~~ when chemicals other than chlorine or those commonly used for dechlorination have been or will be added to the water.

3. eNOI Contents and Submittal Timeline

~~a.~~ For ~~If~~ any discharges to the ground surface ~~authorized are expected to result at a site from the hydrostatic testing or tank ballasting activities covered~~ under Part I.B. and ~~required to submit~~ an eNOI is required under Part II.B.2, then a complete and accurate eNOI for the site’s discharges must be submitted to the department.

~~a.b.~~ The eNOI should be received by the ~~Department~~department a minimum of thirty (30) days prior to the ~~date the discharge is scheduled to commence~~anticipated start date of any discharge occurring at the site.

~~b.c.~~ A completed eNOI shall be signed in accordance with Part ~~VI.K, VII.K~~ of this permit, and shall contain all of the following:

- i. The name, mailing address, and telephone number for the owner of the pipeline, tank, or container;

- ii. The name, mailing address, and telephone number of the person responsible for the discharge(s);¹;
 - iii. Location of the site in one or more of these formats:
 - The name, street address (where applicable), city, and ZIP code;
 - and county, and either the ¼Quarter section, section, township, and range, and county; or
 - iii. • the latitude and longitude ~~and county where each discharge will occur;~~
 - iv. The anticipated ~~start date~~ of when the discharge(s) at the site will start and the anticipated ~~end date~~ when the discharge(s) at the site will end if the discharge is not permanent;
 - v. The name of the owner of the ground where the wastewater will be discharged;
 - vi. Whether the discharge(s) will result from hydrostatic testing or tank ballasting;
 - vii. The source(s) of the water to be used for the hydrostatic test or ballast (e.g. private well, surface water, municipal system);
 - viii. A description of any mechanisms that will be used to remove pollutants;²
 - ix. The product name(s), Safety Data Sheet(s), and estimated concentration(s) of any chemical additives (other than chlorine or common dechlorination chemicals) that are expected to be present in the discharge(s); and
 - x. Total project flow volume (in million gallons) and maximum daily flow (in million gallons per day).
- ~~c. A separate eNOI must be submitted for each site where a discharge will occur.~~
- d. All eNOIs must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

4. Department Response to eNOI Submittal

Within thirty (30) days of receipt of a complete eNOI, the ~~Department~~ department will either:

- a. Issue a written authorization to discharge under the terms and conditions of this permit; or;
- b. Issue a written notification which states that coverage under this ~~general~~ permit is denied ~~which states and provides~~ the reason for denial. If coverage under this ~~general~~ permit is denied, a person may apply for an individual permit in accordance with Part ~~VI.L~~ VII.L of this permit.

C. Duration of Coverage

1. eNOI Not Required -

~~1.~~ For ~~a~~ discharges for which submittal of an eNOI is not required (~~see Part II.B~~), coverage under this permit shall be in effect from the first day of discharge through 30 days after the last day of discharge at a ~~single~~ location site.

2. eNOI Required -

~~2.~~ For discharges for which submittal of an eNOI is required, coverage under this permit shall be in effect from the anticipated start date ~~of the discharge~~ to the anticipated end date of the discharge(s) from the site as stated in the eNOI, unless otherwise stated by the ~~Department~~ department. The permittee must notify the ~~Department~~ department of any discharge that extends beyond the anticipated end date. The notification ~~should~~

¹If there are multiple responsible parties for the discharge(s), the ~~Department~~ department requires that all the parties involved maintain a written explanation for the division of responsibilities.

² The ~~Department~~ department does not issue wastewater construction permits for temporary pollutant removal installations. This permit does not exempt any person from any permits necessary under programs other than wastewater (air, contaminated sites, flood plains, etc.).

must occur as soon as the permittee becomes aware of the need for an extension. The ~~Department~~ department will make a determination as to whether to approve the extension of coverage or require a new eNOI.

D. Operating Requirements for Discharge to the Ground Surface

Any discharge onto the ground surface that will not reach a surface water of the State shall comply with all of the following: ~~Any discharge not meeting all of these conditions shall be considered a discharge to a surface water of the State subject to the requirements specified in this permit for such discharges.~~

1. Discharges shall be to soils that have not been saturated by precipitation;
2. Discharges shall be to sites with slopes less than 5%;
- ~~3.~~ Discharges to frozen or snow-covered ground shall be avoided unless infeasible;

~~E.3. Requirements for Ground Surface Disposal~~

- ~~1.4.~~ Ponding of the wastewater discharged water shall be minimized to prevent damage to vegetation or runoff into surface waters of the State;
- ~~2.5.~~ Best Management Practices (BMPs) shall be used to prevent contamination of water used for hydrostatic testing or tank ballast by fuel, lubricants, or waste materials during the testing or tank installation process;
- ~~3.6.~~ Storage and installation of containers to be hydrostatically tested or ballasted shall be done in such a way that prevents debris or other materials from being deposited within the container where they may later be discharged to the ground surface; ~~and~~
- ~~7.~~ Any chemicals added to the water shall be used according to the manufacturer's instructions; ~~and~~
- ~~4.8.~~ Discharges shall ~~be performed~~ occur in a manner to prevent or minimize erosion of soil or other materials. Practices to prevent erosion include, but are not limited to, splash pads, straw bales, silt fences, and vegetated buffer strips.

~~5. Any chemicals added to the wastewater shall be used according to the manufacturer's instructions. Any discharge not meeting all of these conditions shall be considered a discharge to a surface water of the State subject to the requirements specified in this permit for such discharges.~~

~~F.E.~~ **Monitoring Requirements**

Each day that a discharge resulting from hydrostatic testing or tank ballasting occurs at a site, the physical appearance of the wastewater discharge must be observed. Visual observations of color, odor, turbidity, petroleum sheen, ~~and any other observations regarding floating or suspended matter, and~~ the general appearance of the wastewater discharge shall be documented in writing. The documentation must include the date and time of the examination and the name of the person performing the examination. If any observation finds that the discharge does not comply with one or more of the operating requirements in Part II.~~E-D~~ of this permit, the activity discharge shall cease immediately ~~cease~~ and shall not resume until corrective action is taken. Guidance on performing visual observations can be found in Attachment 3.

~~G.F.~~ **Reporting**

~~No reports are required to be submitted.~~ The records required by Part II.~~H-G~~ of this permit shall be submitted to the ~~Department~~ department ~~only~~ upon request.

~~H.G.~~ **Recordkeeping**

1. Records ~~of the following~~ must be kept for each ~~discharge of the following items or disposal event~~:
 - a. The location of the site where the hydrostatic testing or tank ballasting activity occurred (either the street address; quarter section, section, township and range; or latitude and longitude);
 - a-b. The start and end date(s) for each discharge or disposal event started and ended that occurred at the site;

- ~~b-c.~~ The measured or estimated volume of water discharged ~~or disposed of~~ on each day a discharge occurs;
 - ~~c.~~ ~~The location of the activity (either the street address; ¼ section, section, township and range; or latitude and longitude);~~
 - d. Results of visual monitoring activities using Attachment 4 or an equivalent document; and
 - e. The results of any analyses performed.
2. All records shall be retained for a minimum of three (3) years after the discharge ends in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.

PART III. HYDROSTATIC TESTING AND TANK BALLAST DISCHARGES TO SURFACE WATERS

A. Coverage

~~This part~~Part III of ~~the this~~ permit covers discharges to surface waters of the ~~state~~State from hydrostatic ~~test wastewater testing~~ or ~~tank ballast wastewater ballasting~~. For ~~purposes of this~~Part III ~~only~~, “discharge” ~~refers to means~~ “discharges to surface waters”. ~~This Part III~~ does not apply to discharges from water lines or new sanitary sewer lines. These discharge requirements are found in Part IV.

B. Eligibility Criteria

To be authorized by this permit, the discharge of hydrostatic test water or tank ballast water to a surface water of the State shall not contain pollutant concentrations higher than those listed in the applicable table below. The eligibility criteria represent the average concentration expected over the duration of the discharge. These criteria will apply at the point where the discharge reaches a surface water.

For the purposes of this permit, a wastewater discharge to a storm sewer or tile line shall be assumed to reach a surface water of the State.

a) New or Unused Containers and Containers Previously Used ~~Solely~~ for Transport or Storage of Water

Wastewater Parameter	Eligibility Criteria
pH ¹	6.5 minimum - 9.0 maximum
Sulfate	1,514 mg/L
Chloride	629 mg/L
Total Suspended Solids (TSS) ²	45 mg/L
Oil and Grease	15 mg/L
Iron (total)	1.0 mg/L
Total Residual Chlorine (TRC) ³	0.019 mg/L
Aluminum (total) ⁴	0.75 2.5 mg/L

b) Containers Previously Used ~~For~~for Transport or Storage of Natural Gas or Natural Gas Liquids

Wastewater Parameter	Eligibility Criteria
pH ¹	6.5 minimum - 9.0 maximum
Sulfate	1,514 mg/L
Chloride	629 mg/L

Total Suspended Solids (TSS) ²	45 mg/L
Oil and Grease	15 mg/L
Iron (total)	1.0 mg/L
Polychlorinated biphenyls (PCBs)	0.002 mg/L
Total Residual Chlorine (TRC) ³	0.019 mg/L
Aluminum (total) ⁴	0.75 2.5 mg/L
Polychlorinated biphenyls (PCBs)	0.002 mg/L

c) **Containers Previously Used for Transport or Storage of Refined Petroleum Products (e.g., gasoline, kerosene, fuel oil, lubricating oil, asphalt)**

Wastewater Parameter	Eligibility Criteria
pH ¹	6.5 minimum - 9.0 maximum
Sulfate	1,514 mg/L
Chloride	629 mg/L
Total Suspended Solids (TSS) ²	45 mg/L
Oil and Grease	15 mg/L
Iron (total)	1.0 mg/L
Benzene*	0.510 mg/L
Toluene*	2.50 mg/L
Ethylbenzene*	2.10 mg/L
Xylenes*	10 mg/L
Total Residual Chlorine (TRC) ³	0.019 mg/L
Aluminum (total) ⁴	0.75 2.5 mg/L
Benzene⁵	0.510 mg/L
Toluene⁵	2.50 mg/L
Ethylbenzene⁵	2.10 mg/L
Xylenes⁵	10 mg/L
Methyl tertiary butyl ether (MTBE) ^{5,6}	0.040 mg/L
Lead (total) ^{‡7}	0.0197 0.197 mg/L

*For discharges to storm sewers or tile lines, a benzene limit of 0.005 mg/L and a BETX limit of 0.100 mg/L apply. BETX is the sum of benzene, ethylbenzene, toluene, and xylene.

‡The Total Lead criterion applies only when the container tested was previously used to store or transport leaded fuel.

d) **Containers Previously Used for Transport or Storage of Ammonia**

Wastewater Parameter	Eligibility Criteria
<u>pH¹</u>	<u>6.5 minimum - 9.0 maximum</u>
<u>Sulfate</u>	<u>1,514 mg/L</u>
<u>Chloride</u>	<u>629 mg/L</u>
<u>Total Suspended Solids (TSS)²</u>	<u>45 mg/L</u>
<u>Oil and Grease</u>	<u>15 mg/L</u>

<u>Iron (total)</u>	<u>1.0 mg/L</u>
<u>Total Residual Chlorine (TRC)³</u>	<u>0.019 mg/L</u>
<u>Aluminum (total)⁴</u>	<u>2.5 mg/L</u>
<u>Ammonia</u>	<u>1.0 mg/L</u>

d)e) Containers Previously Used for Transport or Storage of Fluids Other than Water, Natural Gas, Natural Gas Liquids, Refined Petroleum Products, or Water Ammonia

In addition to meeting the eligibility criteria below, these dischargers must provide the Department department with the identity of the fluid previously stored and any byproducts of that fluid. The estimated concentration of the fluid and byproducts in the discharge must also be provided.

Wastewater Parameter	Eligibility Criteria
pH ¹	6.5 minimum - 9.0 maximum
Sulfate	1,514 mg/L
Chloride	629 mg/L
Total Suspended Solids (TSS) ²	45 mg/L
Oil and Grease	15 mg/L
Iron (total)	1.0 mg/L
Total Residual Chlorine (TRC) ³	0.019 mg/L
Aluminum (total) ⁴	0.75 <u>2.5</u> mg/L

The footnotes Footnotes 1 through 4 below apply to all tables in Part III.B. Footnotes 5 through 7 below apply to the table in Part III.B.c. for containers that have been previously used for the transport or storage of refined petroleum products.

- 1 – The maximum pH criterion is increased to 9.5 when using drinking water that has been softened.
- 2 – The TSS criterion is increased to 150 mg/L when the hydrostatic test or tank ballasting uses untreated surface water and the water is discharged back to the same waterbody.
- 3 – The TRC criterion applies only if water containing chlorine is used the source of the water to be used for the hydrostatic test or ballast is chlorinated or if chlorine is added.
- 4 – The aluminum criterion applies only when alum is used to settle solids from the discharge or source water, via treatment at a drinking water plant, or when the container is made of aluminum.
- 5 – For discharges to storm sewers or tile lines, a benzene limit of 0.005 mg/L and a BETX limit of 0.100 mg/L apply. BETX is the sum of benzene, ethylbenzene, toluene, and xylene.
- 6 – The MTBE criterion applies only when the container was previously used to store or transport gasoline.
- 5–7 – The total Lead criterion applies only when the container tested was previously used to store or transport leaded fuel.

C. Eligibility Demonstration

1. Each discharger requesting coverage under this permit must have information that demonstrates that the discharge(s) will meet the applicable eligibility criteria listed in Part III.B. of this permit applicable to the discharge are met. Such information may consist of but is not limited to the following:
 - a. Results of the analysis of a sample or samples collected of the water prior to discharge;

- ~~-b.~~ Results of the analysis of a sample or samples from a previous discharge of a similar nature;
 - ~~-c.~~ Engineering estimates based on an analysis of the source water used;
 - ~~-d.~~ Visual observation of the water for turbidity (applicable to TSS) or a visible sheen (applicable to oil & grease) prior to discharge; and/or
 - ~~-e.~~ A statement, signed by the person responsible for the discharge, that to the best of his or her knowledge, there is no reasonable potential for the eligibility criteria to be exceeded.
2. Each discharger not required by Part III.D of this permit to submit an electronic Notice of Intent (eNOI) must have information on file to demonstrate that the discharge will meet the applicable eligibility criteria, but the information is not required to be submitted to the ~~Department~~ department except upon request.
 3. Each discharger required to submit an eNOI by Part III.D of this permit must submit information as part of the eNOI to demonstrate that the applicable eligibility criteria will be met ~~as part of the eNOI~~.
 4. This permit does not authorize the construction, installation, or modification of any disposal system or new point source. However, the permittee is authorized to temporarily utilize waste reduction technology or mechanisms to meet the ~~permit~~ eligibility criteria in this permit for the duration of the permit coverage.

D. Electronic Notice of Intent (eNOI)

1. eNOI Not Required

An eNOI is not required for discharge to a surface water unless the discharge is listed in Part III.D.2. All covered surface water discharges that are exempt from the eNOI submittal requirements are automatically authorized. No submittal to the ~~Department~~ department is required to commence these discharges.

2. eNOI Required

An eNOI must be submitted for a discharge to a surface water of the ~~state~~ State if one or more of the following apply:

- a. Chemicals will be added to the water, other than chlorine or chemicals commonly used for dechlorination; or
- b. The container to be tested was previously used to store or transport a fluid other than water, natural gas, natural gas liquids, ~~or~~ refined petroleum products, or ammonia.

E. eNOI Contents and Submittal Timeline

- ~~1.~~ For ~~if~~ any discharges to surface water ~~authorized~~ are expected to result at a site from the hydrostatic testing or tank ballasting activities covered under Part I.B and ~~required to submit~~ an eNOI is required under Part III.D.2, then a complete and accurate eNOI for the site's discharges must be submitted to the department.
- ~~1.2.~~ The eNOI should be received by the ~~Department~~ department a minimum of thirty (30) days prior to the ~~date the discharge is scheduled to commence~~ anticipated start date of any discharge occurring at the site.
- ~~2.3.~~ A completed eNOI shall be signed in accordance with Part ~~VII.G~~ VIII.G of this permit, and shall contain all of the following:
 - a. The name, mailing address, and telephone number for the owner of the pipeline, tank, or container;
 - b. The name, mailing address, and telephone number of the person responsible for the discharge(s);³
 - c. Location of the site in one or more of these formats:
 - ~~The name, street~~ Street address ~~(where applicable), city, and ZIP code;~~
 - ~~and county, and either the ¼ Quarter~~ section, section, township, and range, and county; or
 - ~~the latitude~~ Latitude and longitude ~~and county where each discharge will occur;~~

³ If there are multiple responsible parties for the discharge(s), the ~~Department~~ department requires that all the parties involved maintain a written explanation for the division of responsibilities.

- d. The anticipated ~~start date of~~when the discharge(s) from the site will start and the anticipated ~~end date~~ when the discharge(s) from the site will end if the discharge is not permanent;
- e. The receiving water body and route of flow to the first named stream shown on a 7.5--minute USGS topographic map;
- f. Whether the discharge(s) will result from hydrostatic testing or tank ballasting;
- g. ~~For discharges resulting from hydrostatic testing and tank ballasting, whether~~Whether the container to be hydrostatically tested or ballasted is new or used and, if used, ~~what material the container previously held~~;
- h. The source(s) of the water to be used for the hydrostatic test or ballast (e.g. private well, surface water, municipal system);
- i. A description of any mechanisms that will be used to remove pollutants;⁴
- j. The information required by Part III.C that demonstrates that the discharge(s) meets will meet the applicable eligibility criteria in Part III.B of this permit;
- k. The product name(s), Safety Data Sheet(s), and estimated concentration(s) of any chemical additives (other than chlorine or common dechlorination chemicals) that are expected to be present in the discharge(s);
- l. The identity and estimated concentration of any pollutants not listed in the appropriate applicable paragraph of Part III.B but that ~~are~~ expected to be present in the discharge; and
- m. Total project flow volume (in million gallons) and maximum daily flow (in million gallons per day).

~~3. A separate eNOI must be submitted for each site where a discharge will occur.~~

4. All eNOIs must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

F. Antidegradation Requirements for the Submittal of an eNOI

If ~~the a~~ discharge requires an eNOI and it will reach a water of the United States, the applicant must submit an Antidegradation Document containing either an Antidegradation Alternatives Analysis or a ~~temporary and limited justification~~Temporary and Limited Justification with the eNOI.^{5,6}

1. The Antidegradation Document will consist of an Antidegradation Alternatives Analysis when the discharge will last for more than ~~90 calendar days~~1 year at a site or the discharge will not be limited in impact.
 - ~~2.a.~~ The applicant is responsible for ensuring that public notice of the Antidegradation Alternatives Analysis is properly published and distributed to all interested parties.
 - ~~3.b.~~ The ~~Department~~department will not authorize a discharge ~~where an Alternatives Analysis is required~~ until the public comment period on the Antidegradation Alternatives Analysis has been completed and the applicant has addressed all public comments.
- ~~4.2.~~ The Antidegradation Document will consist of a ~~temporary and limited justification~~Temporary and Limited Justification when the discharge will last for ~~less than 90 days~~1 year or less and will have a limited impact. If the

⁴ The ~~Department~~department does not issue wastewater construction permits for temporary pollutant removal installations. This permit does not exempt any person from any permits necessary under programs other than wastewater (air, contaminated sites, flood plains, etc.).

⁵ The ~~Department~~department has prepared an Alternatives Analysis and has developed information to justify degradation as part of the development of this general permit for discharges that do not require the submittal of an eNOI. However, because of the variety of pollutants that could potentially be present in chemical additives or pipes used to transport other materials, the Department is not able to prepare an Alternatives Analysis for discharges that require the submittal of an eNOI under this permit.

⁶ Note: An Alternatives Analysis requires a 30-day public comment period prior to submittal to the ~~Department~~department. This should be factored into project time frames to avoid unnecessary delays in obtaining coverage under this permit or an individual permit.

~~Department~~ department does not agree with the justification ~~for the temporary and limited request~~, an Antidegradation Alternatives Analysis must be submitted.

~~5.3.~~ An Antidegradation Document may be used to cover multiple discharges according to the following:

- a. One Antidegradation Document may be used to cover discharges of the same type at multiple ~~locations~~ sites; ~~and~~
- b. A previously-approved Antidegradation Document may be used to cover a repeated discharge at the same ~~location~~ site; ~~but~~
- c. A previously-approved Antidegradation Document may not be used to cover a discharge ~~that will occur at aif~~ its location ~~that~~ was not included in the document.
- ~~d. An Antidegradation Document must be submitted with each eNOI it is intended to cover. The eNOI must indicate if the Document was previously approved.~~

~~4.~~ An Antidegradation Document must be submitted with each eNOI it is intended to cover.

a. The eNOI must indicate if the Antidegradation Document was previously approved.

~~6.b.~~ The complete eNOI and Antidegradation Document should be received by the ~~Department~~ department at least thirty (30) days prior to the ~~commencement~~ anticipated start date of ~~the~~ discharge.

~~7.c. An~~ The eNOI and Antidegradation Document ~~must accompany an eNOI and~~ must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

G. Department Response to eNOI Submittal

Within thirty (30) days of receipt of a complete eNOI (and Antidegradation Document, if required), the ~~Department~~ department will either:

1. Issue a written authorization to discharge under the terms and conditions of this permit; or,
2. Issue a written notification which states that coverage under this ~~general~~ permit is denied ~~which states and~~ provides the reason for denial. If coverage under this ~~general~~ permit is denied, a person may apply for an individual permit in accordance with Part ~~VII.Q~~ VIII.O of this permit.

H. Duration of Coverage

1. eNOI Not Required –

~~1.~~ For ~~a~~ discharges for which submittal of an eNOI is not required (~~see Part III.D~~), coverage under this permit shall be in effect from the first day of discharge through the last day of discharge at a ~~single location~~ site.

2. eNOI Required –

~~2.~~ For discharges for which submittal of an eNOI is required, coverage under this permit shall be in effect from the anticipated start date ~~of the discharge~~ to the anticipated end date of the discharge (s) from the site as stated in the eNOI, unless otherwise stated by the ~~Department~~ department. The permittee must notify the ~~Department~~ department of any discharge that extends beyond the anticipated end date. The notification ~~should~~ must occur as soon as the permittee becomes aware of the need for an extension. The ~~Department~~ department will make a determination as to whether to approve the extension of coverage or require a new eNOI.

I. Operating Requirements for Discharges to Surface Waters

Any discharge that will reach a surface water of the State shall comply with all of the following requirements:

1. Discharge ~~points~~ locations shall be selected to avoid a direct discharge into a surface water of the State unless infeasible;
2. Best Management Practices (BMPs) shall be used to prevent contamination of water used for hydrostatic testing or tank ballast by fuel, lubricants, or waste materials during the testing or tank installation process;

3. Storage and installation of containers to be hydrostatically tested or ballasted shall be done in such a way that prevents debris or other materials from being deposited within the container where they may later be discharged to a surface water of the State;
4. Discharges shall be free from:
 - a. Substances that will settle to form sludge deposits;
 - b. Floating debris, oil, grease, scum, and other floating materials in amounts sufficient to create a nuisance;
 - c. Materials producing objectionable color, odor, or other aesthetically objectionable conditions;
 - d. Substances in concentrations or combinations which are acutely toxic to human, animal, or plant life; and
 - 2-e. Substances in quantities that would produce undesirable or nuisance aquatic life;
5. Any chemicals added to the wastewater shall be used according to the manufacturer's instructions; and
- 3-6. Discharges shall be performed occur in a manner to prevent or minimize erosion of soil or other materials into a surface water of the State. Practices to prevent erosion include, but are not limited to, splash pads, straw bales, silt fences, and vegetated buffer strips; and
- 4-1. Any chemicals added to the wastewater shall be used according to the manufacturer's instructions.

J. Discharges shall be free from:

1. substances that will settle to form sludge deposits;
2. floating debris, oil, grease, scum, and other floating materials in amounts sufficient to create a nuisance;
3. materials producing objectionable color, odor, or other aesthetically objectionable conditions;
4. substances in concentrations or combinations which are acutely toxic to human, animal, or plant life; and
5. substances in quantities that would produce undesirable or nuisance aquatic life.

K.J. Best Management Practices Plans (BMP Plans)

For any surface water discharge for which an eNOI is required to be submitted, the permittee shall develop and implement a written Best Management Practices Plan (BMP Plan).

1. The BMP Plan must address all of the following:
 - 1-a. The location of each discharge point location by county and either: quarter section, section, township, and range or latitude and longitude;
 - a. ¼ section, section, township, and range; or
 - b. Latitude and longitude.
 - b. Identify the source(s) of the water to be used for ballasting or testing;
 - c. Specify the procedures that will be followed to clean the pipe, tank, or container to remove contaminants, if necessary, prior to filling with water;
 - 2-d. The procedures that will be implemented to minimize soil erosion at the location of each discharge point location;
 - 3-e. The type of treatment, BMPs, and/or other measures, if any, that will be used to minimize the discharge of pollutants to the maximum extent possible; and
 - 4-f. Any other practices necessary to minimize the discharge of pollutants;
 5. For discharges resulting from hydrostatic testing and tank ballasting:
 - a. Identify the source of the water to be used for ballasting or testing;
 - b. Specify the procedures that will be followed to clean the pipe, tank, or container to remove contaminants, if necessary, prior to filling with water.
 - L. Other BMP Plan Requirements.
1. The permittee shall maintain the BMP Plan at a location where it can be easily provided to the Department upon request. Plans are not required to be submitted to the Department except upon request.

2. The BMP Plan may be combined with other ~~Plans-plans~~ such as a Storm Water Pollution Prevention Plan (SWPPP) or a Spill Prevention, Control and Countermeasures Plan (SPCC) developed for the site where a discharge will occur provided each of the requirements in ~~Part III.K.1-5 above~~this subpart are addressed and those aspects of the ~~Plan-plan~~ applicable to the discharge covered under this permit are clearly delineated.
- ~~3. The permittee shall maintain the BMP plan in a location that conforms to customary business practices for three years from the end of the discharge, and shall be available to the Department upon request.~~
- ~~4. BMP Plans are only required when an eNOI is required.~~

M.K. Monitoring Requirements

Each day that a discharge resulting from hydrostatic testing or tank ballasting occurs at a site, the physical appearance of the ~~wastewater discharge~~ must be observed. Visual observations of color, odor, turbidity, petroleum sheen, and any other observations regarding floating or suspended matter, and the general appearance of the ~~wastewater discharge~~ shall be documented in writing. The documentation must include the date and time of the examination and the name of the person performing the examination. If any observation finds that the discharge does not comply with one or more of the operating requirements in Part III.I and Part III.J of this permit, the activity discharge shall cease immediately ~~cease~~ and shall not resume until corrective action is taken. Guidance on performing visual observations can be found in Attachment 3.

N.L. Reporting

~~No reports are required to be submitted.~~ The records required by Part III.~~OM~~ of this permit shall be submitted to the ~~Department~~department upon request.

O.M. Recordkeeping

1. Records ~~of the following~~ must be kept for each discharge of the following items or disposal event:
 - a. The location of the site where the hydrostatic testing or tank ballasting activity occurred (either the street address; quarter section, section, township and range; or latitude and longitude);
 - ~~b.~~ The start and end date(s) for each discharge or disposal event started and ended that occurred at the site;
 - ~~c.~~ The measured or estimated volume of water discharged or disposed of on each day a discharge occurs;
~~The location of the activity (either the street address; ¼ section, section, township and range; or latitude and longitude);~~
 - ~~d.~~ Results of visual monitoring activities using Attachment 4 or an equivalent document; and
 - ~~e.~~ The results of any analyses performed; and
 - ~~f.~~ The BMP Plan, if an eNOI is required.
2. All records shall be retained for a minimum of three (3) years after the discharge ends in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.

P.N. Unanticipated Discharge

Records shall be kept of any unanticipated discharge associated with activities authorized under this permit. These records shall include the date(s) and locations of each discharge, the name of the person responsible for the discharge, the estimated volume of the discharge, the source of the discharge (i.e. hydrostatic testing or tank ballast water) and any available information that demonstrates that the eligibility criteria in Part III.B were met. These records shall be retained for a minimum of three (3) years after the discharge ends in a location that conforms to customary business practices.

PART IV. ~~WATER LINE DISCHARGES~~ FROM WATER LINES OR NEW SANITARY SEWER LINES

A. Coverage

~~This part~~Part IV of ~~the this~~ permit covers discharges to the ground surface or to surface waters of the ~~state~~State from disinfection, flushing, or pressure testing of water lines and new sanitary sewer lines and associated equipment (e.g., valves, fittings, or other appurtenances). For purposes of ~~this~~Part IV, “discharge” refers to both discharges to surface waters of the State or discharges to the ground surface, unless otherwise specified. Parts II and III do not apply to discharges covered under this ~~Part~~part.

B. Electronic Notice of Intent (eNOI)

eNOIs are not required for ~~water line~~the discharges covered under this permit from water lines and new sanitary sewer lines and associated equipment. These discharges are automatically authorized. No submittal to the department is required to commence these discharges.

C. Duration

Coverage shall extend from the ~~permit~~ issuance date to the ~~permit~~ expiration date of this permit.

D. Operating Requirements

Discharges covered under Part IV of this permit shall comply with all of the following requirements:

1. Discharge points shall be selected to avoid a direct discharge into a surface water of the State unless infeasible;
2. Discharges to surface waters of the State shall be free from:
 - a. Substances that will settle to form sludge deposits;
 - b. Floating debris, oil, grease, scum, and other floating materials in amounts sufficient to create a nuisance;
 - c. Materials producing objectionable color, odor, or other aesthetically objectionable conditions;
 - d. Substances in concentrations or combinations which are acutely toxic to human, animal, or plant life; and
 - e. Substances in quantities that would produce undesirable or nuisance aquatic life;
- 2.3. Discharges shall be performed occur in a manner to prevent or minimize erosion of soil or other materials into a surface water of the State. Practices to prevent erosion include, but are not limited to, splash pads, straw bales, silt fences, and vegetated buffer strips; and
- 3.4. Any chemicals added to the wastewater water shall be used according to the manufacturer’s instructions.

~~E. Discharges to waters of the state shall be free from:~~

1. ~~substances that will settle to form sludge deposits;~~
2. ~~floating debris, oil, grease, scum, and other floating materials in amounts sufficient to create a nuisance;~~
3. ~~materials producing objectionable color, odor, or other aesthetically objectionable conditions;~~
4. ~~substances in concentrations or combinations which are acutely toxic to human, animal, or plant life; and~~
5. ~~substances in quantities that would produce undesirable or nuisance aquatic life.~~

F.E. Monitoring

No monitoring is required ~~of for~~ discharges resulting from ~~water line~~ disinfection, flushing, or pressure testing of water lines and new sanitary sewer lines and associated equipment.

G.F. Reporting

No reports are required to be submitted.

H.G. Recordkeeping

No recordkeeping is required for discharges resulting from ~~water line~~ disinfection, flushing, or pressure testing of water lines and new sanitary sewer lines and associated equipment.

PART V. HAZARDOUS CONDITION DOCUMENTATION AND REPORTING

A. Six (6) Hour Hazardous Condition Notification

If you observe or are otherwise made aware of a hazardous condition, as defined in Part VI, which may have resulted from a discharge authorized under this permit, you must immediately notify the department. Pursuant to 567 IAC 131.2, this notification must be made by telephone within six (6) hours of you becoming aware of the hazardous condition. Notification shall be made by calling the department's Environmental Emergency Reporting Hotline at (515) 725-8694. At a minimum, notifications must include all of the following:

1. The caller's name and telephone number;
2. Operator name and mailing address;
3. The name and telephone number of a contact person, if different than the person providing the 6-hour notice;
4. How and when you became aware of the hazardous condition;
5. The exact location of the hazardous condition;
6. Name of any waterbody affected by the hazardous condition;
7. Description of the hazardous condition; and
8. Description of any steps you have taken or will take to contain any hazardous effects.

B. Thirty (30) Day Hazardous Condition Written Report

Within thirty (30) days of becoming aware of the hazardous condition reported pursuant to Part V.A, you must postmark a written report of the hazardous condition to the appropriate regional department Field Office. The Field Office addresses are available at www.iowadnr.gov. Your hazardous condition report must include the information required in 567 IAC 131.2, Report of Hazardous Conditions. Contact the appropriate department Field Office for more information. A copy of the hazardous condition report submitted to the department must be retained for a minimum of three (3) years in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.

PART ~~V~~VI. GLOSSARY OF TERMS

Antidegradation Document means either an Antidegradation Alternatives Analysis or a ~~temporary and limited justification~~Temporary and Limited Justification.

Container means 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.

Hazardous condition means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the ~~state~~State, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. (567 IAC 131.1)

Hazardous substance means any substance or mixture of substances that presents a danger to the public health or safety and includes but is not limited to a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. "Hazardous substance" may include any hazardous waste identified or listed by the administrator of the United States ~~environmental protection agency~~Environmental Protection Agency (EPA) under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal

Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act. (~~2015 Code of Iowa, Code §~~ 455B.381(5))

Hydrostatic testing means placing water in pipes, pipelines, tanks or other vessels and raising the pressure to greater than atmospheric pressure in order to check for leaks and/or structural integrity of the tested materials. It also includes filling pipes, pipelines, tanks and other vessels with water to test for leaks without raising the pressure to above atmospheric pressure.

Individual permit means an NPDES permit issued for the discharge of a pollutant from a point source to waters of the United States in accordance with ~~Subrule Paragraph~~ 567 IAC 64.3(4)-“a” or a ~~state~~ State operation permit.

Person means any agency of the state or federal government or institution thereof, any municipality, governmental subdivision, interstate body, public or private corporation, individual, partnership, or other entity and includes any officer or governing or managing body of any municipality, governmental subdivision, interstate body or public or private corporation. (~~Code of Iowa Code §~~ 455B.171(18)-“a”)

State operation permit means a written permit by the director authorizing the operation of a wastewater disposal system or part thereof or discharge source and, if applicable, the discharge of wastes from the disposal system or part thereof or discharge source to waters of the ~~state~~ State. An NPDES permit will constitute the operation permit in cases where there is a discharge to a water of the United States and an NPDES permit is ~~required by~~ issued under the Clean Water Act. (~~{567 IAC 60.2}~~)

Tank ballast water means water added to an empty underground storage tank during installation or flooding to ensure the tank is properly seated and stable.

~~Temporary means a discharge that occurs for a period of not more than ninety (90) consecutive days at a single location.~~

Temporary and Limited Justification means a document ~~that presents the applicant’s argument that any degradation from the discharge will be temporary and limited prepared by or on behalf of the applicant to support the assertion that a discharge will not last for more than 1 year at a site and that any degradation from the discharge will have a limited impact.~~ The document must include the following:

- a) Length of time during which water quality will be lowered;
- b) Percent change in ambient conditions;
- c) Pollutants affected;
- d) Likelihood for long-term water quality benefits to the water body;
- e) Degree to which achieving the applicable Water Quality Standards during the proposed activity may be at risk; and
- f) Potential for any residual long-term effects on existing uses.

Unanticipated discharge means any discharge that a reasonable person could not have known in advance or been expected to know in advance would occur and which is not the result of human error.

Water of the State means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (~~Code of Iowa Code §~~ 455B.171(39))

Waters of the United States or waters of the US means those waters defined at 40 Code of Federal Regulations (CFR) § 122.2.

PART ~~VII~~. STANDARD CONDITIONS FOR DISCHARGES TO THE GROUND SURFACE

A. Administrative Rules

Rules of this ~~Department~~ department that govern the activities covered by ~~General Permit 9~~ this permit are published in ~~Part 567 of the Iowa Administrative Code (IAC)~~ in Chapters 63 – 64.

B. Address Change or Transfer of Title

If coverage under this permit is transferred, the new permittee shall be subject to this permit. The original permittee must notify the new permittee of the requirements of this permit in writing prior to any transfer of coverage.

1. **eNOI Not Required** - Coverage for any activity for which an eNOI is not required by this permit may be transferred without written notice to the ~~Department~~ department provided there is consent of the original permittee and the person to whom coverage is being transferred.
2. **eNOI Required**- For any activity for which an eNOI was submitted, the ~~Department~~ department must be notified in writing of the transfer no later than thirty (30) days following the effective date of the transfer. The notice must contain the name and address of the original permittee, the name and address of the person to whom the coverage is being transferred, the location of the activity and the effective date of the transfer. Whenever the address of the owner is changed, the ~~Department~~ department shall be notified. ~~{See 567 IAC 64.14}~~

C. Continuation of the Expired General Permit

This permit will remain in full force and effect until replaced by adoption of a new general permit or rescission by the ~~Department~~ department.

D. Duty to Provide Information

You must furnish to the Director, within a reasonable time, any information the Director may request to determine compliance with this permit or determine whether or not cause exists for modifying, revoking and reissuing, or terminating this permit, in accordance with 567 IAC 64.3(11)“c”. You must also furnish to the Director, upon request, copies of any records required to be kept by this permit.

E. Permit Actions

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any ~~permit~~ condition of this permit.

F. 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.

G. Noncompliance

You shall give advance notice to the appropriate regional field office of the department of any planned activity that may result in noncompliance with ~~permit~~ the requirements of this permit. ~~{See 567 IAC 63.1514}~~

H. Planned Changes (for Notice of Intent permittees only)

The permittee shall give notice to the appropriate regional field office of the department thirty (30) days prior to any planned physical alterations or additions to the permitted activity. Notice is required only when:

- ~~a.1.~~ Notice has not been given to any other section of the department-; and ~~{See 567 IAC 64.2}~~

~~b.2.~~ The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in ~~the this~~ permit. ~~{See [567 IAC 63.13]}~~

I. Other Information

When you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, you must promptly submit such facts or information. When you become aware that you failed to submit any relevant facts in the submission of any report to the director, including records of operation, you shall promptly submit such facts or information. ~~{See [567 IAC 60.4(2)“a” and 567 IAC 63.7(6)]}~~

J. Investigations and Entry

The director of the department or a designee may enter at any reasonable time in and upon any private or public property to investigate any actual or possible violation of this permit. However, the owner or person in charge shall be notified in accordance with Iowa Code § 455B.103(4).

K. Signatory Requirements

The person who signs the eNOI shall be as follows:

1. *Corporations.* In the case of a corporation, a responsible corporate officer. A responsible corporate officer means:
 - a) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
 - b) The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. *Partnerships.* In the case of a partnership, a general partner.
3. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
4. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:
 - a) The chief executive officer of the agency; or
 - b) A senior executive officer having responsibility for the overall operations of a unit of the agency. ~~{[567 IAC 64.3(8)]}~~

L. Individual Permit

1. Any person that cannot meet the requirements of this permit must apply for and be issued an individual permit in order to dispose of wastewater resulting from activities listed in Part I.B.
- ~~1.2.~~ Any person authorized under this permit may apply for an individual permit at any time.
- ~~2.3.~~ The ~~Department~~department may require any person authorized under this permit to apply for and obtain an individual permit. The causes for doing so may include, but are not limited to, the location of the discharge, duration of the discharge, volume of discharge, types of pollutants present or suspected, and history of non-compliance with this ~~general~~ permit.
- ~~3.4.~~ When an individual permit is issued for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the effective date of the individual permit. When an individual permit is denied for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the date of such denial, unless otherwise specified in writing by the ~~Department~~department.

PART ~~VII~~VIII. STANDARD CONDITIONS FOR DISCHARGES TO SURFACE WATERS

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Iowa Code and/or the Clean Water Act and is grounds for enforcement action; for termination of coverage under this ~~general~~ permit; or for denial of a request for coverage under a reissued general permit. Issuance of this permit does not relieve you of the responsibility to comply with all local, state, and federal laws, ordinances, regulations or other applicable legal requirements. ~~{{(40 CFR § 122.41(a) and 567 IAC 64.7(4)“e”}}~~

B. Continuation of the Expired General Permit

This permit will remain in full force and effect until replaced by adoption of a new general permit or rescinded by the ~~Department~~department.

C. 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. ~~{{(40 CFR § 122.41(c) and 567 IAC 64.7(7)-“j”}}~~

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. ~~{{(40 CFR § 122.41(d) and 567 IAC 64.7(7)-“i”}}~~

E. Duty to Provide Information

The permittee shall furnish to the ~~Department~~department, within a reasonable time, any information the ~~Department~~department may request to determine compliance with this permit or determine whether cause exists for terminating coverage under this permit. The permittee shall also furnish to the ~~Department~~department, upon request, copies of any records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report or record provided to the ~~Department~~department, he or she shall promptly submit such facts or information. ~~{{(567 IAC 60.4(2)-“a” and 567 IAC 63.7(6))}}~~

G. Signatory Requirements

The person who signs the eNOI shall be as follows:

1. *Corporations*. In the case of a corporation, a responsible corporate officer. A responsible corporate officer means:
 - a) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
 - b) The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. *Partnerships*. In the case of a partnership, a general partner.
3. *Sole proprietorships*. In the case of a sole proprietorship, the proprietor.

4. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:
- a) The chief executive officer of the agency; or
 - b) A senior executive officer having responsibility for the overall operations of a unit of the agency. ~~{567 IAC 64.3(8)}~~

H. Certification

Any person signing documents under paragraph VII.G shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." ~~{567 IAC 64.3(8)-"f"}~~

I. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

J. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. ~~{567 IAC 64.4(3)-"b"}~~

K. 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~~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.

L. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with any Best Management Practices Plan required to be prepared by this permit. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems which have been installed by a permittee only when necessary to achieve compliance with the conditions of this permit. ~~{40 CFR § 122.41(e) and 567 IAC 64.7(7)-"f"}~~

M. Inspection and Entry

The permittee shall allow the ~~Department~~department or an authorized representative of EPA, the State, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;

2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
4. Sample, or monitor, at reasonable times, any discharge of pollutants.

N. Permit Actions

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any permit condition.

O. Individual Permit

1. Any person that cannot meet the requirements of this permit must apply for and be issued an individual permit in order to dispose of wastewater resulting from activities listed in Part I.B.
- 1.2. Any person authorized under this permit may apply for an individual permit at any time.
- 2.3. The ~~Department~~ department may require any person authorized under this permit to apply for and obtain an individual permit. The causes for doing so may include, but are not limited to, the location of the discharge, duration of the discharge, volume of discharge, types of pollutants present or suspected, and history of non-compliance with this ~~general~~ permit.
- 3.4. To apply for an individual permit, a permit application including an Antidegradation Alternatives Analysis (if applicable) or justification that degradation caused by the discharge will be temporary and limited (if applicable) must be submitted a minimum of 180 days prior to the date on which authorization to discharge under the individual permit is desired and in accordance with the requirements of Subrule 567 IAC 60.4(2).
- 4.5. When an individual permit is issued for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the effective date of the individual permit. When an individual permit is denied for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the date of such denial, unless otherwise specified in writing by the ~~Department~~ department.

P. Address Change or Transfer of Title

If coverage under this permit is transferred, the new permittee shall be subject to this permit. The original permittee must notify the new permittee of the requirements of this permit in writing prior to any transfer of coverage.

1. **eNOI Not Required** - Coverage for any activity for which an eNOI is not required by this permit may be transferred without written notice to the ~~Department~~ department provided there is consent of the original permittee and the person to whom coverage is being transferred.
2. **eNOI Required**- For any activity for which an eNOI was submitted, the ~~Department~~ department must be notified in writing of the transfer no later than thirty (30) days following the effective date of the transfer. The notice must contain the name and address of the original permittee, the name and address of the person to whom the coverage is being transferred, the location of the activity and the effective date of the transfer. Whenever the address of the owner is changed, the ~~Department~~ department shall be notified.

Q. Continuing Coverage

If an eNOI is submitted for an activity that will continue beyond the expiration date of this permit, an eNOI must be submitted for coverage under a subsequent general permit. However, a new ~~Alternatives Analysis~~ Antidegradation Document is not required.

**Attachment 1:
ONRW and OIW Waters in Iowa**

Outstanding National Resource Waters (ONRW)

There are no waters in Iowa designated as Outstanding National Resource Waters as of the date of issuance of this permit.

Outstanding Iowa Waters (OIW)

STREAM	DESCRIPTION	LENGTH (Miles)
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	From road crossing in SW ¼, NW1/4, S11, T86N, R10W, Benton Co. to E line, S25, T87N, R10W, Buchanan Co.	5.2
Bloody Run	From (W. line of Section 22, T95N, R4W, Clayton Co.) to the confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44	8.59
Brownfield Creek	Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)	0.94
Clear Creek	Mouth (Allamakee Co.) to W. line of Section 25, T99N, R4W, Allamakee Co.	3.79
Deer Creek	Road crossing in SE¼, S35, T100N, R19W, Worth Co. to the N. line of S7, T100N, R19W, Worth Co.	7.29
Dousman Creek	Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line.	3.44
Duck Creek	From the mouth (S14, T100N, R06W Allamakee Co.) to the Iowa-Minnesota state line.	1.98
Ensign Creek (aka Ensign Hollow)	Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)	1.05
Unnamed Creek (aka Erickson Spring Branch)	Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.	0.91
French Creek	Mouth (Allamakee Co.) to E. line of Section 23, T99N, R5W, Allamakee Co.	5.58
Grannis Creek	Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.	3.56
Jones Creek	From the mouth (S19, T98N, R04W Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R05W Allamakee Co.)	5.75
Kleinlein Creek	Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)	3.96
Lime Creek	From confluence with unnamed tributary in NE ¼, NW ¼, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.	3.0
Little Paint Creek	Mouth to N. line of Section 30, T97N, R3W	1.92
Ludlow Creek	Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)	2.00

Mill Creek (aka Big Mill Creek)	Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)	8.04
Mossey Glen Creek	Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.	1.96
North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line.	6.39
Pine Creek (aka South Pine Creek)	Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.	2.80
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
South Canoe Creek	From the mouth (S22, T99N, R08W Winneshiek Co.) to the bridge crossing at Winn Rd. (S21, T99N, R08W Winneshiek Co.)	1.90
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83
Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co.	1.37
Trout Run	Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach.	1.0
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
Unnamed Creek (aka Cold Water Creek)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of Section 31, T100N, R9W, Winneshiek Co.)	2.46
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line.	9.39
West Branch French Creek	From the mouth (S23, T99N, R05W, Allamakee Co.) to the confluence with Unnamed Creek (S26, T99N, R05W, Allamakee Co.)	0.67
	Grand Total:	118.08
LAKES	DESCRIPTION (Section, Township, Range)	SIZE (Acres)
Big Spirit Lake SGMA	S33, T100N, R36W	5684
West Okoboji Lake SGMA	S20, T99N, R36W	3,847

**Attachment 2:
State-owned Natural and Artificial Lakes**

County	Lakes
Adair	Meadow Lake, Meadow Lake Watershed Pond 1, Meadow Lake Watershed Pond 2
Adams	Lake Icaria
Allamakee	Big Lake (Lansing), Kains Lake S.W.A., Mud Hen Lake, New Albin Big Lake, Waukon Junction Marsh, Yellow River Pond
Appanoose	Stephen's Forest - Unionville Area Pond
Benton	Dudgeon Lake
Black Hawk	Alice Wyth Lake, Big Woods Lake, Fisher Lake, George Wyth Lake, Railroad Lake (Falls Access S.W.M.A.)
Bremer	Martens Lake, Sweet Marsh Reservoir, Sweet Marsh Seg. A, Sweet Marsh Seg. C
Buchanan	Troy Mills Marsh
Buena Vista	Pickeral Lake, Storm Lake (incl. Little Storm Lake)
Butler	Big Marsh
Calhoun	Calhoun W.A. Pond, North Twin Lake, South Twin Lake
Carroll	Artesian Lake, Swan Lake
Cass	Cold Springs Lake, Lake Anita
Cerro Gordo	Clear Lake, Clear Lake Marsh, Lekwa Marsh, McIntosh Wildlife Area, Ventura Marsh
Clay	Barringer Slough, Dan Greene Slough, Ducks Unlimited Marsh, Elk Lake, Hawk Valley Pond (east), Hawk Valley Pond (west), Mud Lake, Round, Trumbull Lake
Clayton	Sny Magill Ponds (3)
Clinton	Goose Lake, McAndrews Wildlife Area Pond
Dallas	Beaver Lake
Davis	Eldon Game Area Ponds, Lake Wapello
Decatur	Nine Eagles Lake
Delaware	Backbone Lake, Silver Lake (Delaware)
Des Moines	Allen Green Refuge Marsh, Round Lake
Dickinson	Big Spirit Lake, Center Lake, Christopherson Slough, Diamond Lake, East Hottes, East Okoboji Lake, Garlock Slough, Grover's Marsh, Hale Slough, Jemmerson Slough, Lake Park Pond, Lily Lake, Little Spirit Lake, Little Swan Lake, Lower Gar Lake, Marble Lake, Minnewashta Lake, Pleasant Lake, Prairie Lake, Sandbar Slough, Silver Lake (Dickinson), Sunken Lake, Swan Lake, Upper Gar Lake, Welch Lake, West Hottes, West Okoboji Lake
Emmet	Burr Oak Lake, Cheever, Eagle, Four Mile, High Lake, Ingham Lake, Iowa Lake, Tuttle Lake, Twelve-Mile Lake, West Swan Lake S.W.M.A.
Fayette	Volga Lake
Franklin	Beeds Lake
Fremont	Bartlett Lake, Forney's Lake S.W.M.A., Lake Virginia, McPaul A Pond, McPaul B Pond, Percival Lake, Scott Lake A, Scott Lake B, Waubonsie Access Lake
Greene	Goose Lake
Guthrie	Bays Branch, Springbrook Lake
Hamilton	Little Wall Lake

County	Lakes
Hancock	Crystal Lake, Crystal Lake Sediment Pond, Eagle Lake, East Twin Lake, Eight Mile Pits, Meredith Marsh, Pilot Knob Lake, West Twin Lake
Hardin	Lower Pine Lake, Pine Ridge R.A. Lake, Steamboat Rock, Upper Pine Lake
Harrison	California Bend, Hebb Wetland #1, Hebb Wetland #2, Kress Wetland, Nobles, Round Bend, Shriners Wetland, Spencer Area Wetland, St. John's Lake, Tyson Bend
Henry	Lake Geode, Lake Geode Pond #1, Lake Geode Pond #3, Lake Geode Pond #4, Lake Geode Pond #5, Lake Geode Pond #6, Lake Geode Pond #7, Lake Geode Pond #8
Jackson	Bellevue Pond, Blake's Lake, Densmore Lake, Fish Lake, Green Island Lake, Little Sawmill Lake, Sawmill Lake, Snider Lake
Jasper	Deppe Pond (north), Deppe Pond (south), Rock Creek Lake, Rock Creek Lake Park Pond (east), Rock Creek Lake Park Pond (north), Rock Creek Lake Park Pond (west), Stephens State Forest Reichelt Unit Lake
Johnson	Burlington Street Dam, Lake Macbride, Oakdale Ponds, Redbird Farms W.A. Ponds, Swan Lake
Jones	Muskrat Slough, Olin R.A. Pond
Kossuth	Burt Lake, Goose Lake, State Line Marsh
Lee	Bitternut, Black Oak, Martens Pond, Martin Pond, Shagbark, White Oak
Linn	Chain-O-Lakes Area, Pleasant Creek Lake
Louisa	Cone Marsh, Klum Lake, Lake Odessa
Lucas	Brown's Slough, Colyn North Marsh, Colyn South Marsh, Red Haw Lake, Red Haw Pond 1 (E), Red Haw Pond 2 (middle), Red Haw Pond 3 (north), Stephen's Forest Whitebreast Pond 2, Stephen's Forest Lucas Unit Pond 1, Stephen's Forest Lucas Unit Pond 2, Stephen's Forest Whitebreast Pond 1, Williamson Pond
Lyon	Jasper Pool
Madison	Badger Creek Lake, Badger Creek Pond
Mahaska	Hawthorn Lake, Hawthorn Lake Watershed Ponds, Hull W.A. Marsh, Lake Keomah
Marion	Pella S.G.M.A. Ponds
Mills	Folsom Lake, Keg Creek Lake, Mile Hill Lake, P.J. Lake, Willow Slough
Mitchell	Otranto Impoundment
Monona	Badger Lake, Blackbird Bend, Blencoe Lake, Blue Lake, Decatur Lake, I-29 Access Area borrow pit - DRY, Jepsen Wetland, Loess Hills State Forest - Jones Creek, Louisville Bend Marsh W. A., Lower Decatur Lake, Middle Decatur Lake, Upper Decatur Bend
Monroe	Cottonwood Pits, Gladson-Carmack Pond, La Hart Area Wetland, Lake Miami
Montgomery	Viking Lake
Muscatine	Wiese Slough
Osceola	Ashton Pits Wildlife Management Area, Iowa Lake, Rush
Palo Alto	Five Island Lake, Lost Island Lake, Rush Lake S.W.M.A., Silver Lake (Palo Alto), Virgin Lake
Plymouth	Deer Creek Lakes S.W.M.A.
Pocahontas	Little Clear Lake, Lizard Lake, Shimon Marsh, Sunken Grove Lake
Polk	Ankeny Lake (DMACC), Big Creek Lake
Pottawattamie	Carter Lake, Lake Manawa, Saganaush Pond
Ringgold	Fogle Lake S.W.A., Mt. Ayr Game Area Ponds, Mt. Ayr Old Reservoir, Ringgold Management Area Ponds, Walnut Creek Marsh
Sac	Arrowhead Lake, Black Hawk Lake, Black Hawk Pits, Jana R.A. Pit, L Pond

County	Lakes
Scott	Crow Creek W.A. Lake, Lost Grove Lake, Lost Grove Lake Pond
Shelby	Prairie Rose Lake
Story	Hendrickson Marsh, Lake Laverne
Tama	Otter Creek Marsh, Union Grove Lake
Taylor	Lake of Three Fires
Union	Green Valley Lake, Summit Lake, Three Mile Lake, Twelve Mile Creek Lake
Van Buren	Lacey Keosauqua Park Lake, Lake Miss (Tug Fork W), Lake Sugema, Piper's Pond (Tug Fork E)
Wapello	Arrowhead Lake
Warren	Banner Lake (north), Banner Lake (south), Hooper Area Pond, Lake Ahquabi
Washington	Darling Campground Pond, Darling Youth Camp Pond, Lake Darling, Lake Darling Watershed Pond 1, Lake Darling Watershed Pond 10, Lake Darling Watershed Pond 11, Lake Darling Watershed Pond 12, Lake Darling Watershed Pond 13, Lake Darling Watershed Pond 14, Lake Darling Watershed Pond 15, Lake Darling Watershed Pond 16, Lake Darling Watershed Pond 17, Lake Darling Watershed Pond 18, Lake Darling Watershed Pond 19, Lake Darling Watershed Pond 2, Lake Darling Watershed Pond 20, Lake Darling Watershed Pond 21, Lake Darling Watershed Pond 22, Lake Darling Watershed Pond 23, Lake Darling Watershed Pond 24, Lake Darling Watershed Pond 25, Lake Darling Watershed Pond 3, Lake Darling Watershed Pond 4, Lake Darling Watershed Pond 5, Lake Darling Watershed Pond 6, Lake Darling Watershed Pond 7, Lake Darling Watershed Pond 8, Lake Darling Watershed Pond 9
Wayne	Bob White Lake
Webster	Brushy Creek Lake, Lizard Creek Game Area Ponds
Winnebago	Harmon Lake, Myre Slough, Rice Lake
Winneshiek	Cardinal Marsh, Lower Dam Impoundment, Upper Dam Impoundment
Woodbury	Browns Lake, Midway Park Lake, Snyder Bend Lake, Stone State Park Pond, Winnebago Bend Lake
Worth	Elk Creek Marsh, Silver Lake (Worth), Silver Lake Marsh
Wright	Big Wall Lake, Elm Lake, Lake Cornelia, Morse Lake

Attachment 3: Guidance for Conducting and Documenting Visual Observations of Discharges

A visual examination of a discharge must be conducted at least once during each day a discharge occurs. However, conducting examinations more frequently is encouraged in order to detect and correct any problems as soon as possible. If discharge is to occur during nighttime hours, an examination should take place during the late afternoon or evening while there is sufficient light available and again early in the morning.

Each visual examination must document observations of color, odor, turbidity (also referred to as clarity), petroleum sheen, and any other observations regarding the general appearance of the discharge (e.g. floating solids, or settled materials, foam, sheens, erosion, and any other obvious indications of water pollution).

It is recommended that the same person or persons perform and document the visual examinations ~~each day that discharge occurs~~ so that they are done in a consistent manner. The examination should be conducted at the end of the hose, pipe, or other conduit that carries water. For surface water discharges, this point should also be prior to the point where the water enters any river, stream, drainage ditch, storm sewer, or tile line.

The results must be documented in writing with the date and time of the examination. ~~The documentation should also include and~~ the name of the person performing the examination. The documentation must be retained for at least three (3) years after discharge at a site has ceased. Documentation is not required to be submitted to the ~~Department department~~ but must be made available upon request.

If the discharge does not comply with the applicable permit requirements, the discharge must be stopped until corrective action is taken.

If the discharge constitutes a hazardous condition, the ~~Department department~~ must be notified as soon as possible, but not later than six (6) hours after the onset or discovery of the hazardous condition in accordance with Rule 567 IAC 131.2. The ~~Department's department's~~ 24-hour line for spill reporting is (515)725-8694.

IOWA DEPARTMENT OF NATURAL RESOURCES

**NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES)
and
STATE OPERATION PERMIT**

GENERAL PERMIT NO. 9

EFFECTIVE DATES

JULY 1, ~~2018-2023~~ THROUGH JUNE 30, ~~2023~~2028

FOR

DISCHARGE FROM

DEWATERING and RESIDENTIAL GEOTHERMAL SYSTEMS

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PART I. COVERAGE UNDER THIS PERMIT

A. Coverage Area

This ~~permit~~National Pollutant Discharge Elimination System (NPDES) and State Operation Permit General Permit No. 9 (hereafter “GP #9” or “this permit”) covers all areas within the borders of the State of Iowa.

B. Activities Covered Under This Permit

This permit authorizes the discharge of pollutants to surface waters of the State or to the ground surface resulting from the following activities:

- 1. Excavation dewatering associated with construction or maintenance activity where pumps, sumps, or similar tools are used within or near excavation areas to remove accumulated water;
- 2. Groundwater dewatering through the installation of temporary dewatering wells, vacuum well points, eductors, or similar tools to cause localized lowering of the water table to facilitate construction or maintenance activity; and
- 3. Residential open-loop geothermal heating and cooling systems that use water as a heat transfer medium.

C. Activities Not Covered Under This Permit

Discharges from the ~~following~~activities listed below are not authorized by this permit. ~~and Exclusion-exclusion~~ from this permit does not exempt the discharges ~~below~~ from environmental regulation.

1. Discharges authorized under an individual ~~NPDES~~NPDES permit or another general NPDES permit (GP).
 - a. ~~General Permits~~GP #1, #2, or #3; or Municipal Separate Storm Sewer (MS4) Permits~~;~~
 - i. These permits authorize discharges of uncontaminated groundwater and discharges from foundation or footing drains where flows are not contaminated with process materials.
 - ii. A permittee who is already authorized under GP #1, #2, #3, or an MS4 permit who will conduct one or more of the discharges listed in Part I.C.1.a.i does not need coverage under ~~GP #9~~this permit for those discharges.
 - b. Individual NPDES or State Operation Permits~~;~~
 - i. A permittee authorized for any of the discharges listed in Part I.B under an individual permit shall adhere to the requirements of their individual permit for that activity.
 - ii. A permittee authorized under an individual permit may discharge from any of the activities covered under this permit but not listed in their individual permit, according to the requirements of this permit.
2. Dewatering of active mines and quarry pits.
 - a. ~~General Permit~~GP #5 authorizes discharges of dewatering water from certain types of mines and quarries. Facilities that are eligible for GP #5 should seek coverage under that permit.
 - b. Mine and quarry facilities that are seeking authorization to discharge but that are ineligible under GP #5 must seek individual permits.
3. Any new or expanded discharge to ~~an~~an Outstanding Iowa Waters~~s~~ (OIW) or Outstanding National Resource Waters~~s~~ (ONRW) ~~{See (see Attachment 1)}~~.
 - a. Discharges to OIW can only be authorized by individual permits~~;~~ and
 - b. Discharges to ONRW cannot be authorized in Iowa.
4. Any discharge to a ~~state~~State-owned natural or artificial lake ~~{See(see Attachment 2)}~~. Iowa Code § 455B.186(1) prohibits the discharge of pollutants to a state~~State~~-owned natural or artificial lake.
 - ~~Iowa Code prohibits the discharge of pollutants to a state-owned natural or artificial lake.~~
5. Any discharge that contributes to~~2~~ or ~~that~~ may reasonably be expected to contribute to~~2~~ a violation of any water quality standard.

6. Discharges that contain domestic sewage, industrial process waste, or manure, whether treated or untreated. Persons seeking to do this should contact the Iowa Department of Natural Resources.
- ~~Persons seeking to do this should contact the Iowa Department of Natural Resources.~~
7. Discharges from geothermal heat pumps that do not reach navigable waters do not require permits to dispose of wastewater. (See 567 Iowa Administrative Code (IAC) 64.3(1)“d”)
- ~~7.8. Any discharge~~Discharges from ~~an~~ open-loop geothermal heating and cooling systems other than a residential open-loop geothermal heating and cooling system as defined in Part ~~VI~~ VII of this permit require coverage under an individual permit, unless exempt pursuant to 567 IAC 64.3(1)“d”.
- ~~Discharges from geothermal heat pumps that do not reach navigable waters do not require permits to dispose of wastewater. (See 567 IAC 64.3(1)“d”)~~
 - ~~Open loop systems that are not residential systems must seek coverage under an individual permit.~~
- 8.9. Discharges from ~~the construction of~~ an animal feeding operation that are regulated ~~under pursuant to~~ 567 IAC Chapter 65, General Permit GP #2, or an individual stormwater permit.
- 9.10. Discharges that may adversely impact critical habitat of threatened or endangered species as designated by the ~~Iowa Department of Natural Resources~~ department (<http://www.iowadnr.gov>) or the ~~US~~ United States Fish and Wildlife Service (<http://www.fws.gov>).
- ~~10.11.~~ Discharges from dewatering necessary to repair water lines.

PART II. DETERMINING POTENTIAL FOR SOIL OR GROUNDWATER CONTAMINATION

- A. Persons intending to dewater are responsible for determining if contaminated soil or groundwater is expected to be present. ~~This Part II~~ does not apply to discharges from residential open-loop geothermal systems.
- B. If the site does not have a history of industrial or commercial use, the permittee may presume that contamination does not exist if there is no obvious reason to expect contamination (e.g. unusual color or odor; ~~or~~ known spills).
- C. For all other sites, the permittee shall conduct an inquiry-initial screening to determine if contaminated soil or groundwater is expected to be present.
- D. The inquiry-initial screening shall consider the following:
1. Current and historic uses of the site;
 2. Current uses of adjacent sites;
 3. Probable hazardous substances that could reasonably be associated with current or historic uses;
 4. Whether the site is considered contaminated by the ~~Department~~ department, ~~US EPA~~ United States Environmental Protection Agency (EPA), or other parties;
 5. Whether the site is currently subject to risk-based corrective action due to a known petroleum release from an underground storage tank (i.e. Tier 1, Tier 2, or Tier 3); and
 6. Any other relevant information.
- E. The screening form in Attachment 3 may be used to document the results of the initial inquiry screening.
- F. When the initial inquiry screening indicates the possibility for contamination, a more in-depth inquiry into the site and its potential contamination shall be conducted and documented.
- G. In addition to or in lieu of conducting such an in-depth inquiry, the permittee may analyze representative samples of soil and/or groundwater at the site.
1. Samples need only be analyzed for those substances that could reasonably be expected to be present based on the factors listed in Part II.D.1.
 2. For the purposes of this permit, a site will be considered contaminated when the concentration of any ~~toxic or~~ hazardous substance exceeds the relevant applicable Iowa statewide standard for soil or groundwater as published at www.iowadnr.gov.

PART III. DEWATERING DISCHARGES TO THE GROUND SURFACE

A. Coverage

For ~~this part~~ Part III of ~~the this~~ permit, “discharge to the ground surface” means the operation of a wastewater disposal system that directs dewatering wastewater to the surface of the ground. This does not include disposal systems that result in a discharge to surface waters of the ~~state~~ State. For Part III only, “discharge” means “discharge to the ground surface”. ~~The Part III~~ does not apply to discharges from residential open-loop geothermal systems. These discharge requirements are found in Part V.

B. Electronic Notice of Intent (eNOI)

1. An eNOI is Not not Required required for either the following:
 - a. ~~An eNOI is not required for a~~ discharge to the ground surface unless the discharge is listed in Part III.B.2.;
or
 - b. ~~An eNOI is not required for a~~ discharge to the ground surface where the discharge will not leave the property being dewatered or any associated construction easement.

~~e.~~ All covered ground surface discharges that are exempt from the eNOI submittal requirements are automatically authorized ~~for discharge~~. No submittal to the ~~Department~~ department is required to commence these discharges.
2. An eNOI is Required required if both of the following apply:
An eNOI is required if both of the following apply:
 - a. The dewatering discharge will leave the property being dewatered or any associated construction easement.;
and
 - b. Pollutants due to soil or groundwater contamination can reasonably be expected to be present in the final discharge at concentrations above ~~the applicable Iowa Statewide statewide Standards standards for soil or groundwater~~ (see ~~GP9 website~~ www.iowadnr.gov).
3. eNOI Contents and Submittal Timeline
 - a. ~~For If~~ any discharges to the ground surface ~~authorized are expected to result at a site from the dewatering activities covered~~ under Part I.B and ~~required to submit~~ an eNOI is required under Part III.B.2, then a complete and accurate eNOI for the dewatering site’s discharges must be submitted to the department.
 - a-b. ~~The eNOI~~ should be received by the ~~Department~~ department a minimum of thirty (30) days prior to the ~~date~~ the discharge is scheduled to commence anticipated start date of any discharge occurring at the site.
 - b-c. A completed eNOI shall be signed in accordance with Part ~~VII.K~~ VIII.K of this permit, and shall contain all of the following:
 - i. The name, mailing address, and telephone number of the person responsible for the discharge(s);¹
 - ii. Location ~~where the discharge will occur~~ of the site in one or more of these formats:
 - Street address, city, and ZIP code;
 - Quarter section, section, township, range, and county; or
 - Latitude and longitude;

¹If there are multiple responsible parties for the discharge(s), the ~~Department~~ department requires that all the parties involved maintain a written explanation for the division of responsibilities.

- iii. The anticipated ~~start date~~ of when the discharge(s) at the site will start and the anticipated ~~end date~~ when the discharge(s) at the site will end if the discharge is not permanent;
- iv. The name of the owner of the ground where the wastewater will be discharged;
- v. A list of each pollutant that is potentially present in the discharge(s);
- vi. The expected concentration of each pollutant that is expected to be present in the discharge(s); and
- vii. A description of any mechanisms that will be used to remove pollutants other than sediment.²

~~c. A separate eNOI must be submitted for each site where a discharge will occur.~~

- d. All eNOIs must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

4. Department Response to eNOI Submittal

Within thirty (30) days of receipt of a complete eNOI, the ~~Department~~ department will either:

- a. Issue a written authorization to discharge under the terms and conditions of this permit; or,
- b. Issue a written notification which states that coverage under this ~~general~~ permit is denied which states and provides the reason for denial. If coverage under this ~~general~~ permit is denied, a person may apply for an individual permit in accordance with Part ~~VIII~~ VIII.L of this permit.

C. Duration of Coverage

1. eNOI Not Required –

- 1. For dewatering discharges for which submittal of an eNOI is not required, coverage under this permit shall be in effect from the first day of discharge through the last day of discharge at a ~~single location~~ site.

2. eNOI Required –

- 2. For discharges for which submittal of an eNOI is required, coverage under this permit shall be in effect from the anticipated start date ~~of the discharge~~ to the anticipated end date of the discharge(s) from the site as stated in the eNOI, unless otherwise stated by the ~~Department~~ department. The permittee must notify the ~~Department~~ department of any discharge that extends beyond the anticipated end date. The notification must occur as soon as the permittee becomes aware of the need for an extension. The ~~Department~~ department will make a determination as to whether to approve the extension of coverage or require a new eNOI.

D. Operating Requirements for Discharge to the Ground Surface

Any discharge onto the ground surface that will not reach a surface water of the State shall comply with all of the following: ~~Any discharge not meeting all of these conditions shall be considered a discharge to a surface water of the State subject to the requirements specified in this permit for such discharges.~~

- 1. Discharges shall be to soils that have not been saturated by precipitation;
- 2. Discharges shall be to sites with slopes less than 5%;
- 3. Discharges to frozen or snow-covered ground shall be avoided unless infeasible;
- 4. Ponding of the discharged water shall be minimized to prevent damage to vegetation or runoff into surface waters of the State; and

² The ~~Department~~ department does not issue wastewater construction permits for temporary pollutant removal installations. This permit does not exempt any person from any permits necessary under programs other than wastewater (air, contaminated sites, flood plains, etc.).

5. Discharges shall occur in a manner to prevent or minimize erosion of soil or other materials. Practices to prevent erosion include, but are not limited to, splash pads, straw bales, silt fences, and vegetated buffer strips.

Any discharge not meeting all of these conditions shall be considered a discharge to a surface water of the State subject to the requirements specified in this permit for such discharges.

E. Monitoring Requirements

1. Each day that a discharge resulting from dewatering occurs at a ~~unique location~~ site, the physical appearance of the discharge must be observed. Visual observations of color, odor, turbidity, petroleum sheen, and any other observations regarding floating or suspended matter, and the general appearance of the discharge shall be documented in writing. The documentation must include the date and time of the examination and the name of the person performing the examination. If any observation finds that the discharge does not comply with one or more of the operating requirements in Part III.D of this permit, the discharge shall cease immediately and shall not resume until corrective action is taken. Guidance on performing visual observations can be found in Attachment 4.
2. Written documentation of the observations is not required if both of the following apply:
 - a. The discharge results from residential construction where and less than one (1) acre is disturbed; and
 - b. There is no expectation of soil or groundwater contamination, as determined according to Part II of this permit.

F. Reporting

~~No reports are required to be submitted.~~ The records required by Part III.G of this permit shall be submitted to the ~~Department~~ department upon request.

G. Recordkeeping

1. Records ~~of the following~~ must be kept for each ~~discharge of the following items or disposal event~~:
 - a. The location of the site where the dewatering activity occurred (either the street address; quarter section, section, township and range; or latitude and longitude);
 - ~~a.~~ b. The start and end date(s) for each discharge or disposal event started and ended that occurred at the site;
 - ~~b.~~ c. The measured or estimated volume of water discharged or disposed of on each day a discharge occurs;
 - ~~c.~~ The location of the activity (either the street address; quarter section, section, township and range; or latitude and longitude);
 - d. Results of visual monitoring activities using Attachment 5 or an equivalent document; and
 - e. The results of any analyses performed.
2. All records shall be retained for a minimum of three (3) years after the discharge ends in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.
3. Recordkeeping is not required if both of the following apply:
 - a. The discharge results from residential construction where and less than one (1) acre is disturbed; and
 - b. There is no expectation of soil or groundwater contamination, as determined according to Part II of this permit.

PART IV. DEWATERING DISCHARGES TO SURFACE WATERS

A. Coverage

~~This part~~Part IV of the ~~this~~ permit covers discharges to surface waters of the ~~state~~State from dewatering activities. For ~~purposes of this~~Part IV ~~only~~, “discharge” ~~refers to~~means “discharges to surface waters”. ~~The~~Part IV does not apply to discharges from residential open-loop geothermal systems. These discharge requirements are found in Part V.

B. Electronic Notice of Intent (eNOI)

1. eNOI Not Required

~~a.~~—An eNOI is not required for a discharge to a surface water unless the discharge is listed in IV.B.2.

~~b.~~ All covered surface water discharges that are exempt from the eNOI submittal requirements are automatically authorized ~~for discharge~~. No submittal to the ~~Department~~department is required to commence these discharges.

2. eNOI Required

An eNOI is required if pollutants due to soil or groundwater contamination can reasonably be expected to be present in the final discharge at concentrations above the applicable values shown in Table 1 of the Iowa surface water quality standards for the applicable waterbody uses(s) in 567 IAC 61.3(3), Table 1 (see GP9 website). (567 IAC 61.3(3))

3. eNOI Contents and Submittal Timeline

~~a.~~ For ~~if~~ any discharges to surface water ~~authorized~~are expected to result at a site from the dewatering activities covered under Part I.B. and ~~required to submit~~an eNOI is required under Part IV.B.2., then a complete and accurate eNOI for the dewatering site’s discharges must be submitted to the department.

~~a.b.~~ The eNOI should be received by the ~~Department~~department a minimum of thirty (30) days prior to the ~~date~~ the discharge is scheduled to commence ~~anticipated start date of any discharge occurring at the site.~~

~~b.c.~~ A completed eNOI shall be signed in accordance with Part ~~VIII.G.~~ IX.G of this permit, and shall contain all of the following:

- i. The name, mailing address, and telephone number of the person responsible for the discharge(s);³
- ii. Location ~~where the discharge will occur~~ of the site in one or more of these formats:
 - Street address, city and ZIP code;
 - Quarter section, section, township, range, and county; or
 - Latitude and longitude;
- iii. The anticipated ~~start~~ date ~~of when~~ the discharge(s) from the site will start and the anticipated ~~end~~ date when the discharge(s) from the site will end ~~if the discharge is not permanent;~~
- iv. The receiving water body and route of flow to the first named stream shown on a 7.5-minute USGS topographic map;
- v. A list of each pollutant that is potentially present in the discharge(s);
- vi. The expected concentration of each pollutant that is expected to be present in the discharge(s); and

³ If there are multiple responsible parties for the discharge(s), the ~~Department~~department requires that all the parties involved maintain a written explanation for the division of responsibilities.

vii. A description of any mechanisms that will be used to remove pollutants other than sediment.⁴

~~c. A separate eNOI must be submitted for each site where a discharge will occur.~~

d. All eNOIs must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

C. Antidegradation Requirements for the Submittal of an eNOI

If ~~the a~~ discharge requires an eNOI and it will reach a water of the United States, the applicant must submit an Antidegradation Document containing either an Antidegradation Alternatives Analysis or a ~~temporary and limited justification~~ Temporary and Limited Justification with the eNOI.^{5,6}

1. The Antidegradation Document will consist of an Antidegradation Alternatives Analysis when the discharge will last for more than ~~90 calendar days~~ 1 year at a site or the discharge will not be limited in impact.

~~2.a.~~ The applicant is responsible for ensuring that public notice of the Antidegradation Alternatives Analysis is properly published and distributed to all interested parties.

~~3.b.~~ The ~~Department~~ department will not authorize a discharge ~~where an Alternatives Analysis is required~~ until the public comment period on the Antidegradation Alternatives Analysis has been completed and the applicant has addressed all public comments.

~~4.2.~~ The Antidegradation Document will consist of a ~~temporary and limited justification~~ Temporary and Limited Justification when the discharge will last for ~~less than 90 days~~ 1 year or less and will have a limited impact. If the ~~Department~~ department does not agree with the justification ~~for the temporary and limited request~~, an Antidegradation Alternatives Analysis must be submitted.

~~5.3.~~ An Antidegradation Document may be used to cover multiple discharges according to the following:

a. One Antidegradation Document may be used to cover discharges of the same type at multiple

~~locations~~ sites; ~~and~~

b. A previously-approved Antidegradation Document may be used to cover a repeated discharge at the same

~~locations~~ site; ~~but~~

c. A previously-approved Antidegradation Document may not be used to cover a discharge ~~that will occur at a~~ if ~~its~~ location ~~that~~ was not included in the document.

~~d. An Antidegradation Document must be submitted with each eNOI it is intended to cover. The eNOI must indicate if the Document was previously approved.~~

4. An Antidegradation Document must be submitted with each eNOI it is intended to cover.

a. The eNOI must indicate if the Antidegradation Document was previously approved.

⁴ The ~~Department~~ department does not issue wastewater construction permits for temporary pollutant removal installations. This permit does not exempt any person from any permits necessary under programs other than wastewater (air, contaminated sites, flood plains, etc.).

⁵ The ~~Department~~ department has prepared an Alternatives Analysis and has developed information to justify degradation as part of the development of this ~~general~~ permit for discharges that do not require the submittal of an eNOI. However, because of the variety of pollutants that could potentially be present in chemical additives or pipes used to transport other materials, the Department is not able to prepare an Alternatives Analysis for discharges that require the submittal of an eNOI under this permit.

⁶ Note: An Alternatives Analysis requires a 30-day public comment period prior to submittal to the ~~Department~~ department. This should be factored into project time frames to avoid unnecessary delays in obtaining coverage under this permit or an individual permit.

~~6.b.~~ The complete eNOI and Antidegradation Document should be received by the ~~Department~~ department at least thirty (30) days prior to the ~~commencement anticipated start date~~ of the discharge.

~~7.c. An~~ The eNOI and Antidegradation Document ~~must accompany an eNOI and~~ must be submitted electronically using the NPDES program's General Permits 5, 8, and 9 Database, available at www.iowadnr.gov.

D. Department Response to eNOI Submittal

Within thirty (30) days of receipt of a complete eNOI (and Antidegradation Document, if required), the ~~Department~~ department will either:

1. Issue a written authorization to discharge under the terms and conditions of this permit; or,
2. Issue a written notification which states that coverage under this ~~general~~ permit is denied ~~which states and provides~~ the reason for denial. If coverage under this ~~general~~ permit is denied, a person may apply for an individual permit in accordance with Part ~~VII.0 IX.0~~ of this permit.

E. Duration of Coverage

1. eNOI Not Required –

~~1.~~ For dewatering discharges for which submittal of an eNOI is not required, coverage under this permit shall be in effect from the first day of discharge through the last day of discharge at a ~~single location~~ site.

2. eNOI Required –

~~2.~~ For discharges for which submittal of an eNOI is required, coverage under this permit shall be in effect from the anticipated start date ~~of the discharge~~ to the anticipated end date of the discharge(s) from the site as stated in the eNOI, unless otherwise stated by the ~~Department~~ department. The permittee must notify the ~~Department~~ department of any discharge that extends beyond the anticipated end date. The notification must occur as soon as the permittee becomes aware of the need for an extension. The ~~Department~~ department will make a determination as to whether to approve the extension of coverage or require a new eNOI.

F. Operating Requirements for Discharges to Surface Waters

Any discharge that will reach a surface water of the State shall comply with all of the following requirements:

1. Discharge ~~points-locations~~ shall be selected to avoid a direct discharge into a surface water of the State unless infeasible;
2. Discharges into storm sewers or agricultural tile lines shall be avoided unless infeasible;⁷
3. Discharges shall be free from:
 - a. Substances that will settle to form sludge deposits;
 - b. Floating debris, oil, grease, scum, and other floating materials in amounts sufficient to create a nuisance;
 - c. Materials producing objectionable color, odor, or other aesthetically objectionable conditions;
 - d. Substances in concentrations or combinations which are acutely toxic to human, animal, or plant life; and
 - e. Substances in quantities which would produce undesirable or nuisance aquatic life;
4. Best Management Practices (BMPs) shall be used to prevent contamination of any discharge with fuel, lubricants, solids, or other pollutants; and

⁷ Storm sewers and agricultural tile lines typically discharge directly into rivers, streams, or wetlands without prior treatment. If discharge to a storm sewer or agricultural tile line cannot be avoided, extra precautions must be taken to prevent the discharge of pollutants that can negatively impact water quality.

~~4.5.~~ Discharges shall ~~be conducted~~occur in a manner to prevent or minimize erosion of soil or other materials into a surface water of the State. Practices to prevent erosion ~~of soil or other materials~~ include, but are not limited to, splash pads, straw bales, silt fences, and vegetated buffer strips; ~~and.~~

~~5.1. Best Management Practices (BMPs) shall be used to prevent contamination of any discharge with fuel, lubricants, solids, or other pollutants.~~

G. Dewatering Pollution Prevention Plans (DwPPPs)

For any surface water discharge for which an eNOI is required to be submitted, the permittee shall develop and implement a written ~~Dewatering Pollution Prevention Plan (DwPPP).~~

1. The DwPPP must address all of the following:

~~1.a. The location of each~~Each discharge ~~point location~~ by county and either: quarter section, section, township, and range or latitude and longitude;

~~a. ¼ section, section, township, and range; or~~

~~b. Latitude and longitude.~~

~~2.b.~~ The procedures that will be implemented to minimize soil erosion at ~~the location of~~ each discharge ~~point location~~;

~~3.c.~~ The type of treatment, BMPs, or other measures that will be used to minimize the discharge of pollutants to the maximum extent possible; and.

~~4.d.~~ Any other practices necessary to minimize the discharge of pollutants; .

~~H. Other DwPPP Requirements.~~

~~1. The permittee shall maintain the DwPPP at a location where it can be easily provided to the Department upon request. Plans are not required to be submitted to the Department except upon request.~~

2. The DwPPP may be combined with other ~~Plans~~plans such as a Storm Water Pollution Prevention Plan (SWPPP) or a Spill Prevention, Control and Countermeasures Plan (SPCC) developed for the site where a discharge will occur provided each of the requirements in ~~Part IV.G above are~~this subpart is addressed and those aspects of the ~~Plan~~plan applicable to the discharge covered under this permit are clearly delineated.

~~3. The permittee shall maintain the DwPPP in a location that conforms to customary business practices for three years from the end of the discharge, and shall be available to the Department upon request.~~

~~4. DwPPPs are only required when an eNOI is required.~~

~~H.~~ H. Monitoring Requirements

1. Each day that a discharge resulting from dewatering occurs at a ~~unique location~~site, the physical appearance of the discharge must be observed. Visual observations of color, odor, turbidity, petroleum sheen, and any other observations regarding floating or suspended matter, and the general appearance of the discharge shall be documented in writing. The documentation must include the date and time of the examination and the name of the person performing the examination. If any observation finds that the discharge does not comply with one or more of the operating requirements in Part IV.F, the discharge shall cease immediately and shall not resume until corrective action is taken. Guidance on performing visual observations can be found in Attachment 4.

2. Written documentation of the observations is not required if both of the following apply:

a. The discharge results from residential construction ~~where~~and less than one (1) acre is disturbed; and

b. There is no expectation of soil or groundwater contamination, as determined according to Part II of this permit.

J.I. Reporting

~~No reports are required to be submitted.~~ The records required by Part IV.~~K-J~~ of this permit shall be submitted to the ~~Department~~department upon request.

K.J. Recordkeeping

1. Records ~~of the following~~ must be kept for each ~~discharge of the following item~~or disposal event:
 - a. The location of the site where the dewatering activity occurred (either the street address; quarter section, section, township and range; or latitude and longitude);
 - ~~a.b.~~ The start and end date(s) for each discharge ~~or disposal event started and ended~~that occurred at the site;
 - ~~b.c.~~ The measured or estimated volume of water discharged ~~or disposed of~~ on each day a discharge occurs;
 - ~~c.~~ The location of the activity (either the street address; ¼ section, section, township and range; or latitude and longitude);
 - d. Results of visual monitoring activities using Attachment 5 or an equivalent document; ~~and~~
 - e. The results of any analyses performed; and
 - e.f. The DwPPP, if an eNOI is required.
2. All records shall be retained for a minimum of three (3) years after the discharge ends in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.
3. ~~Written documentation of the observations~~Recordkeeping is not required if both of the following apply:
 - a. The discharge results from residential construction ~~where~~and less than one (1) acre is disturbed; ~~i~~ and
 - b. There is no expectation of soil or groundwater contamination, as determined according to Part II of this permit.

PART V. DISCHARGES FROM RESIDENTIAL OPEN-LOOP GEOTHERMAL SYSTEMS**A. Coverage**

~~This part~~Part V of ~~the this~~ permit covers discharges to waters of the United States from residential open-loop geothermal heating and cooling systems. For purposes of ~~this~~ Part V, “discharge” refers to discharges to waters of the United States. Parts II, III, and IV do not apply to discharges covered under this part.

B. Electronic Notice of Intent (eNOI)

An eNOI is not required for a discharge from a residential open-loop geothermal system. Discharges from These these systems are automatically authorized. No submittal to the ~~Department~~department is required to commence these discharges.

C. Monitoring Requirements

Monitoring is not required for residential open-loop geothermal heating and coolingsystem discharges.

D. Duration

Coverage shall extend from the ~~permit~~ issuance date to the ~~permit~~ expiration date of this permit.

E. Reporting

Submission of written reports is not required under this permit.

F. Recordkeeping

No recordkeeping is required for residential open-loop geothermal heating and coolingsystem discharges.

PART VI. HAZARDOUS CONDITION DOCUMENTATION AND REPORTING

A. Six (6) Hour Hazardous Condition Notification

If you observe or are otherwise made aware of a hazardous condition, as defined in Part VII, which may have resulted from a discharge authorized under this permit, you must immediately notify the department. Pursuant to 567 IAC 131.2, this notification must be made by telephone within six (6) hours of you becoming aware of the hazardous condition. Notification shall be made by calling the department's Environmental Emergency Reporting Hotline at (515) 725-8694. At a minimum, notifications must include all of the following:

1. The caller's name and telephone number;
2. Operator name and mailing address;
3. The name and telephone number of a contact person, if different than the person providing the 6-hour notice;
4. How and when you became aware of the hazardous condition;
5. The exact location of the hazardous condition;
6. Name of any waterbody affected by the hazardous condition;
7. Description of the hazardous condition; and
8. Description of any steps you have taken or will take to contain any hazardous effects.

B. Thirty (30) Day Hazardous Condition Written Report

Within thirty (30) days of becoming aware of the hazardous condition reported pursuant to Part VI.A, you must postmark a written report of the hazardous condition to the appropriate regional department Field Office. The Field Office addresses are available at www.iowadnr.gov. Your hazardous condition report must include the information required in 567 IAC 131.2, Report of Hazardous Conditions. Contact the appropriate department Field Office for more information. A copy of the hazardous condition report submitted to the department must be retained for a minimum of three (3) years in a location that conforms to customary business practices. This period is automatically extended during the course of any litigation related to the discharge for the duration of the litigation.

PART ~~VII~~. GLOSSARY OF TERMS

Antidegradation Document means either an Antidegradation Alternatives Analysis or a ~~temporary and limited justification~~Temporary and Limited Justification.

Construction activity includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to construction of residential buildings and nonresidential buildings, and heavy construction (for example, highways, streets, bridges, tunnels, pipelines, transmission lines, and industrial non-building structures).

Dewatering means the intentional removal of groundwater and/or storm water, normally by pumping, to allow for installation, construction, reconstruction, maintenance or repair activities to occur or continue.

Final discharge means a discharge authorized by this permit at a point after application of any treatment steps or best management practices.

Hazardous condition means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the State, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. (567 IAC 131.1)

Hazardous substance means any substance or mixture of substances that presents a danger to the public health or safety and includes but is not limited to a substance that is toxic, corrosive, or flammable, or that is an irritant or

that generates pressure through decomposition, heat, or other means. “*Hazardous substance*” may include any hazardous waste identified or listed by the administrator of the ~~United States environmental protection agency~~ EPA under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act. ~~{Code of Iowa Code § 455B.381(5)}~~

Individual permit means an NPDES permit issued for the discharge of a pollutant from a point source to waters of the United States in accordance with ~~Subrule Paragraph~~ 567 IAC 64.3(4)“a” or a ~~state~~ State operation permit.

Person means any agency of the state or federal government or institution thereof, any municipality, governmental subdivision, interstate body, public or private corporation, individual, partnership, or other entity and includes any officer or governing or managing body of any municipality, governmental subdivision, interstate body or public or private corporation. ~~{Code of Iowa Code § 455B.171(18a)“a”}~~

Residential construction means ground disturbances of less than one acre associated with construction or services for four or fewer dwelling units.

Residential open-loop geothermal heating and cooling system ~~or residential open-loop geothermal system~~ means an individual open-loop geothermal system that’s sole use is providing heating and/or cooling for living quarters in four or fewer dwelling units.

Soil or groundwater contamination means the presence of pollutants resulting from human activity in concentrations exceeding or expected to exceed the ~~relevant applicable Iowa~~ statewide standard(s) ~~for soil or groundwater~~.

State operation permit means a written permit by the director authorizing the operation of a wastewater disposal system or part thereof or discharge source and, if applicable, the discharge of wastes from the disposal system or part thereof or discharge source to surface waters of the State. An NPDES permit will constitute the operation permit in cases where there is a discharge to a water of the United States and an NPDES permit is issued under the Clean Water Act. ~~{567 IAC 60.2}~~

~~Temporary means a discharge that occurs for a period of not more than 90 consecutive days at a single location.~~

Temporary and Limited Justification means a document ~~that presents the applicant’s argument that any degradation from the discharge will be temporary and limited~~ prepared by or on behalf of the applicant to support the assertion ~~that a discharge will not last for more than 1 year at a site and that any degradation from the discharge will have a limited impact~~. The document must include the following:

- a) Length of time during which water quality will be lowered;
- b) Percent change in ambient conditions;
- c) Pollutants affected;
- d) Likelihood for long-term water quality benefits to the water body;
- e) Degree to which achieving the applicable Water Quality Standards during the proposed activity may be at risk;
- and
- f) Potential for any residual long-term effects on existing uses.

Water of the State means any stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system, and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. ~~{Code of Iowa Code § 455B.171(39)}~~

Waters of the United States or waters of the US means those waters defined at 40 Code of Federal Regulations (CFR) § 122.2.

PART ~~VII~~VIII. STANDARD CONDITIONS FOR DISCHARGES TO THE GROUND SURFACE

A. Administrative Rules

Rules of this ~~Department~~ department that govern the activities covered by ~~General Permit 9~~ this permit are published in ~~Part 567 of the Iowa Administrative Code (IAC)~~ in Chapters 63 – 64.

B. Address Change or Transfer of Title

If coverage under this permit is transferred, the new permittee shall be subject to this permit. The original permittee must notify the new permittee of the requirements of this permit in writing prior to any transfer of coverage.

1. **eNOI Not Required** - Coverage for any activity for which an eNOI is not required by this permit may be transferred without written notice to the ~~Department~~ department provided there is consent of the original permittee and the person to whom coverage is being transferred.
2. **eNOI Required**- For any activity for which an eNOI was submitted, the ~~Department~~ department must be notified in writing of the transfer no later than thirty (30) days following the effective date of the transfer. The notice must contain the name and address of the original permittee, the name and address of the person to whom the coverage is being transferred, the location of the activity and the effective date of the transfer. Whenever the address of the owner is changed, the ~~Department~~ department shall be notified. ~~{See (567 IAC 64.14)}~~

C. Continuation of the Expired General Permit

This permit will remain in full force and effect until replaced by adoption of a new general permit or rescission by the ~~Department~~ department.

D. Duty to Provide Information

You must furnish to the Director, within a reasonable time, any information the Director may request to determine compliance with this permit or determine whether or not cause exists for modifying, revoking and reissuing, or terminating this permit, in accordance with 567 IAC 64.3(11)“c”. You must also furnish to the Director, upon request, copies of any records required to be kept by this permit.

E. Permit Actions

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any ~~permit~~ condition of this permit.

F. 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.

G. Noncompliance

You shall give advance notice to the appropriate regional field office of the department of any planned activity that may result in noncompliance with ~~permit the~~ requirements of this permit. ~~{See (567 IAC 63.1514)}~~

H. Planned Changes (for Notice of Intent permittees only)

The permittee shall give notice to the appropriate regional field office of the department thirty (30) days prior to any planned physical alterations or additions to the permitted activity. Notice is required only when:

~~(a)1.~~ Notice has not been given to any other section of the department ~~;~~ and {See 567 ICA 64.2}

~~(b)2.~~ The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in ~~the this~~ permit. ~~{See (567 IAC 63.13 and 63.14)}~~

I. Other Information

When you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, you must promptly submit such facts or information. When you become aware that you failed to submit any relevant facts in the submission of any report to the director, including records of operation, you shall promptly submit such facts or information. ~~{See (567 IAC 60.4(2)“a” and 567 IAC 63.7(6))}~~

J. Investigations and Entry

The director of the department or a designee may enter at any reasonable time in and upon any private or public property to investigate any actual or possible violation of this permit. However, the owner or person in charge shall be notified in accordance with Iowa Code § 455B.103(4).

K. Signatory Requirements

The person who signs the eNOI shall be as follows:

1. *Corporations.* In the case of a corporation, a responsible corporate officer. A responsible corporate officer means:
 - a) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
 - b) The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. *Partnerships.* In the case of a partnership, a general partner.
3. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
4. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:
 - a) The chief executive officer of the agency; or
 - b) A senior executive officer having responsibility for the overall operations of a unit of the agency. ~~{(567 IAC 64.3(8))}~~

L. Individual Permit

1. Any person that cannot meet the requirements of this permit must apply for and be issued an individual permit in order to dispose of wastewater resulting from activities listed in Part I.B.

~~1.2.~~ Any person authorized under this permit may apply for an individual permit at any time.

~~2.3.~~ The ~~Department~~ department may require any person authorized under this permit to apply for and obtain an individual permit. The causes for doing so may include, but are not limited to, the location of the discharge,

duration of the discharge, volume of discharge, types of pollutants present or suspected, and history of non-compliance with this ~~general~~ permit.

~~3-4.~~ When an individual permit is issued for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the effective date of the individual permit. When an individual permit is denied for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the date of such denial, unless otherwise specified in writing by the ~~Department~~department.

~~VIII~~IX. STANDARD CONDITIONS FOR DISCHARGES TO SURFACE WATERS

A. Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of ~~the Iowa Code and/or~~ the Clean Water Act and is grounds for enforcement action; for termination of coverage under this ~~general~~ permit; or for denial of a request for coverage under a reissued general permit. Issuance of this permit does not relieve you of the responsibility to comply with all local, state, and federal laws, ordinances, regulations or other applicable legal requirements. ~~{{40 CFR § 122.41(a) and 567 IAC 64.7(4)-“e”}}~~

B. Continuation of the Expired General Permit

This permit will remain in full force and effect until replaced by adoption of a new general permit or rescinded by the ~~Department~~department.

C. 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. ~~{{40 CFR § 122.41(c) and 567 IAC 64.7(7)-“j”}}~~

D. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment. ~~{{40 CFR § 122.41(d) and 567 IAC 64.7(7)-“i”}}~~

E. Duty to Provide Information

The permittee shall furnish to the ~~Department~~department, within a reasonable time, any information the ~~Department~~department may request to determine compliance with this permit or determine whether cause exists for terminating coverage under this permit. The permittee shall also furnish to the ~~Department~~department, upon request, copies of any records required to be kept by this permit.

F. Other Information

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in any report or record provided to the ~~Department~~department, he or she shall promptly submit such facts or information. ~~{{567 IAC 60.4(2)“a” and 567 IAC 63.7(6)}}~~

G. Signatory Requirements

The person who signs the eNOI shall be as follows:

1. *Corporations.* In the case of a corporation, a responsible corporate officer. A responsible corporate officer means:
 - a) A president, secretary, treasurer, or vice president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions; or
 - b) The manager of manufacturing, production, or operating facilities, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
2. *Partnerships.* In the case of a partnership, a general partner.
3. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
4. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public agency includes:
 - a) The chief executive officer of the agency; or
 - b) A senior executive officer having responsibility for the overall operations of a unit of the agency. ~~{567 IAC 64.3(8)}~~

H. Certification

Any person signing documents under paragraph VIII.G shall make the following certification: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations." ~~{567 IAC 64.3(8)-"f"}~~

I. Oil and Hazardous Substance Liability

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under Section 311 of the Clean Water Act.

J. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State or local laws or regulations. ~~{567 IAC 64.4(3)-"b"}~~

K. 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-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.

L. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with any DwPPP required to be prepared by this permit. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems which have been installed by a permittee only when necessary to achieve compliance with the conditions of this permit. ~~{40 CFR § 122.41(e) and 567 IAC 64.7(7)-"f"}~~

M. Inspection and Entry

The permittee shall allow the ~~Department~~department or an authorized representative of EPA, the State, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. Enter upon the premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit;
2. Have access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect, at reasonable times, any facilities, equipment (including monitoring and control equipment), practices or operations regulated or required under this permit; and
4. Sample, or monitor, at reasonable times, any discharge of pollutants.

N. Permit Actions

Coverage under this permit may be terminated for cause. The notification of planned changes or anticipated noncompliance does not stay any ~~permit condition~~ of this permit.

O. Individual Permit

1. Any person that cannot meet the requirements of this permit must apply for and be issued an individual permit in order to dispose of wastewater resulting from activities listed in Part I.B.
- ~~1.2.~~ Any person authorized under this permit may apply for an individual permit at any time.
- ~~2.3.~~ The ~~Department~~department may require any person authorized under this permit to apply for and obtain an individual permit. The causes for doing so may include, but are not limited to, the location of the discharge, duration of the discharge, volume of discharge, types of pollutants present or suspected, and history of non-compliance with this ~~general~~ permit.
- ~~3.4.~~ To apply for an individual permit, a permit application including an Antidegradation Alternatives Analysis (if applicable) or justification that degradation caused by the discharge will be temporary and limited (if applicable) must be submitted a minimum of 180 days prior to the date on which authorization to discharge under the individual permit is desired and in accordance with the requirements of Subrule 567 IAC 60.4(2).
- ~~4.5.~~ When an individual permit is issued for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the effective date of the individual permit. When an individual permit is denied for a discharge authorized under this ~~general~~ permit, coverage under this ~~general~~ permit is automatically terminated on the date of such denial, unless otherwise specified in writing by the ~~Department~~department.

P. Address Change or Transfer of Title

If coverage under this permit is transferred, the new permittee shall be subject to this permit. The original permittee must notify the new permittee of the requirements of this permit in writing prior to any transfer of coverage.

1. **eNOI Not Required** - Coverage for any activity for which an eNOI is not required by this permit may be transferred without written notice to the ~~Department~~department provided there is consent of the original permittee and the person to whom coverage is being transferred.
2. **eNOI Required**- For any activity for which an eNOI was submitted, the ~~Department~~department must be notified in writing of the transfer no later than thirty (30) days following the effective date of the transfer. The notice must contain the name and address of the original permittee, the name and address of the person to whom the coverage is being transferred, the location of the activity and the effective date of the transfer. Whenever the address of the owner is changed, the ~~Department~~department shall be notified.

Q. Continuing Coverage

If an eNOI is submitted for an activity that will continue beyond the expiration date of this permit, an eNOI must be submitted for coverage under a subsequent ~~general~~ permit. However, a new ~~Alternatives Analysis~~Antidegradation Document is not required.

**Attachment 1:
ONRW and OIW Waters in Iowa**

Outstanding National Resource Waters (ONRW)

There are no waters in Iowa designated as Outstanding National Resource Waters as of the date of issuance of this permit.

Outstanding Iowa Waters (OIW)

STREAM	DESCRIPTION	LENGTH (Miles)
Baron Springs	Mouth (S2, T91N, R6W, Clayton Co.) to spring source (S4, T91N, R6W, Clayton Co.)	1.99
Bear Creek	From road crossing in SW ¼, NW1/4, S11, T86N, R10W, Benton Co. to E line, S25, T87N, R10W, Buchanan Co.	5.2
Bloody Run	From (W. line of Section 22, T95N, R4W, Clayton Co.) to the confluence with Unnamed Creek (NAD83) UTM Coordinates X(Easting) 645284.89 Y(Northing) 4766657.44	8.59
Brownfield Creek	Mouth (Clayton Co.) to spring source (S31, T91N, R3W, Clayton Co.)	0.94
Clear Creek	Mouth (Allamakee Co.) to W. line of Section 25, T99N, R4W, Allamakee Co.	3.79
Deer Creek	Road crossing in SE¼, S35, T100N, R19W, Worth Co. to the N. line of S7, T100N, R19W, Worth Co.	7.29
Dousman Creek	Mouth (S33, T96N, R3W, Allamakee Co.) to Allamakee-Clayton Co. line.	3.44
Duck Creek	From the mouth (S14, T100N, R06W Allamakee Co.) to the Iowa-Minnesota state line.	1.98
Ensign Creek (aka Ensign Hollow)	Mouth (S28, T92N, R6W, Clayton Co.) to spring source (S29, T92N, R6W, Clayton Co.)	1.05
Unnamed Creek (aka Erickson Spring Branch)	Mouth (S23, T98N, R4W, Allamakee Co.) to W. line of S23, T98N, R4W, Allamakee Co.	0.91
French Creek	Mouth (Allamakee Co.) to E. line of Section 23, T99N, R5W, Allamakee Co.	5.58
Grannis Creek	Mouth (S30, T95N, R7W, Fayette Co.) to W. line of S36, T93N, R8W, Fayette Co.	3.56
Jones Creek	From the mouth (S19, T98N, R04W Allamakee Co.) to bridge crossing at Clonkitty Rd. (S14, T98N, R05W Allamakee Co.)	5.75
Kleinlein Creek	Mouth (Clayton Co.) to spring source (South Spring) (S10, T91N, R6W, Clayton Co.)	3.96
Lime Creek	From confluence with unnamed tributary in NE ¼, NW ¼, S34, T87N, R10W, Buchanan Co. to N. line of S23, T87N, R10W, Buchanan Co.	3.0
Little Paint Creek	Mouth to N. line of Section 30, T97N, R3W	1.92
Ludlow Creek	Mouth (S2, T96N, R6W, Allamakee Co.) to confluence with an unnamed tributary (S33, T97N, R6W, Allamakee Co.)	2.00
Mill Creek (aka Big Mill Creek)	Confluence with Little Mill Cr. to confluence with Unnamed Cr. (S1, T86N, R3E, Jackson Co.)	8.04
Mossey Glen Creek	Mouth (S3, T91N, R5W, Clayton Co.) to S. line of S10, T91N, R5W, Clayton Co.	1.96

North Bear Creek	Mouth (S25, T100N, R7W, Winneshiek Co.) to Iowa-Minnesota state line.	6.39
Pine Creek (aka South Pine Creek)	Mouth (S26, T99N, R7W, Winneshiek Co.) to N. line of S21, T99N, R7W, Winneshiek Co.	2.80
Smith Creek (aka Trout River)	Mouth (S21, T98N, R7W, Winneshiek Co.) to S. line of S33, T98N, R7W, Winneshiek Co.	3.42
South Canoe Creek	From the mouth (S22, T99N, R08W Winneshiek Co.) to the bridge crossing at Winn Rd. (S21, T99N, R08W Winneshiek Co.)	1.90
Spring Branch Creek	Mouth (S10, T88N, R5W, Delaware Co.) to spring source (S35, T89N, R5W, Delaware Co.)	2.83
Storybook Hollow	Mouth (S7, T86N, R4E, Jackson Co.) to S. line of S12, T86N, R3E, Jackson Co.	1.37
Trout Run	Mouth (S16, T98N, R4W, Allamakee Co.) through one mile reach.	1.0
Twin Springs Creek	Mouth (S17, T98N, R8W, Winneshiek Co.) to springs in Twin Springs Park (S20, T98N, R8W, Winneshiek Co.)	0.61
Unnamed Creek (aka Cold Water Creek)	Mouth (S32, T100N, R9W, Winneshiek Co.) to N. line of Section 31, T100N, R9W, Winneshiek Co.)	2.46
Unnamed Creek (aka S. Fk. Big Mill)	Mouth (S8, T86N, R4E, Jackson Co.) to W. line of S17, T86N, R4E, Jackson Co.	0.97
Village Creek	Mouth (Allamakee Co.) to W. line of S19, T98N, R4W, Allamakee Co.	13.32
Waterloo Creek	Mouth (S35, T100N, R6W, Allamakee Co.) to Iowa-Minnesota state line.	9.39
West Branch French Creek	From the mouth (S23, T99N, R05W, Allamakee Co.) to the confluence with Unnamed Creek (S26, T99N, R05W, Allamakee Co.)	0.67
	Grand Total:	118.08
LAKES	DESCRIPTION (Section, Township, Range)	SIZE (Acres)
Big Spirit Lake SGMA	S33, T100N, R36W	5684
West Okoboji Lake SGMA	S20, T99N, R36W	3,847

**Attachment 2:
State-owned Natural and Artificial Lakes**

County	Lakes
Adair	Meadow Lake, Meadow Lake Watershed Pond 1, Meadow Lake Watershed Pond 2
Adams	Lake Icaria
Allamakee	Big Lake (Lansing), Kains Lake S.W.A., Mud Hen Lake, New Albin Big Lake, Waukon Junction Marsh, Yellow River Pond
Appanoose	Stephen's Forest - Unionville Area Pond
Benton	Dudgeon Lake
Black Hawk	Alice Wyth Lake, Big Woods Lake, Fisher Lake, George Wyth Lake, Railroad Lake (Falls Access S.W.M.A.)
Bremer	Martens Lake, Sweet Marsh Reservoir, Sweet Marsh Seg. A, Sweet Marsh Seg. C
Buchanan	Troy Mills Marsh
Buena Vista	Pickeral Lake, Storm Lake (incl. Little Storm Lake)
Butler	Big Marsh
Calhoun	Calhoun W.A. Pond, North Twin Lake, South Twin Lake
Carroll	Artesian Lake, Swan Lake
Cass	Cold Springs Lake, Lake Anita
Cerro Gordo	Clear Lake, Clear Lake Marsh, Lekwa Marsh, McIntosh Wildlife Area, Ventura Marsh
Clay	Barringer Slough, Dan Greene Slough, Ducks Unlimited Marsh, Elk Lake, Hawk Valley Pond (east), Hawk Valley Pond (west), Mud Lake, Round, Trumbull Lake
Clayton	Sny Magill Ponds (3)
Clinton	Goose Lake, McAndrews Wildlife Area Pond
Dallas	Beaver Lake
Davis	Eldon Game Area Ponds, Lake Wapello
Decatur	Nine Eagles Lake
Delaware	Backbone Lake, Silver Lake (Delaware)
Des Moines	Allen Green Refuge Marsh, Round Lake
Dickinson	Big Spirit Lake, Center Lake, Christopherson Slough, Diamond Lake, East Hottes, East Okoboji Lake, Garlock Slough, Grover's Marsh, Hale Slough, Jemmerson Slough, Lake Park Pond, Lily Lake, Little Spirit Lake, Little Swan Lake, Lower Gar Lake, Marble Lake, Minnewashta Lake, Pleasant Lake, Prairie Lake, Sandbar Slough, Silver Lake (Dickinson), Sunken Lake, Swan Lake, Upper Gar Lake, Welch Lake, West Hottes, West Okoboji Lake
Emmet	Burr Oak Lake, Cheever, Eagle, Four Mile, High Lake, Ingham Lake, Iowa Lake, Tuttle Lake, Twelve-Mile Lake, West Swan Lake S.W.M.A.
Fayette	Volga Lake
Franklin	Beeds Lake
Fremont	Bartlett Lake, Forney's Lake S.W.M.A., Lake Virginia, McPaul A Pond, McPaul B Pond, Percival Lake, Scott Lake A, Scott Lake B, Waubonsie Access Lake
Greene	Goose Lake
Guthrie	Bays Branch, Springbrook Lake
Hamilton	Little Wall Lake
Hancock	Crystal Lake, Crystal Lake Sediment Pond, Eagle Lake, East Twin Lake, Eight Mile Pits, Meredith Marsh, Pilot Knob Lake, West Twin Lake
Hardin	Lower Pine Lake, Pine Ridge R.A. Lake, Steamboat Rock, Upper Pine Lake

County	Lakes
Harrison	California Bend, Hebb Wetland #1, Hebb Wetland #2, Kress Wetland, Nobles, Round Bend, Shriners Wetland, Spencer Area Wetland, St. John's Lake, Tyson Bend
Henry	Lake Geode, Lake Geode Pond #1, Lake Geode Pond #3, Lake Geode Pond #4, Lake Geode Pond #5, Lake Geode Pond #6, Lake Geode Pond #7, Lake Geode Pond #8
Jackson	Bellevue Pond, Blake's Lake, Densmore Lake, Fish Lake, Green Island Lake, Little Sawmill Lake, Sawmill Lake, Snider Lake
Jasper	Deppe Pond (north), Deppe Pond (south), Rock Creek Lake, Rock Creek Lake Park Pond (east), Rock Creek Lake Park Pond (north), Rock Creek Lake Park Pond (west), Stephens State Forest Reichelt Unit Lake
Johnson	Burlington Street Dam, Lake Macbride, Oakdale Ponds, Redbird Farms W.A. Ponds, Swan Lake
Jones	Muskrat Slough, Olin R.A. Pond
Kossuth	Burt Lake, Goose Lake, State Line Marsh
Lee	Bitternut, Black Oak, Martens Pond, Martin Pond, Shagbark, White Oak
Linn	Chain-O-Lakes Area, Pleasant Creek Lake
Louisa	Cone Marsh, Klum Lake, Lake Odessa
Lucas	Brown's Slough, Colyn North Marsh, Colyn South Marsh, Red Haw Lake, Red Haw Pond 1 (E), Red Haw Pond 2 (middle), Red Haw Pond 3 (north), Stephen's Forest Whitebreast Pond 2, Stephen's Forest Lucas Unit Pond 1, Stephen's Forest Lucas Unit Pond 2, Stephen's Forest Whitebreast Pond 1, Williamson Pond
Lyon	Jasper Pool
Madison	Badger Creek Lake, Badger Creek Pond
Mahaska	Hawthorn Lake, Hawthorn Lake Watershed Ponds, Hull W.A. Marsh, Lake Keomah
Marion	Pella S.G.M.A. Ponds
Mills	Folsom Lake, Keg Creek Lake, Mile Hill Lake, P.J. Lake, Willow Slough
Mitchell	Otranto Impoundment
Monona	Badger Lake, Blackbird Bend, Blencoe Lake, Blue Lake, Decatur Lake, I-29 Access Area borrow pit - DRY, Jepsen Wetland, Loess Hills State Forest - Jones Creek, Louisville Bend Marsh W. A., Lower Decatur Lake, Middle Decatur Lake, Upper Decatur Bend
Monroe	Cottonwood Pits, Gladson-Carmack Pond, La Hart Area Wetland, Lake Miami
Montgomery	Viking Lake
Muscatine	Wiese Slough
Osceola	Ashton Pits Wildlife Management Area, Iowa Lake, Rush
Palo Alto	Five Island Lake, Lost Island Lake, Rush Lake S.W.M.A., Silver Lake (Palo Alto), Virgin Lake
Plymouth	Deer Creek Lakes S.W.M.A.
Pocahontas	Little Clear Lake, Lizard Lake, Shimon Marsh, Sunken Grove Lake
Polk	Ankeny Lake (DMACC), Big Creek Lake
Pottawattamie	Carter Lake, Lake Manawa, Saganaush Pond
Ringgold	Fogle Lake S.W.A., Mt. Ayr Game Area Ponds, Mt. Ayr Old Reservoir, Ringgold Management Area Ponds, Walnut Creek Marsh
Sac	Arrowhead Lake, Black Hawk Lake, Black Hawk Pits, Jana R.A. Pit, L Pond
Scott	Crow Creek W.A. Lake, Lost Grove Lake, Lost Grove Lake Pond
Shelby	Prairie Rose Lake
Story	Hendrickson Marsh, Lake Laverne
Tama	Otter Creek Marsh, Union Grove Lake
Taylor	Lake of Three Fires
Union	Green Valley Lake, Summit Lake, Three Mile Lake, Twelve Mile Creek Lake

County	Lakes
Van Buren	Lacey Keosauqua Park Lake, Lake Miss (Tug Fork W), Lake Sugema, Piper's Pond (Tug Fork E)
Wapello	Arrowhead Lake
Warren	Banner Lake (north), Banner Lake (south), Hooper Area Pond, Lake Ahquabi
Washington	Darling Campground Pond, Darling Youth Camp Pond, Lake Darling, Lake Darling Watershed Pond 1, Lake Darling Watershed Pond 10, Lake Darling Watershed Pond 11, Lake Darling Watershed Pond 12, Lake Darling Watershed Pond 13, Lake Darling Watershed Pond 14, Lake Darling Watershed Pond 15, Lake Darling Watershed Pond 16, Lake Darling Watershed Pond 17, Lake Darling Watershed Pond 18, Lake Darling Watershed Pond 19, Lake Darling Watershed Pond 2, Lake Darling Watershed Pond 20, Lake Darling Watershed Pond 21, Lake Darling Watershed Pond 22, Lake Darling Watershed Pond 23, Lake Darling Watershed Pond 24, Lake Darling Watershed Pond 25, Lake Darling Watershed Pond 3, Lake Darling Watershed Pond 4, Lake Darling Watershed Pond 5, Lake Darling Watershed Pond 6, Lake Darling Watershed Pond 7, Lake Darling Watershed Pond 8, Lake Darling Watershed Pond 9
Wayne	Bob White Lake
Webster	Brushy Creek Lake, Lizard Creek Game Area Ponds
Winnebago	Harmon Lake, Myre Slough, Rice Lake
Winneshiek	Cardinal Marsh, Lower Dam Impoundment, Upper Dam Impoundment
Woodbury	Browns Lake, Midway Park Lake, Snyder Bend Lake, Stone State Park Pond, Winnebago Bend Lake
Worth	Elk Creek Marsh, Silver Lake (Worth), Silver Lake Marsh
Wright	Big Wall Lake, Elm Lake, Lake Cornelia, Morse Lake

Attachment 3: Initial Screening for Soil and Groundwater Contamination

Initial Screening Questions		
Item	Yes/ No/ Unknown/ NA	Comment
Does exposed soil at the site have an unusual color or odor that could indicate contamination?	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> U <input type="checkbox"/> NA	
Does water to be discharged from the site have an unusual color or odor that could indicate contamination?	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> U <input type="checkbox"/> NA	
Do current or past uses of the site include activities that likely included handling or disposal of hazardous substances or petroleum products? Such uses include but are not limited to gas stations, dry cleaners, etc. ... [Not applicable if site is undeveloped or residential]	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> U <input type="checkbox"/> NA	
Do you have any other knowledge or reason to suspect contamination at the site that could affect the water to be discharged? (Site has environmental clean-up lien, there was a reported pollutant release at the site, etc.)	<input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> U <input type="checkbox"/> NA	

If you answered “yes” to one or more of the above questions, you must conduct a more thorough-in-depth inquiry into the site and its potential contamination. If you answered “no” to all questions, dewatering may proceed according to the terms and conditions of the-this permit. Sign and date this form and keep it for your records.

Printed Name of Preparer

Signature of Preparer

Date Completed

Attachment 4:

Guidance for Conducting and Documenting Visual Observations of Discharges

A visual examination of a discharge must be conducted at least once during each day a discharge occurs. However, conducting examinations more frequently is encouraged in order to detect and correct any problems as soon as possible. If discharge is to occur during nighttime hours, an examination should take place during the late afternoon or evening while there is sufficient light available and again early in the morning.

Each visual examination must document observations of color, odor, turbidity (also referred to as clarity), petroleum sheen, and any other observations regarding the general appearance of the discharge (e.g., floating solids, or settled materials, foam, sheens, erosion, and any other obvious indications of water pollution).

It is recommended that the same person or persons perform and document the visual examinations ~~each day that discharge occurs~~ so that they are done in a consistent manner. The examination should be conducted at the end of the hose, pipe, or other conduit that carries water. For surface water discharges, this point should also be prior to the point where the water enters any river, stream, drainage ditch, storm sewer, or tile line.

The results must be documented in writing with the date and time of the examination and the name of the person performing the examination. The documentation must be retained for at least three (3) years after discharge at a site has ceased. Documentation is not required to be submitted to the ~~Department~~ department but must be made available upon request.

If the discharge does not comply with the applicable permit requirements, the discharge must be stopped until corrective action is taken.

If the discharge constitutes a hazardous condition, the ~~Department~~ department must be notified as soon as possible, but not later than six (6) hours after the onset or discovery of the hazardous condition in accordance with Rule 567 IAC 131.2. The ~~Department's~~ department's 24-hour line for spill reporting is (515)725-8694.

Administrative Rules
GOVERNOR'S OFFICE PRECLEARANCE FORM

Agency:	Environmental Protection Commission (Commission) / Department of Natural Resources (Department)	
IAC Citation:	567 IAC 64.15	
Agency Contact:	Wendy Hieb, 515-808-3039, wendy.hieb@dnr.iowa.gov	
Statutory Authority:	Iowa Code sections 455B.173(11), 455B.183, and 455B.186	
Preclearance Requested Review Deadline:	December 27, 2021	
<p>Purpose of Proposed Rule: The proposed rule renews five National Pollutant Discharge Elimination System (NPDES) general permits (GP # 5,6,7,8 and 9). The proposed renewal of all five permits in one package will streamline future renewals by aligning the permits' respective effective dates. The effective dates for all five general permits will be July 1, 2023, through June 30, 2028.</p> <p>Other permit edits are proposed, too. GP # 5 through 7 are amended to align with recently-revised definitions in 567 Iowa Administrative Code chapter 60. More substantive amendments are proposed to GP # 8 and 9. This is the first renewal for these two permits. The changes to both of these permits are necessary to clarify and revise regulatory requirements.</p> <p>Specifically, both GP # 8 and 9 have been revised to do the following: (1) clarify when an electronic Notice of Intent is required to be submitted; (2) change the temporary and limited timeframe from 90 days to 1 year; (3) clarify when written documentation of visual monitoring of wastewater is required; (4) identify the legal requirements of documenting and reporting a hazardous condition; and (5) provide various semantic and formatting changes to improve consistency between both permits.</p> <p>GP # 8 has been further revised as follows: (1) add eligibility criteria for containers previously used to store or transport ammonia so that hydrostatic test or tank ballast discharges from this source can be covered under this permit; (2) clarify what is included in the category of "Refined Petroleum Products;" (3) revise the eligibility criterion for aluminum to align with recent changes to Iowa's water quality standards; (4) revise the eligibility criterion for lead to correct a clerical error; and (5) align the best management practices requirement for discharges to surface waters and to the ground surface.</p> <p>GP # 9 has been further revised to: (1) clarify that discharges from non-residential open loop geothermal systems do not require an individual NPDES permit if they are exempt under 567 IAC 64.3(1)"d"; (2) align terminology when referring to two levels of investigation for determining the presence of contaminated soil or groundwater; and (3) clarify references to Iowa's statewide standards for soil and groundwater and Iowa's surface water quality standards.</p>		
<p>Need for Proposed Rule: General permits authorize certain types or classes of facilities to discharge wastewater without having to obtain an individual NPDES permit. General permits are required by law to be adopted through rulemaking.</p> <p>GP # 8 and 9 will expire on June 30, 2023. Renewals are always initiated well in advance to protect covered stakeholders. If the general permits expire and an individual NPDES permit is not in place, the discharges would violate both federal and state law.</p> <p>Aligning the effective dates of all five general permits will benefit covered stakeholders and the Department. It will conserve Department resources by allowing staff to undertake the rule making process once in a five-year period rather than five separate times. Likewise, it will save time and resources for members of the regulated community who are impacted by multiple general permits; such stakeholders can participate in one rulemaking rather than in several. Lastly, it will improve consistency across the general permits, where appropriate.</p>		

Summary of Informal Rulemaking Activities related to the Proposed Rule (e.g., stakeholder input): The proposed rule making is the result of extensive stakeholder engagement and collaboration. A virtual stakeholder meeting was held on September 14, 2021. Information about the meeting was posted on the state's public meeting website and the Department's website. The Department also provided meeting information via a press release, listservs to over 25,000 subscribers, and email to over 400 specific stakeholders and stakeholder organizations. Stakeholders who participated in the virtual meeting included the following: Associated General Contractors of Iowa, Iowa Geothermal Association, asphalt and aggregate suppliers, oil and natural gas pipeline operators, an energy provider, an ethanol producer, the Iowa Association of Municipal Utilities, Regional Utility Service Systems, City of Altoona, Iowa Farm Bureau Federation, Iowa Department of Transportation, wastewater treatment technology providers and an engineering consulting firm.

No comments were received during or following the meeting.

**Administrative Rules
JOBS IMPACT STATEMENT**

1. BACKGROUND INFORMATION

Agency:	Environmental Protection Commission (Commission)/ Department of Natural Resources (Department)
IAC Citation:	567 IAC 64.15
Agency Contact:	Wendy Hieb, 515-808-3039, wendy.hieb@dnr.iowa.gov
Statutory Authority:	Iowa Code sections 455B.173(11), 455B.183, and 455B.186
Objective:	Align the effective dates of all five general permits so that subsequent renewals can be processed in one rulemaking rather than in five, and also make substantive amendments to each permit to revise and clarify regulatory requirements.
Summary:	The proposed rule making aligns the effective dates of GP # 5,6,7,8, and 9. The effective dates for these permits will be July 1, 2023, through June 30, 2028. The proposed rule also amends GP # 5,6, and 7 to reflect recently-updated definitions in administrative code and GP # 8 and 9 to revise and clarify regulatory requirements.

2. JOB IMPACT ANALYSIS

<input type="checkbox"/> <i>Fill in this box if impact meets these criteria:</i>
<input checked="" type="checkbox"/> No Job Impact on private sector jobs and employment opportunities in the State. <i>(If you make this determination, you must include the following statement in the preamble to the rule: "After analysis and review of this rulemaking, no impact on jobs has been found.")</i>
Explanation: NPDES general permits benefit the regulated community by shortening the time needed to obtain discharge authorization and reducing costs as compared to individual permits. Failure to renew the general permits would result in permitting delays and additional costs for entities currently authorized to discharge under the permits.
<input type="checkbox"/> <i>Fill in this box if impact meets either of these criteria:</i>
<input type="checkbox"/> Positive Job Impact on private sector jobs and employment opportunities in the State.
<input type="checkbox"/> Negative Job Impact on private sector jobs and employment opportunities in the State.
<i>Description and quantification of the nature of the impact the proposed rule will have on private sector jobs and employment opportunities:</i>
<i>Categories of jobs and employment opportunities that are affected by the proposed rule:</i>
<i>Number of jobs or potential job opportunities:</i>
<i>Regions of the state affected:</i>
<i>Additional costs to the employer per employee due to the proposed rule: (if not possible to determine, write "Not Possible to Determine.")</i>

3. COST-BENEFIT ANALYSIS

The Agency has taken steps to minimize the adverse impact on jobs and the development of new employment opportunities before proposing a rule. See the following Cost-Benefit Analysis:

NPDES general permits benefit the regulated community by shortening the time needed to obtain discharge authorization and reducing costs as compared to individual permits. No additional costs are expected to result from any of the proposed changes to the five general permits. Aligning the effective dates for all five general permits will allow future renewal rule makings for all five general permits to be combined, thus saving time and resources for the regulated community and Department staff and improving consistency across the permits where appropriate. The Department worked closely with stakeholders to ensure that the proposed changes to GP # 8 and 9 will improve permit clarity and address needs identified during the first permit term, while continuing to protect the state's surface water resources. The primary change proposed for GP # 5,6, and 7 is to revise the permit effective dates to match the effective dates for the renewed version of GP # 8 and 9.

4. FISCAL IMPACT

The Department anticipates state agencies, local governments, the public, and the regulated entities, including regulated businesses and self-employed individuals, will not incur additional fiscal impact from implementing and complying with the proposed rule.

Administrative Rule Fiscal Impact Statement

Agency: Environmental Protection Commission (Commission)/ Department of Natural Resources (Department) IAC Citation: 567 IAC 64.15 Agency Contact: Wendy Hieb, 515-808-3039, wendy.hieb@dnr.iowa.gov
Summary of the Rule: The proposed rule making aligns the effective dates of GP # 5,6,7,8, and 9. The effective dates for these permits will be July 1, 2023, through June 30, 2028. The proposed rule also amends GP # 5 through 7 to reflect recently-updated definitions in administrative code and GP # 8 and 9 to revise and clarify regulatory requirements.
<input type="checkbox"/> <i>Fill in this box if impact meets these criteria:</i>
<input checked="" type="checkbox"/> No Fiscal Impact to the State.
<input type="checkbox"/> Fiscal Impact of less than \$100,000 annually or \$500,000 over 5 years.
<input type="checkbox"/> Fiscal Impact cannot be determined.
Brief Explanation: The Department will use existing budget and resources to implement the rule.

Assumptions:		
<i>Describe how estimates were derived:</i>		
Estimated Impact to the State by Fiscal Year		
	Year 1 (FY)	Year 2 (FY)
Revenue by Each Source:		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify)	\$0	\$0
TOTAL REVENUE	\$0	\$0
Expenditures:		
GENERAL FUND	\$0	\$0
FEDERAL FUNDS	\$0	\$0
Other (specify) Air Contaminant Fee	\$0	\$0
TOTAL EXPENDITURES	\$0	\$0
NET IMPACT		
<input checked="" type="checkbox"/> This rule is required by State law or Federal mandate. <i>Please identify the state or federal law:</i> Sections 301(a) and 402 of the Clean Water Act prohibit anyone from discharging pollutants through a point source into a water of the United States unless they have an NPDES permit. Iowa Code section 455B.183 prohibits the operation of any waste disposal system without first securing a written permit from the Department. Iowa Code section 455B.173(11) provides that the Environmental Protection Commission shall adopt rules for the issuance of a single general permit, after notice and opportunity for a public hearing.		
<input type="checkbox"/> Funding has been provided for the rule change. <i>Please identify the amount provided and the funding source:</i>		
<input checked="" type="checkbox"/> Funding has not been provided for the rule. <i>Please explain how the agency will pay for the rule change:</i> The Department will utilize existing resources.		
Fiscal impact to persons affected by the rule: None		
Fiscal impact to Counties or other Local Governments (required by Iowa Code 25B.6): None		

Iowa Department of Natural Resources
Environmental Protection Commission

ITEM #6

DECISION

Contract with THE UNIVERSITY OF IOWA**Recommendation:**

Commission approval is requested for a service contract with the State Hygienic Laboratory at the University of Iowa.

Contract Terms:

Amount: Not to exceed \$27,697.68

Dates: May 1, 2022, to October 31, 2022.

Funding Source(s): Environment First Appropriation

Statutory Authority: Iowa Code section 455B.103(3).

Contract Background:

Since 2006, the DNR Beach Monitoring Program has sampled and reported indicator bacteria concentrations at swimming areas throughout the state. Routine monitoring takes place from the week before Memorial Day through Labor Day. The beach monitoring project fits into the mission of the DNR by ensuring high quality recreational opportunities within the state park system and by assessing and reporting on the quality of surface waters in the state.

Contract Purpose: The parties propose to enter into this Contract to retain the Contractor to provide assistance to DNR in the analysis of indicator bacteria and cyanobacteria toxin (microcystin) samples collected by the DNR as part of the beach monitoring program. Indicator bacteria samples are collected weekly during the monitoring period at up to 40 state park beaches and as many as 35 city and county park beaches.

Contractor Selection Process:

DNR is allowed to contract with the University of Iowa pursuant to Iowa Code section 455B.103(3).

Contract History:

The DNR has entered into contracts with the State Hygienic Laboratory at the University of Iowa on a regular basis since 2014. The purpose of the contracts with University of Iowa is to have the State Hygienic Laboratory provide the DNR with indicator bacteria analysis at state, county, and city owned beaches. This information is used to inform the public of current beach warning status. Additionally, the DNR intends to utilize the information gathered and analyzed in this Contract in partial fulfillment of sections 303d and 305b of the Clean Water Act including biennial reports on the status of lake water quality, impaired water listing, and total maximum daily load reports. The most recent contracts have been the following:

Contract #1: Timeframe: May 15, 2017, to September 30, 2017; Amount \$ \$23,817.24 ; Amendment: None

Contract #2: Timeframe: May 1, 2018, to October 31, 2018; Amount \$ \$24,457.14 ; Amendment: None

Contract #3: Timeframe: May 1, 2019, to October 31, 2019; Amount \$ \$25,963.74 ; Amendment: None

Contract #4: Timeframe: May 1, 2020, to October 31, 2020; Amount \$ \$27,839.16; Amendment: None

Contract #5: Timeframe: May 1, 2021, to October 31, 2021; Amount \$ \$84,956.58; Amendment: None

Roger Bruner, Supervisor, Water Quality Bureau

Environmental Services Division

April 21, 2022

5.1 Statement of Work. Contractor shall perform the following Tasks. Contractor shall complete its obligations under this Contract by the Task Milestone Dates set out in the following table.

Obligation	Task Milestone Date
<p>Task 1: Analysis of water samples from state park beaches for indicator bacteria Description:</p> <ul style="list-style-type: none"> a) Laboratory analysis shall be completed for <i>Escherichia coli</i> (see Table 4 for a parameter list) on surface water samples collected at up to 40 state park beaches by DNR staff (see Table 1 for a list of these beaches). b) All samples submitted for analysis through this task shall be coded as IDNR BEACH. c) Laboratory staff shall email the Contract Manager with notification of results greater than 235 CFU/100ml within 2 hours of sample analysis completion. d) SHL shall provide sample containers and chain of custody forms for water samples to be collected by DNR staff during the Contract period. 	<p>Contractor shall conduct sample analysis, including sample set-up, on a weekly basis beginning no later than May 23, 2022, and continuing for 15 weeks.</p> <p>Contractor shall make completed data and results available to DNR via the SHL OpenELIS web portal not later than 2 hours after completion of sample analysis.</p>
<p>Task 2: Analysis of QA/QC samples Description:</p> <ul style="list-style-type: none"> a) Laboratory analysis shall be completed for <i>Escherichia coli</i> (see Table 4 for a parameter list) on all QA/QC samples (field blanks and splits) submitted to SHL by DNR as part of the state beach monitoring program. b) All samples submitted for analysis through this task shall be coded as IDNR BEACH QAQC. c) SHL shall provide sample containers and chain of custody forms for water samples to be collected by DNR staff during the Contract period. 	<p>Contractor shall conduct sample analysis, including sample set-up, on a weekly basis beginning no later than May 23, 2022, and continuing for 15 weeks.</p> <p>Contractor shall make completed data and results available to DNR via the SHL OpenELIS web portal not later than 2 hours after completion of sample analysis.</p>
<p>Task 3: Assemble and ship bacteria sample kits to city/county beaches Description:</p> <ul style="list-style-type: none"> a) SHL shall ship coolers, cold packs, bottles, and chain of custody forms to all beaches participating in the city/county beach monitoring program (see Table 2 for a list of these beaches). b) SHL shall provide return shipping labels to meet required holding times. 	<p>Contractor shall complete the first shipment of this task no later than May 16, 2022.</p> <p>Contractor shall continue to ship supplies outlined in this task on an as needed basis with the last shipment sent no later than August 30, 2022.</p>
<p>Task 4: Return shipping and analysis of city/county beach bacteria samples Description:</p> <ul style="list-style-type: none"> a) Laboratory analysis shall be completed for <i>Escherichia coli</i> (see Table 4 for a parameter list) on surface water samples collected by DNR, or collected and shipped to SHL from up to 35 city/county park beaches (see Table 2 for a list of these beaches). Return shipping by local city/county staff will allow for samples to arrive at SHL and be analyzed within the 30 hour sample holding time. b) Samples received outside of the 30 hour sample holding time shall not be analyzed. SHL shall email the DNR Contract Manager by end of business on date of sample receipt when city/county beach samples are not analyzed. c) SHL shall email the DNR Contract Manager to notify when city/county beach samples are received on a Thursday or Friday. Samples received on a 	<p>SHL shall complete this task weekly, beginning week of May 23, 2022, and continuing for 15 weeks.</p> <p>SHL shall make completed results available to DNR via the SHL OpenELIS web portal not later than close of business on Thursday of each week of the monitoring season (May 23–Sept 5, 2022).</p>

<p>Thursday or Friday and within 30 hour sample holding time shall be analyzed.</p> <p>d) All samples submitted for analysis through this task shall be coded as CO BEACH.</p>	
<p>Task 5: Special Projects</p> <p>Description:</p> <p>a) SHL shall complete additional analyses from state park or county beaches for indicator bacteria (see Table 4 for a parameter list) as mutually agreed upon in writing by SHL and DNR.</p> <p>b) All samples submitted for analysis through this task shall be coded as IDNR BEACH SPECIAL.</p> <p>c) Laboratory staff shall email the Contract Manager with notification of results greater than 235 CFU/100ml</p>	<p>Contractor shall conduct sample analysis, including sample set-up, on a as needed basis beginning no later than May 23, 2022, and continuing for 15 weeks.</p> <p>Contractor shall make completed data and results available to DNR via the SHL OpenELIS web portal not later than 2 hours after completion of sample analysis.</p>
<p>Task 6: Data Transfer</p> <p>Description: SHL shall make the data generated pursuant to this Contract available to DNR electronically through the State Hygienic Laboratory OpenELIS database web portal. Data shall be available for download by DNR staff in a mutually agreeable format. The available sample information shall include the STORET station identification number (aka AQUIA SiteID), which will be provided by DNR for all station locations. Data shall be retrievable via the web portal by DNR staff.</p> <p>Analytical reports may be retrieved electronically by DNR staff having the appropriate authorization. SHL shall assist DNR staff in obtaining appropriate authorization when requested.</p> <p>When accessing electronic data, the following information is required:</p> <ul style="list-style-type: none"> • SHL OpenELIS/Telcor Organization ID number :7002 (IDNR BEACH MONITORING) • SHL Project Code: (IDNR BEACH; IDNR BEACH QAQC; CO BEACH; IDNR BEACH SPECIAL) 	<p>SHL shall make completed data and results available to DNR via the SHL OpenELIS web portal not later than 15 calendar days after the end of each month.</p> <p>If SHL determines that extra time for analysis should be allowed in specific cases, then a written notification shall be made to the DNR Project Manager, stating that analytical results from a sample will be delayed and the reasons for the delay. This notification shall occur as soon as possible but not later than 15 days following receipt of the sample.</p>

7.1 Budget & Submission of Invoices. The budget and submission of invoices for this Contract shall be as follows:

Task*	Total Amount of compensation allotted to Task** (Variable Payment)	Task Milestone Date	Invoice Due No Later Than:
<p>Task 1. Analysis of water samples from state park beaches for indicator bacteria (see Table 4 for a parameter list)</p>	<p>No greater than \$11,100.00, at the per sample costs contained in Table 3.</p>	<p>Contractor shall conduct sample analysis including sample set-up, on a weekly basis beginning no later than May 23, 2022, and continuing for 15 weeks.</p> <p>Contractor shall make completed data and results available to DNR via the SHL OpenELIS web portal not later than 2 hours after completion of sample analysis.</p>	<p>Monthly, no later than thirty (30) days following the end of each month.</p>
<p>Task 2: Analysis of QA/QC samples (see Table 4 for a parameter list)</p>	<p>No greater than \$1,406.00, at the per</p>	<p>Contractor shall conduct sample analysis including sample set-up, on a weekly basis beginning no later than May 23, 2022, and continuing for 15 weeks.</p>	<p>Monthly, no later than thirty (30) days</p>

	sample costs contained in Table 3.	Contractor shall make completed data and results available to DNR via the SHL OpenELIS web portal not later than 2 hours after completion of sample analysis.	following the end of each month.
Task 3: Assemble and ship bacteria sample kits to city/county beaches	\$ 0	Contractor shall complete the first shipment of this task no later than May 16, 2022. Contractor shall continue to ship supplies outlined in this task on an as needed basis and no later than August 30, 2022.	N/A
Task 4: Return shipping and analysis of city/county beach bacteria samples (see Table 5 for a parameter list)	No greater than \$12,862.50, at the per sample costs contained in Table 3.	SHL shall complete this task weekly, beginning week of May 23, 2022, and continuing for 15 weeks. SHL shall make completed results available to DNR via the SHL OpenELIS web portal not later than close of business on Thursday of each week of the monitoring season (May 23– September 5, 2022).	Monthly, no later than thirty (30) days following the end of each month.
Task 5: Special Projects (see Table 4 for a parameter list)	No greater than \$277.50, at the per sample costs contained in Table 3.	Contractor shall conduct sample analysis including sample set-up, on an as needed basis beginning no later than May 23, 2022, and continuing for 15 weeks. Contractor shall make completed data and results available to DNR via the SHL OpenELIS web portal not later than 2 hours after completion of sample analysis.	Monthly, no later than thirty (30) days following the end of each month.
Task 6: Data Transfer	N/A	SHL shall make completed data and results available to DNR via the SHL OpenELIS web portal not later than 15 calendar days after the end of each month. If SHL determines that extra time for analysis should be allowed in specific cases, then a written notification shall be made to the DNR Project Manager, stating that analytical results from a sample will be delayed and the reasons for the delay. This notification shall occur as soon as possible but not later than 15 days following receipt of the sample.	N/A
Sub-totals	\$25,646.00		
Facilities and Administrative Costs @ 8%	\$2,051.68		
Total	Not to exceed \$27,697.68		

*Payment for completion of Tasks where specific payment is allotted shall be dependent upon the timely completion of corresponding items required by Tasks where no specific payment is allotted.

**Payment also shall conform to any pricing Tables contained in this Contract and referenced in the Budget Table above; or to the relevant SHL Pricing Table. Tables contained in this Contract shall take precedence, in the event of any inconsistency.

***Variable payment” shall mean that the number of specific analyses per Task may vary, and the Contractor shall be paid only for the number of specific analyses performed per Task. “Fixed payment” shall mean that the Contractor shall be paid an amount that is fixed in the Contract, with no variations based on analyses per Task actually performed.

Table 1 – List of 40 State Park Beaches (Collected by DNR)

Beach Name	Park	AQuIA SiteID
Backbone Beach	Backbone State Park	21280001
Beed's Lake Beach	Beed's Lake State Park	21350001
Big Creek Beach	Big Creek State Park	21770001
Black Hawk Beach	Black Hawk State Park	21810002
Denison Beach	Black Hawk State Park	21810001
Brushy Creek Beach	Brushy Creek State Recreation Area	21940001
Clear Lake Beach	Clear Lake State Park	21170001
Crandall's Beach	Crandall's Beach	21300005
Emerson Bay Beach	Emerson Bay State Recreation Area	21300004
Geode Beach	Geode State Park	21440001
George Wyth Beach	George Wyth Memorial State Park	21070001
Green Valley Beach	Green Valley State Park	21880001
Gull Point Beach	Gull Point State Park	21300001
Honey Creek Resort Beach	Honey Creek Resort State Park	21040001
Lacey-Keosauqua Beach	Lacey-Keosauqua State Park	21890001
Orleans Beach	Orleans Beach Area	21300007
Lake Anita Beach	Lake Anita State Park	21150001
Lake Darling Beach	Lake Darling State Park	21920001
Lake Keomah Beach	Lake Keomah State Park	21620001
Lake Macbride Beach	Lake Macbride State Park	21520001
Lake Manawa Beach	Lake Manawa State Park	21780001
Lake of Three Fires Beach	Lake of Three Fires St. Park	21870001
Lake Wapello Beach	Lake Wapello State Park	21260001
Lewis and Clark (Blue Lake) Beach	Lewis & Clark State Park	21670001
Marble Beach	Marble Beach State Rec Area	21300006
McIntosh Woods Beach	McIntosh Woods State Park	21170002
Nine Eagles Beach	Nine Eagles State Park	21270001
Pike's Point Beach	Pike's Point State Park	21300002
Lower Pine Lake Beach	Pine Lake State Park	21420001
Pleasant Creek Lake Beach	Pleasant Creek State Recreation Area	21570001
Prairie Rose Beach	Prairie Rose State Park	21830001
Red Haw Beach	Red Haw State Park	21590001
Rock Creek Beach	Rock Creek State Park	21500001
Springbrook Beach	Springbrook State Park	21390001
Triboji Beach	Triboji Beach	21300003
North Twin Lake East Beach	Twin Lakes State Park	21130002
North Twin Lake West Beach	Twin Lakes State Park	21130001
Union Grove Beach	Union Grove State Park	21860001
Viking Lake Beach	Viking Lake State Park	21690001
Bob White Beach	Bob White State Park	21930001

Table 2 – 35 City/County Park Beaches (Collected by City/County Personnel)

Site	Contact	Street Address/P.O.Box	City	Zip Code	AQuiA SiteID
Mormon Trail Beach	Greenfield Lumber - Dominic Johnson	107 NE 6th Street	Greenfield	50849	21010001
Hannen Lake Park	Collin Strickland	1949 Benton-Iowa Road	Blairstown	52209	14000158
Rodgers Lake Beach	Ed Hach	2113 57th Street Trail	Vinton	52349	14000236
Don Williams Beach	Boone County Conservation - Don Williams Park	610 H Ave	Ogden	50212	21080001
Struchler Pit Beach	Buena Vista County Conservation, Greg Johnson	377 440th Street	Peterson	51047	21110002
Gabrielson Park Beach	Buena Vista County Conservation, Greg Johnson	377 440th Street	Peterson	51047	21110001
Malone Park	Philip Visser	P.O. Box 68	Grand Mound	52751	21230001
Little River Recreation Area	Decatur CCB - Richard Erke	20401 NW Little River Rd	Leon	50144	21270002
Big Hollow Recreation Area	Big Hollow Maintenance Shops - Pat Rogge	18853 152nd Ave	Sperry	52650	21290001
Willow Lake Recreation Area	Harrison County Conservation Board - Byron Vennink	2725 Easton Trail	Woodbine	51579	21430001
Lake Iowa Park	Iowa County Conservation - Chris Anderson	2576 G Ave	Williamsburg	52361	21480001
Fairfield Waterworks Park	The Fairfield Waterworks	700 Waterworks Rd	Fairfield	52556	21510001
Pollmiller Park	Lee County Conservation - Clint Oldfield	2652 Hwy 61	Montrose	52639	21560001
Deep Lakes Park Beach (Formerly: Muscatine Island)	Muscatine Co Cons Bd - Dave Bakke	3300 Cedar Street/PO Box 109	Muscatine	52761	14000136
Gray's Lake Park	Julie Hempel, Parks and Recreation	1551 E. Martin Luther King Dr.	Des Moines	50317	21770003
Big Sioux Recreation Area	Sioux County Conservation - Big Sioux Rec. Area	4051 Cherry Ave	Hawarden	51023	21840001
Sandy Hollow Recreation Area	Sioux County Conservation - Sandy Hollow Rec. Area	3395 400th St	Sioux Center	51250	14000120
Three Mile Lake beach	Union CCB - Doug Jones	1577 Creamery Rd	Afton	50830	14000186
Lake Cornelia	Wright CCB - Eric Rector	1768 O'Brien Ave	Clarion	50525	21990001
Lake Pahoja	Kyle Ciesielski	1831 Buchanan Ave	Inwood	51240	21600001
Treman Park Beach	Calhoun County Conservation - Curtis Vanderheiden	1228 W. High St	Rockwell City	50579	21130003
Central Park Lake Beach	Jones County Conservation - John Klein	12515 Central Park Road	Center Junction	52212	21530001
Easter Lake Park Beach	The UPS Store - Polk County Conservation, Brad Janssen	4225 Fleur Drive	Des Moines	50321	21770002
Hickory Grove Park	Story County Conservation - Luke Feilmeier	67464 250th Street	Colo	50056	21850001
Peterson Park Beach	Story County Conservation - Danny Simcox	56461 180th St.	Ames	50010	21850002
Browns Lake Beach	Browns Lake - Josh VanVoorst	722 Bigelow park Road	salix	51052	21970002
Little Sioux Park Beach	Little Sioux Park - Nathan Silfies	1746 O'Brien Ave	Correctionville	51016	21970001
West Lake Park	Scott County Conservation - JB Graham	14910-110th Avenue	Davenport	52804	21820001

Awawysis Park*	City of Storm Lake - Kim Woltman	433 Vilas Rd	Storm Lake	50588	21110004
Bel Air Beach*	City of Storm Lake - Kim Woltman	433 Vilas Rd	Storm Lake	50588	21110005
Casino Beach*	City of Storm Lake - Kim Woltman	433 Vilas Rd	Storm Lake	50588	21110006
Chautauqua Park*	City of Storm Lake - Kim Woltman	433 Vilas Rd	Storm Lake	50588	21110007
Frank Starr Beach*	City of Storm Lake - Kim Woltman	433 Vilas Rd	Storm Lake	50588	14000121
Edson Park*	City of Storm Lake - Kim Woltman	433 Vilas Rd	Storm Lake	50588	21110008
Old Water Plant*	City of Storm Lake - Kim Woltman	433 Vilas Rd	Storm Lake	50588	21110009

*Indicates DNR will drop off to SHL

Table 3 – Breakdown of Costs

<u>Task</u>	<u>Number of Samples</u>	<u>Cost per Sample</u>	<u>Total Cost</u>
Task 1: Analysis of water samples from state park beaches for indicator bacteria	600 (40 state park beaches × 15 weeks)	600 @ \$18.50	\$11,100.00
Task 2: Analysis of QA/QC samples	76 (4 field replicate per week × 15 weeks=60) + (4 equipment blank × 4 (every 4 weeks)=16)	76 @ \$18.50	\$1,406.00
Task 3: Assemble and ship bacteria sample kits to city/county beaches	Outgoing shipments	\$0.00	\$0.00
Task 4: Return shipping and analysis of city/county beach bacteria samples			
Task 4a: Analysis of city/county beach bacteria samples (shipped)	420 (28 beaches × 15 weeks)	420 @ \$18.50	\$7,770.00
	Ground return shipping	420 @ \$7.50	\$3,150.00
Task 4b: Analysis of city/county beach bacteria samples (delivered by DNR)	105 (7 beaches × 15 weeks)	105 @ \$18.50	\$1,942.50
Task 5: Special Projects.	Up to 15 samples	15 @ \$18.50	\$277.50
Task 6: Data Transfer		\$0.00	\$0.00
		Subtotal	\$25,646.00
		Facilities and Administrative Costs @ 8%	\$2,051.68
		Contract Total	\$27,697.68

Table 4. Water quality sampling parameters and frequency for Tasks 1 & 2.

Parameter	Analytical Method	SHL Bottle # ¹	Reporting Limit ²	Holding Time	Preservation	# of Samples
E. coli	SM 9223 B	81	<10 MPN/100mL	CWA 8 hours	Cool to < 10° C, Sodium thiosulfate	676
¹ Final type and quantity of bottles will be specified in the bottle order and on the test request form (TRF).						
² Reporting limits can vary.						

Table 5. Water quality sampling parameters and frequency for Task 4.

Parameter	Analytical Method	SHL Bottle # ¹	Reporting Limit ²	Holding Time	Preservation	# of Samples
E. coli	SM 9223 B	81	<10 MPN/100mL	30 hours	Cool to < 10° C, Sodium thiosulfate	525
¹ Final type and quantity of bottles will be specified in the bottle order and on the test request form (TRF).						
² Reporting limits can vary.						

**Iowa Department of Natural Resources
Environmental Protection Commission**

Item # 7**Decision Item**

Contract Amendment #1 to 19ESDWQBLShar-0005 with Iowa Association of Municipal Utilities (IAMU) of Ankeny, Iowa.

Commission approval is requested for a Contract Amendment with Iowa Association of Municipal Utilities (IAMU) of Ankeny, Iowa.

Amendment: 19ESDWQBLShar-0005_1

Amendment Amount: \$81,733.48

Amendment Dates: April 19, 2022 to April 29, 2023

Funding Source(s): This amendment will be funded through State Revolving Fund Section 1452(k), Local and Other Authorized Uses Set-Aside.

Amendment Purpose: The purpose of this Contract Amendment is for a one-year extension of the Original Contract tasks for the provision of training and on-site technical assistance to targeted Public Water Supplies (PWS) in gaining technical, financial, and managerial capacity and to achieve and maintain compliance with department requirements and the Safe Drinking Water Act (SDWA). The target audience for this training consists of members of city councils, utility boards, water utility managers, operators, city clerks, and city administrators. Some expected outcomes are as follows:

- improve the ability of the PWS to deal with technical, managerial, and financial aspects of the system, such as rate setting, capital planning, developing sampling plans and standard operating procedures, and recordkeeping;
- assist PWSs in completing their viability self-assessment manual, if required;
- consult with the PWS in addressing deficient areas identified through DNR's self-assessment manual or a sanitary survey performed by the DNR or a representative of the DNR;
- assist a PWS in the return to a viable status if necessary, through working with PWS management and community leaders to develop policy, training, technical documents, or consolidation;
- provide training to utility board and council members who govern many aspects of PWS operation to assist them in making decisions that enhance the viability of the systems; and
- assist with presentations or the coordination of workshops as requested by the DNR.

Amendment Deliverables: Four (4) quarterly reports are required incorporating a summary of every PWS technical assistance (TA) event including constituents involved; assistance provided; and all follow up action taken by both the TA provider and the PWS.

Amendment Deliverables Schedule:

Quarterly Report	Amount of Compensation	Report Due No Later Than:
April – June 2022	\$ 20,433.37	July 30, 2022
July – September 2022	\$ 20,433.37	October 31, 2022
October – December 2022	\$ 20,433.37	January 31, 2023
January – March 2023	\$ 20,433.37	April 29, 2023

Original Contract Purpose: The 1996 Amendments to the SDWA required states to establish and implement Capacity Development strategies to identify and prioritize PWSs in need of technical assistance. The DNR solicited public input on the development of the strategy and also on its subsequent revision. One of the primary needs identified by stakeholders was for one-on-one, on-site technical assistance to help PWS operators, owners, and administrators develop the technical, financial, and managerial skills they need to provide safe drinking water to their consumers at a reasonable price both now and in the future. The strategy was revised in 2005 to focus on board member training whenever possible in capacity development activities. The state has developed a method of prioritizing water systems for technical assistance and this contract provides a means of targeting assistance directly to the systems most in need.

The 1996 Amendments also provided authority for the states to develop and operate State Revolving Funds to provide low interest loans for the replacement of aging infrastructure. Each year the state receives a federal capitalization grant which is matched by the state to provide funds for loans. One of the allowable uses for up to 15% of each capitalization grant is the Local and Other Authorized Uses “set-aside”, of which 10% may be used for the implementation of capacity development programs. A portion of this set-aside will be utilized to fund this Contract Amendment.

Original Selection Process Summary: IAMU was chosen using the formal competitive selection and based on the following factors:

- a history of providing viability technical assistance training in Iowa through over a decade of contracting with DNR for this very same purpose;
- experienced technical assistance providers and trainers who demonstrate an understanding of Iowa’s Viability Assessment concepts and needs;
- experienced technical assistance providers and trainers with established community level relationships across the state; and
- a history of providing quality water operator training in Iowa.

Contract History:

Contract #1: Timeframe: April 1, 2010, to March 31, 2013; Amount \$ 299,968.00

Contract #2: Timeframe: April 1, 2013 to March 31, 2016; Amount \$ 256,827.00

Amendment: Timeframe: April 1, 2016 to March 31, 2019; Amount \$ 265,967.00

This Amendment was for an extension of the 2013 Contract. The same Statement of Work was contained in the Amendment, with one minor addition; the Amendment included an update to the training materials that are used for council and board member training.

Contract #3: Timeframe: May 21, 2019 to April 29, 2022; Amount \$ 264,738.00

Laurie Sharp, Environmental Specialist Senior
Water Quality Bureau / Environmental Services Division
April 19, 2022



IOWA DEPARTMENT OF NATURAL RESOURCES

LEADING IOWANS IN CARING FOR OUR NATURAL RESOURCES

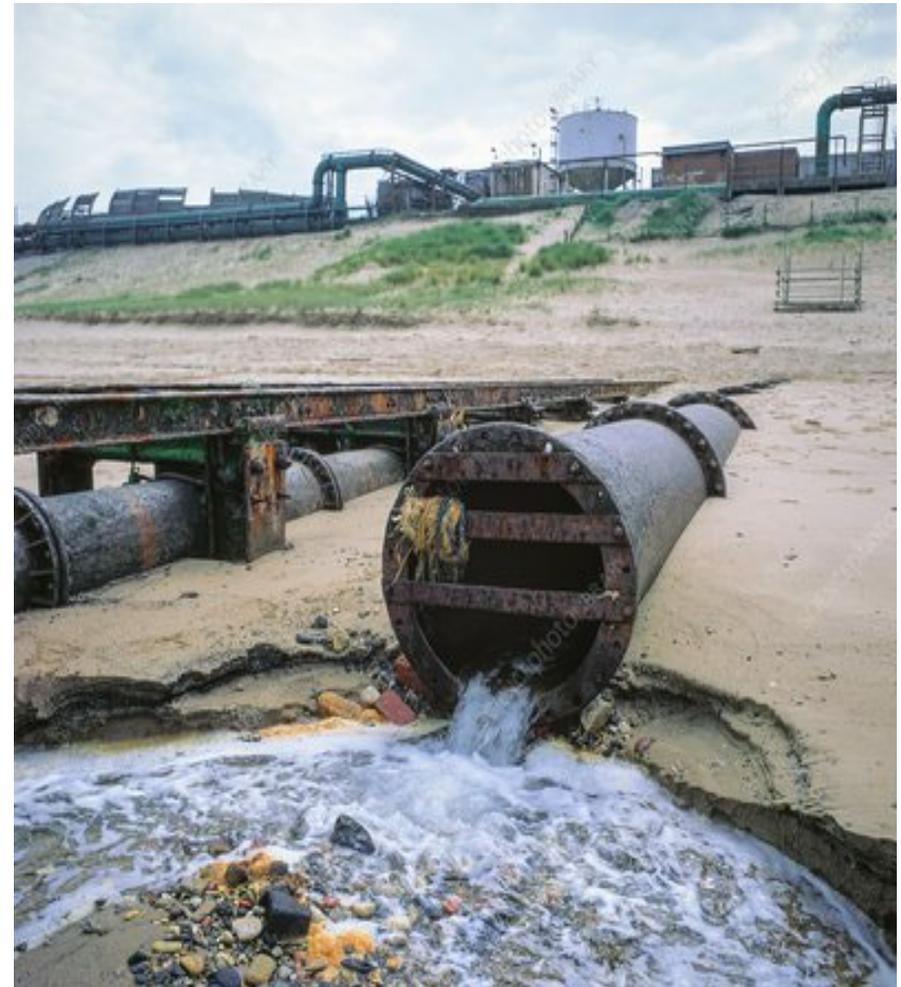
Pollution Prevention Services & Intern
Program

What is Pollution Prevention



Pollution Prevention (P2) Defined

- The **reduction or elimination** of wastes at the **source** (source reduction) instead of at the end-of-the-pipe or stack.



Benefits of P2

- Reduces liabilities and risks – disposal and workforce
- Reduces costs
- Assists in meeting environmental regulatory requirements
- Environmental improvement also means *financial savings*
- Improved image

Pollution Prevention Services

- Confidential
- Non-regulatory
- Environmental technical assistance
- Established in 1989



Client Base

- Business & Industry
- Institutions
- Government Agencies
- Toxic Release Inventory Reporters
- RCRA Large Quantity Generators
- Large Utility Users



P2 Services Offered

Assistance focused on our client's needs

- Assessments
 - Opportunity or Focused
 - Energy
 - Compressor Utilization
 - Boilers & Steam
 - HVAC Efficiency
 - Lighting Effectiveness
 - Water
 - Water use
 - Wastewater
 - Waste
 - Hazardous waste
 - Solid waste
- Pollution Prevention Intern Program
- EMS Assistance
- Workshops and Training
- P2 Resource Library



Implemented Cumulative Results

- P2 Intern Program Since 2001:
- **\$111.8 million** implemented
- 5.77 billion gallons water
- 258K tons solid/special waste
- 10,016 tons hazardous waste
- 42,817 mercury abated
- 504.2 million kWh
- 22.22 million therms

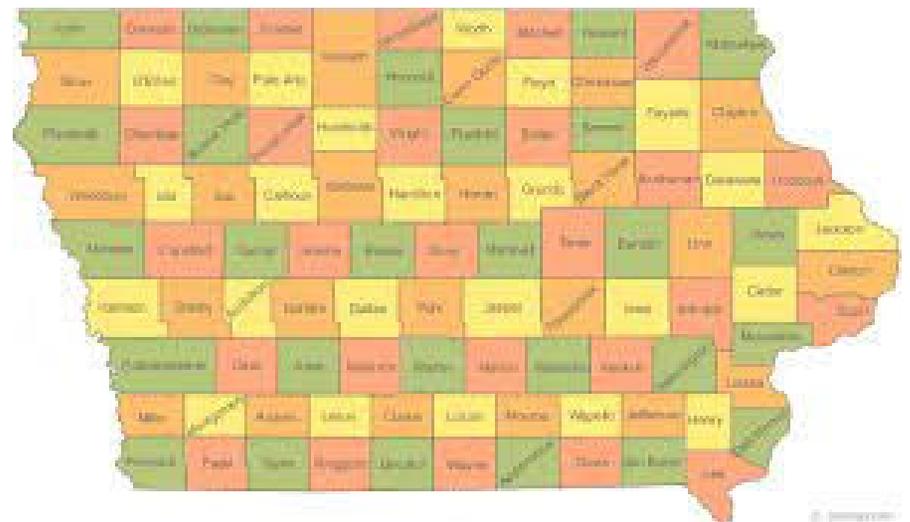


Businesses Representing These Counties 2019 - 2022

Buena Vista
Cerro Gordo
Crawford
Dickenson
Des Moines
Floyd
Jasper
Marshall

Muscatine
Page
Plymouth
Polk
Sioux

Wapello
Winneshiek
Woodbury



Company Profile

Company: Mercy Medical Center

Des Moines, IA

- Project focus:
 - Free cooling
 - Energy reduction and conservation
- Identified and implemented savings:
 - P&F heat exchanger for free cooling
 - AHU scheduling & controls
 - Steam system upgrades
 - Water system upgrades



Total Savings: \$255,994

<i>Implemented:</i>	\$0
<i>In Process/Pending:</i>	\$255,994

Company Profile

Company: Hormel Foods

Algona, IA

Project focus:

- Lighting Upgrade
- Solid waste
- Waste reduction

Identified opportunities:

- New recycling vendor
- Reduced waste hauling
- Alternative management of meat casings
- Plastic Bailing



Total Savings: \$164,040	

<i>Implemented:</i>	\$127,000
<i>Recommended:</i>	\$37,758

Company Profile

Company: Eagle Window & Door
Dubuque, IA

Project focus:

Energy
Compressed air

Identified opportunities:

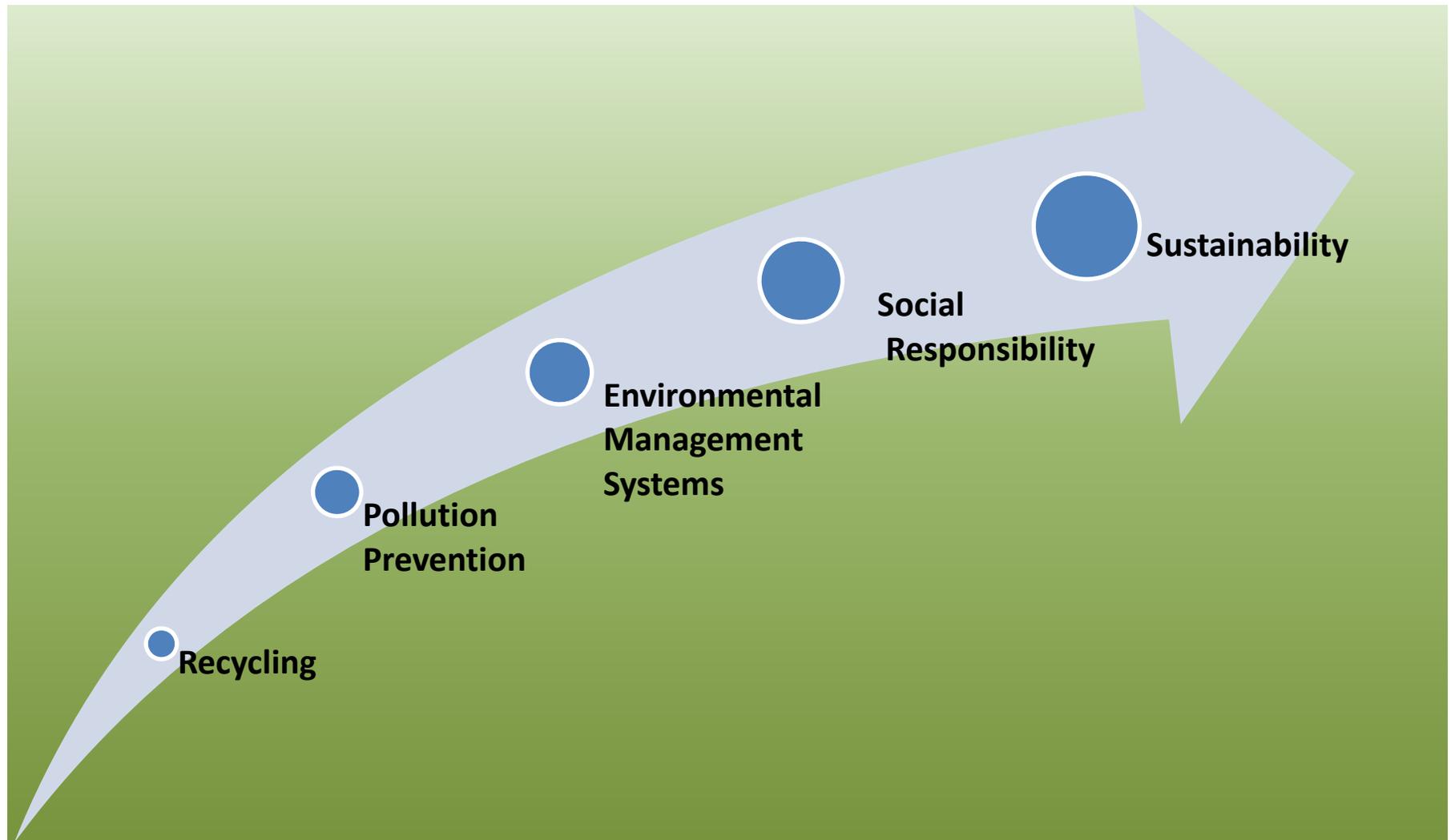
Mist eliminator installation
Compressed air dryer replacement
Air compressor replacement
Air leak repair
Air demand side storage



Total Savings:	\$172,793

<i>Implemented:</i>	<i>\$64,511</i>
<i>Recommended:</i>	<i>\$108,282</i>

Path to Sustainability



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