

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

**Proposing rulemaking related to effluent and pretreatment standards
and providing an opportunity for public comment**

The Environmental Protection Commission (Commission) hereby proposes to rescind Chapter 62, “Effluent and Pretreatment Standards: Other Effluent Limitations or Prohibitions,” Iowa Administrative Code, and to adopt a new chapter with the same title.

Legal Authority for Rulemaking

This rulemaking is proposed under the authority provided in Iowa Code sections 455B.103(2), 455B.105(3) and 455B.173(3).

State or Federal Law Implemented

This rulemaking implements, in whole or in part, Iowa Code section 455B.174, Clean Water Act Section 402, and 40 CFR §123.25.

Purpose and Summary

Proposed Chapter 62 establishes the requirements for National Pollutant Discharge Elimination System (NPDES) permit limits and contains restrictions on certain types of wastewater discharges. The Department establishes limits in NPDES permits for the pollutants in wastewater. Pollutant limits included in proposed Chapter 62 will apply to facilities that discharge wastewater into Waters of the United States and to facilities that discharge wastewater to city treatment plants.

The U.S. Environmental Protection Agency (EPA) delegated NPDES permitting authority to Iowa in 1978 for all facilities outside tribal lands, as granted under Clean Water Act Section 402(b). Iowa’s NPDES rules must implement all of the provisions in 40 CFR §123.25, and these rules must be as stringent as the federal provisions.

This chapter was reviewed and edited consistent with Executive Order 10. This rulemaking removes outdated requirements; shortens, simplifies and clarifies regulations and terminology; removes redundancy; and references regulations that appear elsewhere in State or federal law. Chapter 62’s rule-referenced document, the Iowa Wasteload Allocation Procedure (www.iowadnr.gov/Environmental-Protection/Water-Quality/Wasteload-Allocations), has been updated to reflect the November 11, 2020, version already cited in Chapter 61.

Regulatory Analysis

A Regulatory Analysis for this rulemaking was published in the Iowa Administrative Bulletin on September 4, 2024. A public hearing was held on the following date(s):

- September 24, 2024

Fiscal Impact

This rulemaking has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rulemaking, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rulemaking would result in hardship or injustice to that person may petition the Commission for a waiver of the discretionary provisions, if any, pursuant to 567—Chapter 13.

Public Comment

Any interested person may submit comments concerning this proposed rulemaking, which must be received by the Department of Natural Resources (Department) no later than 4:30 p.m. on February 7, 2025. Comments should be directed to:

Courtney Cswercko
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: courtney.cswercko@dnr.iowa.gov

Free Language Access. If you speak a non-English language, we offer you language assistance services free of charge. Contact the Department at npdes.mail@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística. Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al npdes.mail@dnr.iowa.gov.

Public Hearing

Public hearings at which persons may present their views orally or in writing will be held as follows:

January 28, 2025 1 to 2 p.m.	Virtual meeting A meeting registration link will be provided prior to the hearing
January 29, 2025 1 to 2 p.m.	Virtual meeting A meeting registration link will be provided prior to the hearing

The public hearings will be held virtually. See www.iowadnr.gov/Environmental-Protection/Water-Quality/Water-Quality-Rulemaking for meeting information.

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

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

Free Language Assistance: if you need assistance in a language other than English, contact the Department at npdes.mail@dnr.iowa.gov or civilrights@dnr.iowa.gov or by telephone at 515.322.2157 at least seven days before the event.

Servicios gratuitos de asistencia lingüística: si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al npdes.mail@dnr.iowa.gov o civilrights@dnr.iowa.gov o por teléfono a 515.322.2157 al menos siete días antes del evento.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rulemaking by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rulemaking 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 rulemaking action is proposed:

ITEM 1. Rescind 567—Chapter 62 and adopt the following **new** chapter in lieu thereof:

CHAPTER 62
EFFLUENT AND PRETREATMENT STANDARDS:
OTHER EFFLUENT LIMITATIONS OR PROHIBITIONS

567—62.1(455B) Prohibited discharges.

62.1(1) The discharge of any pollutant from a point source into a navigable water is prohibited unless authorized by an NPDES permit or by a permit issued pursuant to Section 404 of the CWA and certified pursuant to 567—subrule 61.2(6).

62.1(2) The prohibitions in 40 CFR §122.4 are adopted by reference.

62.1(3) The following discharges are prohibited:

a. The discharge of wastewater into a POTW or a semipublic sewage disposal system (DS) in volumes or quantities in excess of those to which a significant industrial user is committed in either a treatment agreement described in 567—subrule 60.3(3) or a local control mechanism (in the case of a POTW with an approved pretreatment program); and

b. Discharge of the pollutants listed in 40 CFR §403.5(b) to a POTW, a semipublic sewage DS, or a PSDS.

62.1(4) Waste in such volumes or quantities as to exceed the design capacity of the treatment works, cause interference or pass through, or reduce the effluent quality below that specified in the operation permit of the treatment works is considered to be a waste that interferes with the operation or performance of a POTW or a semipublic sewage DS and are prohibited.

567—62.2(455B) Secondary treatment information: effluent standards for POTWs and semipublic sewage DSs.

62.2(1) General. This subrule describes the minimum level of effluent quality attainable by secondary treatment in terms of CBOD₅; suspended solids (SS), the pollutant parameter total suspended solids; and pH. The pollutant measurement CBOD₅ is used in lieu of the pollutant measurement BOD₅, as noted in 40 CFR §133.102(a)(4). All requirements for each pollutant measurement shall be achieved by POTWs and semipublic sewage DSs except as provided for in 62.2(2) and 62.2(3). Effluent limitations on pollutants other than CBOD₅, SS and pH may be imposed in an NPDES permit. Such limitations will reflect pretreatment requirements that may be imposed on users of the treatment works.

a. CBOD₅, as noted in 40 CFR §133.102(a)(4). The 30-day average percent removal shall not be less than 85 percent, and the percent removal shall be calculated by adding five units to the effluent CBOD₅ monitoring data and comparing that value to the influent BOD₅ monitoring data. Site-specific information on the relationship between BOD₅ and CBOD₅ shall be used in lieu of the five-unit relationship if such information is available.

b. SS, as noted in 40 CFR §133.102(b).

c. pH, as noted in 40 CFR §133.102(c).

62.2(2) Special considerations.

a. Combined sewers and percent removal. 40 CFR §133.103(a) is adopted by reference.

b. Industrial wastes and POTWs; standard secondary adjustment. 40 CFR §133.103(b) is adopted by reference.

c. Waste stabilization lagoons. Secondary treatment standards for waste stabilization lagoons are the same as those found in 62.2(1) concerning secondary treatment with the exception of the SS standards, which are as follows:

(1) The 30-day average shall not exceed 80 mg/l.

(2) The 7-day average shall not exceed 120 mg/l.

d. Less concentrated influent wastewater for separate sewers; lower percent removal or mass loading limit. 40 CFR §133.103(d) is adopted by reference.

e. Upgraded facilities designed to operate in a split flow mode.

(1) The department may substitute either a lower percent removal requirement or a mass loading limit for the percent removal requirements in 62.2(1), provided that the treatment works is designed to split part of the primary treated wastewater flow around the secondary treatment unit(s). The design to accommodate split flow must be approved by the department and consistent with applicable design standards for wastewater treatment facilities. Subrule 62.2(2)“d” applies to facilities considered under this subrule. This subrule shall not be considered for facilities eligible for treatment equivalent to secondary treatment under 62.2(3).

(2) Any applicant requesting a permit limit adjustment pursuant to this subrule must include as part of the request an analysis of the infiltration and inflow (I/I) sources in the system and a plan for the elimination of all inflow sources such as roof drains, manholes, and storm sewer interconnections. Infiltration sources that can be economically eliminated or minimized shall be corrected.

f. Dilution. Nothing in this subrule or any other department rule shall be construed to encourage dilution of sewage as a means of complying with secondary treatment effluent standards. Reasonable efforts to prevent and abate infiltration of groundwater into sewers, and prevention or removal of any significant source of inflow, are required of all persons responsible for facilities subject to these standards.

62.2(3) Treatment equivalent to secondary treatment. 40 CFR §133.105 is adopted by reference. Treatment works shall be eligible for consideration of effluent limitations described for treatment equivalent to secondary treatment in accordance with 40 CFR §133.101(g). The pollutant measurement CBOD₅ will be used in lieu of the pollutant measurement BOD₅, as noted in 40 CFR §133.105(e).

567—62.3(455B) Federal standards and effluent limitations.

62.3(1) Federal effluent and pretreatment standards. The following are adopted by reference: 40 CFR Part 125, Subparts H, I and J, and 40 CFR Parts 401 through 471.

62.3(2) Federal toxic pollutant effluent standards. 40 CFR Part 129 is adopted by reference.

62.3(3) Effluent limitations and pretreatment requirements for sources for which there are no federal effluent or pretreatment standards. For discharges of pollutants from sources that are not subject to the federal effluent standards adopted by reference in 62.3(1), the department shall establish effluent limitations, pretreatment requirements, or both, that represent the best professional judgment for pollutant reduction, consistent with the CWA and Iowa Code chapter 455B.

62.3(4) Effluent limitations less stringent than the effluent limitation guidelines. 40 CFR Part 125 Subpart D is adopted by reference.

567—62.4(455B) Effluent limitations or pretreatment requirements more stringent than the effluent or pretreatment standards.

62.4(1) Effluent limitations necessary to meet water quality standards (WQSs). No effluent, alone or in combination with the effluent of other sources, shall cause a violation of any applicable WQS. When it is found that a discharge that would comply with applicable effluent standards or effluent limitations in this chapter would cause a violation of WQSs, the discharge will be required to meet the water quality-based effluent limits (WQBELs) necessary to achieve the applicable WQSs as established in 567—Chapter 61. WQBELs shall be derived from a wasteload allocation (WLA) calculated for the discharge, as described in the Iowa Wasteload Allocation Procedure (WLAP) (Nov. 11, 2020), or a WLA calculated for a TMDL, whichever is more stringent, except that the daily sample maximum criteria for E. coli set forth in 567—Chapter 61 shall not be used as an end-of-pipe permit limitation.

62.4(2) Pretreatment requirements more stringent than categorical standards. The department or POTW may impose pretreatment requirements more stringent than the applicable categorical standards in 62.3(1) when more stringent requirements are necessary to prevent violations of WQSs, pass through, acute worker health or safety problems, or interference (including inhibiting or disrupting sludge use and disposal practices).

62.4(3) Effluent limitations for pollutants not covered by effluent or categorical standards. When a pollutant is not otherwise regulated under rules 567—62.2(455B) through 62.3(455B), effluent limits or pretreatment requirements may be imposed on a case-by-case basis.

a. Effluent limits shall be based on the effect of the pollutant in water and the feasibility and reasonableness of treating the pollutant.

b. Pretreatment requirements shall be based on the effect of the pollutant in water, the effect on the receiving treatment works (including pass through, inhibition, worker safety, and sludge disposal), and the feasibility and reasonableness of treating the pollutant.

567—62.5(455B) Effluent reuse.

62.5(1) *Manner of reuse.* Treated final effluent may be reused in a manner noted in this rule or as specified in an NPDES permit.

62.5(2) *Reuse for golf course irrigation.* Treated final effluent may be reused for golf course irrigation if one of the conditions described in 62.5(2)“a” and all of the conditions in 62.5(2)“b” are met.

a. The treated final effluent must meet one of the following conditions:

(1) A minimum total residual chlorine (TRC) level of 0.5 mg/l must be maintained at a minimum of 15 minutes’ contact time of chlorine to wastewater prior to the irrigation of the golf course with treatment plant effluent; or

(2) Disinfected effluent shall be held in a retention pond with a detention time of at least 20 days prior to reuse as irrigation on a golf course. For this purpose, effluent may be disinfected using any common treatment technology, and either an existing pond or a pond constructed specifically for effluent retention may be used.

b. A golf course utilizing treated final effluent shall take all of the following actions:

(1) Clearly state on all scorecards that treated final effluent is used for golf course irrigation and oral contact with golf balls and tees should be avoided;

(2) Post signs that warn against consumption of water at all water hazards;

(3) Color code, label, or tag all piping and sprinklers associated with the distribution or transmission of the treated final effluent to clearly warn against the consumptive use of the contents; and

(4) Restrict public access to any area of the golf course where spraying is being conducted.

These rules are intended to implement Iowa Code chapter 455B, subchapter III, part 1.