

**IOWA DEPARTMENT OF NATURAL RESOURCES**

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)  
GENERAL PERMIT NO. 6**

**EFFECTIVE DATES**

**JULY 1, 20232028 THROUGH JUNE 30, 20282033**

**FOR**

**WELL CONSTRUCTION AND WELL SERVICE DISCHARGES**

**NPDES GENERAL PERMIT NO. 6**  
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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 ([WOTUS](#)). [Well service related discharges include those from well construction, well plugging, well reconstruction, test pumping, or well rehabilitation.](#)

#### **2. Limitations on Coverage**

The following discharges are not authorized by this permit:

- a. Well construction and well service discharges [that are](#) mixed with sources other than well construction and well service discharges.
- b. Well construction and well service discharges [resulting in an](#) [that are](#) 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](#).
- f. [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.](#)
- g. [Discharges from the operation of a well. This includes but is not limited to:](#)
  - g.(1). [Discharges from geothermal supply wells \(also known as “pump and dump wells”\) that are not under construction or reconstruction;](#)
  - g.(2). [The operation of dewatering wells \(covered under NPDES General Permit #9\);](#)
  - g.(3). [The use, withdrawal, or diversion of more than 25,000 gallons of water per day \(covered by water use permits, as described in 567 IAC 50.4\); and](#)
  - g.(4). [Injection of water into an aquifer \(covered by Water Use Permits and EPA Injection Well Registration\).](#)

**Commented [CC1]:** Adjusting the language to better conform with the decision titled "City and County of San Francisco v. Environmental Protection Agency," US Supreme Court No. 23-753.

#### **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 NPDES Permit**

1. [Any person that cannot meet the requirements of this general permit must apply for and be issued an individual NPDES permit in order to dispose of wastewater resulting from the activities listed in Part I.B.](#)
2. [Any person authorized to discharge under this general permit may apply for an individual NPDES permit from the department at any time.](#)
3. [The department may require any person authorized to discharge under this general permit to apply for and obtain an individual NPDES permit \[by notifying the permittee in writing that an individual NPDES permit application is required\]\(#\). The causes for \[doing so\]\(#\) such a request may include but are not limited to \[the discharge location of the discharge, discharge amount, or history of non-compliance with this\]\(#\) the general](#)

**Commented [CC2]:** Existing requirement, language was added for consistency with other GPs.

**Commented [3]:** Moved up; was later in this section.

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permit. This notice shall include a brief statement of the reasons for this decision, application information, 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. When the Department notifies a discharger to apply for an individual permit, a The deadline shall be not longer than one year from the date of the written notification 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 dDepartment under this paragraph, theirhis/her coverage under this general permit is automatically terminated at the end of the day specified for the application submittal.

**Commented [CC4]:** Reworded to match other GPs.

4. 2. Any person authorized to discharge by this permit may apply for an individual permit from the Department. The application for an individual NPDES permit shall be made on forms provided by the Department; include DNR-NPDES Application Forms 1, 2 and 5, shall include an antidegradation alternatives analysis pursuant to 567 IAC 60.3(2)"a"(3)"1" (if applicable) (or justification for temporary and limited degradation) and all applicable fees, and shall be submitted to the dDepartment in accordance with 567 IAC 64.3(4)(a)60.3(2)"a."
5. 3. When an individual NPDES permit is issued for a discharge authorized under this general permit, to a discharger, the applicability of this general permit to that discharger the individual NPDES permit applicant is automatically terminated on the effective issuance date of the individual NPDES 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 that discharger the individual NPDES permit applicant is automatically terminated on the date of such denial, unless otherwise specified by the dDepartment.
6. If there is evidence indicating potential or realized impacts to water quality due to any discharge from an authorized well service activity covered by this permit, the well owner may be required to obtain an individual NPDES permit in accordance with Part I.C. of this permit.

**Commented [5]:** Moved to new #2 above.

**Commented [CC6]:** Reworded to match other GPs.

**Commented [7]:** Not new; this was moved from old Part VI, Additional Permitting Clause, as the language is more appropriate here.

**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 dDepartment when 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, no earlier than five (5) calendar days prior to or no later than 24 hours after commencing construction or activities. Failure to notify the dDepartment is a violation of this gGeneral pPermit. Instructions for notification are included in the DNR department supplement named "Guidance Document for Well Construction and Well Service Discharges" available and can be viewed or downloaded on the DNR web-site at: www.iowadnr.gov.

**Commented [CC8]:** Moved to later in sentence.

**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.

**Commented [9]:** This is a clause used in all general permits.

**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 related discharges.

**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 Standard Condition #13 Part V.N of this permit, the spill notification requirements as specified in Iowa Code § 455B.386. Iowa law requires that as soon as possible but not more than six hours after the onset of a "hazardous

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~~condition" the Department and local police department or the office of the sheriff of the affected county be notified. If a report is filed under Standard Condition #13Part V.N of this permit, 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 include a plan to respond to such releases.~~

**Commented [10]:** Revised to match the EO10 rules and the updated Standard Conditions.

**C. Compliance with Existing Rules**

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

**Commented [11]:** This is redundant. Part I already states this.

**PART III. WELL WATER POLLUTION PREVENTION PLANS (WWPPP)**

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

The [WWPPP](#) 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 [WWPPP](#) 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 [department](#)[DNR](#) supplement [named](#) "Guidance Document for Well Construction and Well Service Discharges," ~~and can be viewed or downloaded~~ [available](#) on the DNR web-site: [at www.iowadnr.gov](#).

**A. WWPPP Preparation and Compliance Deadlines**

~~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 [WWPPP](#) prior to the commencement of well construction and well service activities.

**B. WWPPP Signature and Review**

~~Signature and Plan Review~~

1. The [Plan](#) [WWPPP](#) shall be signed in accordance with Part V.[G.H.](#) and be retained according to Part IV of this permit.
2. The permittee shall make [WWPPP](#) available to the [d](#)Department for review upon request, or ~~in the case of~~ [for](#) a discharge ~~associated with well construction and well service activities that discharges through~~ [to](#) a large or medium municipal separate storm sewer system [\(MS4\)](#) with an [individual](#) NPDES permit, to the municipal operator of the [system](#)[MS4](#).
3. The [d](#)Department may notify the permittee at any time that the [WWPPP](#) 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 [WWPPP](#) and shall submit to the [d](#)Department a written certification that the requested changes have been made. Unless otherwise provided by the [d](#)Department, the permittee shall have seven (7)

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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. However, the permittee may request that any portion of a WWPPP be treated as confidential in accordance with 561 IAC 2.5(455B).

#### C. WWPPP Updates

**Keeping Plans Current** The permittee shall amend the [WWPPP:Plan](#)

1. If 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 [WWPPP:Plan](#), or
2. If the WWPPP:Plan proves to be ineffective in significantly minimizing pollutants from [the](#) well construction and well service activity, or in otherwise achieving the general objectives of controlling pollutants in [the](#) discharge associated with well construction and well service activity;
3. In addition, the Plan shall be updated to identify if there is any change or transfer of the permit and permit responsibilities; and or;
4. If required, by the occurrence of [noncompliance that triggers reporting under Standard Conditions N or O in Part V of this permit](#) hazardous condition (as defined in Part VII.G of this permit).

Amendments to the [WWPPP:Plan](#) may be reviewed by the [dDepartment](#) in the same manner as Part III.B.2. The [dDepartment](#) retains the right to request and review the [WWPPP: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.

**Commented [12]:** The definition of hazardous condition was struck and replaced with the 24 hour reporting and other noncompliance standard conditions, which are now referenced here.

#### D. WWPPP Contents

**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- ([e.g.](#) [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 during the well construction and well service activities that may be present in the wastewater discharge, ([e.g.](#), bentonite drilling fluid, polymers, foaming agents, and or 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 wWater of the United States](#); and
- d. The location of the discharge, the point of entrance into the water-body, and the name of the receiving water(s).

**Commented [13]:** Redundant; restates first sentence under D.

**2. Controls**  
Each [Plan:WWPPP](#) shall include a description of Best Management Practices ([BMPs](#)) that will be implemented at the well construction and well service site. The [Plan:WWPPP](#) 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](#) [e.g.](#), retention ponds with a minimum of 10 minutes retention time will be utilized used for air drilling, followed by and retention ponds with 3 minutes retention time will be utilized used for test pumping.) The [BMP](#) description of [BMPs](#) shall address the following minimum components:

##### a. Erosion and Sediment Controls:

- a.(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 possible and that disturbed areas are stabilized. Stabilization practices may include but are not limited to: temporary seeding, permanent seeding,

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mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and or other appropriate measures.

a.(2). **Structural Practices:** A description of attainable 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 but are not limited to 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 or temporary or permanent sediment basins.

b. **Other Controls:**

b.(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.

b.(2). **Sediments:** Off-site vehicle tracking of sediments shall be minimized.

b.(3). **Other Regulations:** The Plan WWPPP shall ensure and demonstrate compliance with applicable State and local waste disposal, sanitary sewer, or and 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. **WWPPP Updates:** Based on the results of the inspection, the description of the potential pollutant(s), the types of pollutant(s) to be treated, as identified in the Plan in accordance with paragraph III.D.1 of this permit and the pollution prevention measures identified in the WWPPP Plan in accordance with paragraph III.D.2. of this permit shall be revised as appropriate as soon as practicable after such an inspection.

b. **Inspection Report:** A report summarizing the scope of the inspection, name(s) and qualifications of personnel making performing the inspection, the date and time 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.GH. of this permit.

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

Commented [CC14]: Redundant.

Commented [15]: Redundant.

### 4. Contractors

a. **Co-Permittee:** The WWPPP must clearly identify, for each BMP in the WWPPP, Plan the contractor(s) and/or subcontractor(s) that will install, manage, or alter the BMPs. All contractors and subcontractors identified in the WWPPP Plan must sign a copy of the certification statement in Part III.D.4.bB. of this permit in accordance with Part V.GH. 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.

Commented [16]: Moved to a new "c" after the Certification Statement in "b" below.

b. **Certification Statement:**

b.(1). All contractors and subcontractors identified in a WWPPP in accordance with Part III.D.4.aA. 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 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."

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- b.(2). 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.
- b.(3). 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 of this as found in the general permit if they meet the qualifications of a co-permittee.
- c. All signatures and certifications must be included in the WWPPP.

**Commented [17]:** Moved from the end of "a".

#### **PART IV. RETENTION OF RECORDS**

##### **PART IV. RECORDKEEPING**

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 the well construction or 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-WWPPP 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~~they shall be provided for inspection no later than three hours after being requested.

#### **PART V. STANDARD PERMIT CONDITIONS**

**A. Administrative Rules** - Rules of the Iowa Department of Natural Resources (department) that govern the operation of a 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.

**B. Effect of a Permit** - Compliance with a permit during its term constitutes compliance, for purposes of enforcement, with equivalent limitations and standards set out in 567 IAC Chapters 60 and 61. {567 IAC 60.4(3)}

**C.A-Duty to Comply** - The permitteeYou must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the 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. {567 IAC 60.7(4), 40 CFR §122.41(a)}

**D.B-Continuation of the Expired General Permit** - This permit expires on February 28, 2025June 30, 2033. An expired general permit continues in force until replaced by adoption of a new general permit.

**E. 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. {567 IAC 60.7(7)"l," 40 CFR §122.41(c)}

**F. D-Duty to Mitigate** - The permitteeYou 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. {567 IAC 60.7(7)"k," 40 CFR §122.41(d)}

**G. E-Duty to Provide Information** - The permitteeYou mustshall furnish to the dDepartment, within a reasonable time,

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any information which the ~~the~~ Department may request to determine compliance with this permit. ~~The permittee~~ You ~~must~~ shall also furnish to the ~~the~~ Department, upon request, copies of records required to be kept by this permit. ~~If you become aware that you failed to submit any relevant facts in any report to the department, including records of operation, you shall promptly submit such facts or information. (567 IAC 60.3(2)"a"(3)"3," 567 IAC 63.9(6), 40 CFR §122.41(h) and (l))~~

**Commented [18]:** This reference covers individual permit applications.

**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.

**Commented [19]:** Combined with "Duty to Provide Information".

**H. G. Signatory Requirements** - All WWPPPs, certifications or other information either submitted to the ~~the~~ Department or that this permit requires be maintained by the permittee, shall be signed and certified in accordance with 567 IAC 60.3(2)"d" and 40 CFR §122.22, 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."

**Commented [20]:** Covered in 40 CFR 122.22; now referenced in the new H above.

**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.

**Commented [21]:** This is unnecessary. Nothing in the permit would preclude CWA Part 311.

**I. J. Property Rights** - The issuance of this permit does not convey any property rights of any sort, nor any exclusive privilege. ~~(40 CFR §122.41(q))~~, 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.

**J. K. Severability** - The provisions of this permit are severable, ~~and if any provision or application of any provision to any circumstance of this permit, or the application of any provision of this permit to any circumstance, is found to be held 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 ~~thereby by such finding~~.

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**K. L-Proper Operation and Maintenance** - The permittee shall at all times properly operate and maintain 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 requirements of the WWPPP, shall be retained at all times. Adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this permit. (567 IAC 60.7(7)"i," 40 CFR §122.41(e)) 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.

**L. M-Inspection of Premises, Records, Equipment, Methods, and Discharges 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, You are required to permit authorized personnel 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\_Provide 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, practices, or operations regulated or required under this permit (including monitoring and control equipment); and
4. Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the Clean Water Act any discharge of pollutants. (567 IAC 60.7(7)"f," 40 CFR §122.41(i))

**M. N-Permit Actions** - Coverage under this permit may be terminated-suspended or revoked for cause including but not limited to those specified in 567 IAC 60.3(6)"c" and 60.6(3). 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. The notification of planned changes or anticipated noncompliance does not stay any permit condition. (567 IAC 60.3(6), 60.6(3), 60.7(7)"e" and "j," and 40 CFR § 122.62(a)(6))

**N. 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 to the appropriate regional field office of the department 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 to the appropriate field office within 5 days of the occurrence. (567 IAC 63.9(1) and 40 CFR §122.41(l)(6))

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

**O. Other Noncompliance** - 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. Notice is required only when previous notice has not been given to any other section of the department. You shall report all instances of

**Commented [22]:** Not necessary. No authority to cite.

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[noncompliance not reported under Part V.N at the time discharge monitoring reports are submitted. The report shall contain the information listed in Part V.N. \(567 IAC 63.9\(3\) and \(4\), 40 CFR §122.41\(l\)\(2\) and \(l\)\(7\)\)](#)

#### **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.](#)

**Commented [23]:** Having an "additional permitting clause" is not necessary, especially as obtaining an individual permit is already discussed. This was moved to #4 in Part I.C.

#### **PART VII.**

#### **PART VI. DEFINITIONS**

**"Acutely Toxic-Condition"** means that level of pollutants which would rapidly induce a severe and unacceptable impact on organisms.

**"BMPs" or "Best Management Practices"** ~~(**"BMPs"**)~~ means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of [WOTUS](#)[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.

**"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.

**"CWA"** or **"Clean Water Act"** means the Federal Water Pollution Control Act.

**"Co-permittee"** means any individual who performs work on the well construction/service site [that is](#) involved in installing, managing, and/or altering BMPs intended to manage and treat well construction/service [wastewater discharges](#) 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.

**"Department"** means the Iowa Department of Natural Resources.

**"Discharge"** means the wastewater generated by well construction and well services prior to the wastewater entering a [WOTUS](#). If treatment or best management practices are employed, "discharge" refers to the wastewater post treatment or practices prior to the wastewater entering a [WOTUS](#).

**"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), Iowa Code.

**Commented [CC[24]:** See new Standard Condition H (twenty-four hour reporting).

**"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

**Commented [CC[25]:** See new Standard Condition H (twenty-four hour reporting).

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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), Iowa Code, and 40 CFR Part 116 pursuant to section 311 of the Clean Water Act.

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

**"Permittee"** means the owner of the water supply well.

**"Plan"** means Well Water Pollution Prevention Plan (WWPPP).

**Commented [26]:** "Plan" was removed and replaced it with "WWPPP" in all instances.

**"Waters of the United States"** or waters of the US means those waters defined at 567 IAC 60.1(2), 40 CFR § 122.2.  
**"Well"** is synonymous with "water well" as defined in Iowa Code chapter 455B.171. "Well" means an excavation that is drilled, cored, bored, augered, washed, driven, dug, jetted, or otherwise constructed for the purpose of exploring for groundwater, monitoring groundwater, utilizing the geothermal properties of the ground, or extracting water from or injecting water into the aquifer. "Water well" does not include an open ditch or drain tiles or an excavation made for obtaining or prospecting for oil, natural gas, minerals, or products mined or quarried.

**Commented [27]:** Moved to "WOTUS" so the definition is in alphabetical order.

**"Well Service(s)"** means any service that meets the following definitions: "well construction," "well plugging," "well reconstruction," or "well rehabilitation" of a water well, "water well" and "well reconstruction" as found in Iowa Code § 455B.171, "well services" as found defined in 567 Iowa Administrative Code IAC 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 or geothermal production supply wells, well servicing, well development, well rehabilitation, well repair, well cleaning, 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. Test pumping includes but is not limited to a controlled aquifer test for verification of well interference.

**"WOTUS," "Waters of the United States," or "Waters of the U.S."** is defined at 40 CFR §122.2 and dated according to the "Code of Federal Regulations" definition in 567 IAC 60.1(2).

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**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)**

<b>STREAM <u>NAME</u></b>	<b>DESCRIPTION</b>	<b>LENGTH (Miles)</b>
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

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<b>STREAM NAME</b>	<b>DESCRIPTION</b>	<b>LENGTH (Miles)</b>
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
<b>Grand Total:</b>		<b>118.08</b>

<b>LAKES NAME</b>	<b>DESCRIPTION (Section, Township, Range)</b>	<b>SIZE (Acres)</b>
Big Spirit Lake SGMA	S33, T100N, R36W	5684
West Okboji Lake SGMA	S20, T99N, R36W	3,847