

IOWA DEPARTMENT OF NATURAL RESOURCES

**NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. 2**

EFFECTIVE DATES

MARCH 1, 202~~8~~³ THROUGH FEBRUARY 2~~8~~⁹, 20~~2~~³~~3~~⁸

FOR

**STORM-WATER DISCHARGE ASSOCIATED WITH
CONSTRUCTION ACTIVITIES**

**NPDES GENERAL PERMIT NO. 2
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PART I. COVERAGE UNDER THIS PERMIT

A. Permit Area

This [National Pollutant Discharge Elimination System \(NPDES\) Permit General Permit No. 2](#) (hereafter "GP #2," "this permit," or "this GP") covers all areas of the State of Iowa.

B. Eligibility

1. Authorizations.

a. Except for discharges identified under Parts I.B.2. and I.B.3., this permit may authorize ~~the discharge of storm-water~~ [discharges](#) associated with industrial activity from construction sites, ~~(those sites or common plans of development or sale that will result in the disturbance of one or more acres total land area, including the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more), (hereafter referred to as storm-water discharge associated with industrial activity for construction activities);~~ [that occur](#) after the effective date of this permit (including discharges occurring after the effective date of this permit where the construction activity was initiated before the effective date of this permit); [This includes](#) storm-water discharge associated with industrial activity from areas that are dedicated to producing earthen materials, such as soils, sand, ~~or~~ [and](#) gravel, for use at a single construction site, ~~and~~ [-This permit may also authorize](#) areas where soil is placed permanently or temporarily, also known as fill sites.

Commented [1]: Moved to new b. below.

b. [For the purposes of this general permit, stormwater associated with industrial activity from construction sites includes those sites or common plans of development or sale that will result in the disturbance of one or more acres total land area, including the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more.](#)

c. ~~b.~~ This permit may authorize storm-water discharge from a construction site that is [combined](#) ~~mixed~~ with storm-water ~~discharge~~ associated with industrial activity from sources other than construction activities, provided that the storm-water discharge from the industrial (non-construction) source is in compliance with the terms of a NPDES general permit, other than this general permit, or an individual permit authorizing such discharge. In addition, the storm-water other than from construction shall be in compliance with Part IV.D.6. of this [GP](#) permit.

d. [This permit may also authorize the nonstormwater discharges listed in Part III.A of this permit.](#)

Commented [2]: New d. - added to cover the existing requirements of Part III.A.

2. Limitations on Coverage.

The following [types of stormwater](#) discharges associated with industrial activity for construction activities are NOT authorized by this permit:

a. ~~storm-water~~ discharges that are [combined](#) ~~mixed~~ with ~~sources of~~ non-storm-water [discharges](#) other than ~~those discharges~~ identified in Part III.A.2. of this [GP](#) permit;

Commented [3]: This section has been edited so the phrase " associated with industrial activity for construction activities" only appears in this heading.

b. ~~storm-water~~ discharges ~~associated with industrial activity for construction activities which~~ [that](#) are covered by an existing individual NPDES permit [for the stormwater discharge](#) or which are issued an [individual](#) permit in accordance with Part I.C. of this [GP](#) permit. Storm-water discharges [covered](#) ~~authorized~~ by an existing individual NPDES permit [may be authorized](#) ~~will be eligible to apply for coverage~~ under this general permit ~~after~~ [as](#) the existing individual permit [is terminated](#) ~~expires~~;

Commented [4]: Edited for clarity and to match GPs 1 and 3.

c. ~~storm-water~~ discharges ~~associated with industrial activity for construction activities~~ that the Iowa Department of Natural Resources has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard;

d. new or expanded ~~storm-water~~ discharges ~~associated with industrial activity that discharges to~~ [Outstanding Iowa Waters or to](#) Outstanding National Resource Waters; ~~and~~

Commented [5]: Moved to f. below.

e. discharges from concrete washout activities and from wet sawing of concrete. Waste from concrete washout and wet sawing of concrete is not allowed to be discharged to surface waters and is not allowed to adversely affect a water of the state; ~~and~~

f. [new or expanded discharges to Outstanding Iowa Waters \(OIW\). These discharges are not eligible for coverage under this permit unless a stormwater pollution prevention plan \(SWPPP\) meeting the](#)

requirements of this paragraph is submitted with a Notice of Intent (NOI) and approved by the Department. The SWPPP for a discharge to an OIW must comply with the requirements of this permit and demonstrate how the permittee will design, install, and maintain control practices on the construction site to protect and maintain water quality adequate to fully protect the existing uses of the OIW. The SWPPP shall be submitted to the Department with an NOI in accordance with Part II.D. of this GP. Discharges to OIWs shall only be authorized under this GP upon Department receipt and approval of a SWPPP.

3. **Exclusions.** The following storm-water discharges associated with industrial activity from construction activities do not require a NPDES permit:

- a. discharges from soil disturbing activities ~~at~~ sites where less than 5 acres is disturbed that result from ~~and the soil disturbing activities are due to~~ routine maintenance ~~that is~~ performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site; and
- b. discharges from agricultural and silvicultural activities including stormwater runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in 40 CFR ~~§Section-122.23~~, concentrated aquatic production facilities as defined in 40 CFR ~~§Section-122.24~~, discharges to aquaculture projects as defined in 40 CFR ~~§Section-122.25~~, and discharges from silvicultural point sources as defined in 40 CFR ~~§Section-122.27~~.

Commented [6]: Added new language to cover discharges to OIWs if a SWPPP is submitted and approved by DNR.

Commented [7]: Simplified.

C. Requiring an Individual NPDES Permit

1. Any person that cannot meet the requirements of this GP 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 of this GP.

2. Any person authorized to discharge under this GP may apply for an individual NPDES permit from the Department at any time.

Commented [8]: New #1 - existing requirement, language was added for consistency with other GPs.

Commented [9]: New #2 - moved from later in this section (old #2).

3. The Department may require any person authorized by this GP 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 Department may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required.~~ This notice shall include a brief statement of the reasons for this decision, ~~an~~ application information form, a statement setting a deadline ~~for the owner or operator 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. The deadline shall be no longer than one year from the date of the written notification. If ~~a person~~ an owner or operator fails to submit a complete an individual NPDES permit application by the deadline established required by the Department under this paragraph, their coverage under of this GP general permit is automatically ~~is~~ terminated at the end of the day specified for the application submittal ~~of the individual NPDES application.~~

4. ~~Any person authorized to discharge under this permit may apply for an individual NPDES permit.~~ The application for an individual NPDES permit shall be made on forms provided by the Department, shall include all applicable fees, and shall be submitted to the Department in accordance with 567 IAC 60.3(2) "a." ~~In such cases, the discharger shall submit the following in accordance with the requirements of subrule 567 IAC 64.3(4):~~

- a. ~~an individual application, using industrial application Form 1, Form 2F, and Form 5; and~~
- b. ~~all applicable fees identified in rule 567 IAC 64.16.~~

Commented [10]: "Any person..." - moved to new #2.

5. When an individual NPDES permit is issued for a discharge authorized under this GP, ~~to a discharger covered under this general permit,~~ the applicability of this GP general permit to that specific discharge, as described in the individual permit, ~~the individual NPDES permittee~~ is automatically terminated on the effective date of the individual NPDES permit. A facility may have one or more stormwater discharges covered by an individual permit and other stormwater discharge(s) authorized under this GP. When an individual NPDES permit is denied ~~for~~ to a discharger otherwise subject to this GP permit, the applicability of this GP permit to that specific discharge ~~the individual NPDES permittee~~ is automatically terminated on the date of such denial, unless otherwise specified by the Department.

Commented [11]: The application for..." - reworded for consistency with other general permits.

Commented [12]: Added to clarify those situations where a facility may have both an individual permit and coverage under this GP.

D. Authorization

1. A discharger of stormwater associated with industrial activity for construction activities must submit a complete Notice of Intent (NOI) in accordance with the requirements of Part II of this GP permit in order for storm water discharge associated with industrial activity for construction activities pursuant to Part I.B. of this permit to be authorized to discharge under this general permit.
2. Unless notified by the Department to the contrary, applicants who submit a complete NOI are authorized to discharge stormwater associated with industrial activity for construction activities under the terms and conditions of this permit. Upon review of the NOI, the Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit.

Commented [13]: Changed to match GPs 1 and 3.

PART II. NOTICE OF INTENT (NOI) REQUIREMENTS

A. Deadlines for Notification

For storm-water discharge associated with industrial activity for construction activities, such activities shall not commence until an authorization has been issued for the project by the Department.

B. Failure to Notify

Dischargers who fail to notify the Department of their intent to be covered by this permit, and discharge pollutants to a water of the United States within Iowa, without an NPDES permit, are in violation of the CWA and the Code of Iowa.

C. NOI Contents of an NOI

A complete NOI shall include all of the items described below in Parts II.C.1., II.C.2., and II.C.3. of this permit.

1. A completed NOI form, DNR Form 542-1415, signed in accordance with Parts VI.G.H. and VI.I. of this GP permit. The information in the NOI on the form shall include all of the following:
 - a. Name, address, and location of the construction site for which the NOI this notification is submitted. The location shall be provided as the 1/4 section (NE, SE, SW, NW), township, range, and county where the storm water discharge is located;
 - b. The owner's name, address, email address, telephone number, and status (federal, state, private, public or other entity);
 - c. The name, address, email address, and telephone number of any operator (contractor) that has been identified as having a role in the storm-water pollution prevention plan (SWPPP) for the site required under Part IV.D.7. of this GP permit. Contractors (operators) identified after the submittal of the completed NOI shall be identified in the SWPPP;
 - d. The type of discharge (new or existing as related to October 1, 1992); whether or not the discharge is to a municipal separate storm sewer system (MS4); the date the discharge is to commence; the permit status of the discharge; and, the name of the receiving water(s);
 - e. An indication if any existing quantitative data is available describing the concentration of pollutants in the storm-water discharges. Existing data should not be included as part of the NOI, it should be retained as part of the SWPPP;
 - f. A brief description of the project; an estimated timetable for major activities; and, an estimate of the number of acres of the site on which soil will be disturbed; and
 - g. A certification that compliance with g.(1). through g.(4). are met:
 - g.(1). the SWPPP has been developed before the NOI is submitted to the Department;
 - g.(2). the SWPPP will be implemented on October 1, 1992 for any existing storm-water discharge associated with industrial activity for construction activities. For a storm-water discharge associated with industrial activity for construction activities that commence after October 1, 1992, the SWPPP shall be implemented with the start of construction activities;
 - g.(3). the NOI will be included and incorporated into the SWPPP and will be updated as required; and,
 - g.(4). the SWPPP is provides compliance with Iowa Code section 161A.64 and local sediment and erosion plans and are consistent with the requirements of Part IV of this GP general permit.

Commented [14]: The form is now electronic.

Commented [15]: No longer needed; the database has a map where points can be selected.

Commented [16]: Redundant.

Commented [17]: "provides compliance..." - no longer necessary.

2. **Applicable Fees.** The applicable fees specified in 567 IAC 640.164(455B).
3. **Public Notification.** A demonstration that ~~the public notice specified in 567 IAC 64.6(1) "c"(1)~~ was published at least one day in one newspaper with the largest circulation in the area in which the facility is located or the activity will occur, ~~in accordance with 567 IAC 60.6(1) "c."~~
4. **Discharge to an OIW.** ~~If the discharge will be to an OIW, a complete NOI shall include a SWPPP as described in Part I.B.2.f. of this GP.~~

Commented [18]: Moved to end of sentence.

Commented [19]: New #4 - corresponds with new language in Part I.B.2.f.

D. Where to Submit

Facilities ~~that~~ discharge storm-water associated with industrial activity for construction activities must submit ~~the~~ items described in Parts II.C., II.E., and II.G. of this GP ~~permit~~ to the Department online at: <https://programs.iowadnr.gov/stormwater>. ~~The Department may specify other means of electronic submittal as needed.~~ <https://programs.iowadnr.gov/stormwater/pages/home.aspx> or by mail to the following address: Stormwater Coordinator, Iowa Department of Natural Resources, 502 E 9th St., Des Moines IA 50319-0034.

Commented [20]: All NOIs must be submitted electronically.

E. Renotification

Prior to the expiration of an authorization issued under this general permit, the permittee is required to resubmit an NOI (no additional public notice is required) ~~to~~ the Department for coverage under the new general permit. If a new general permit has not been reissued prior to the expiration of the current permit, the provisions and coverage of the current permit are extended until replaced by the adoption of a new general permit.

F. Transfer of Coverage Under this Permit

1. For storm-water discharge associated with industrial activity for construction activities where the ownership changes, the Department must be notified of the title transfer within 30 days. Both the previous owner(s) and the new owner(s) ~~shall notify~~ are responsible for notifying the Department of the transfer ~~by providing the facility's authorization number, transfer date,~~ and the new owner's name and contact information ~~via email to stormwater@dnr.iowa.gov.~~ This requirement shall be satisfied upon the Department's receipt of ~~the notification of~~ this information ~~from~~ either the previous owner(s) or the new owner(s).
2. ~~A copy of the notice of transfer that was sent to the Department shall be included in the SWPPP.~~
3. If a storm-water discharge associated with industrial activity for construction activities is ~~authorized~~ ~~under~~ covered by this general permit, the new owner(s) shall be subject to all terms and conditions of this general permit. ~~A copy of the notice of transfer that was sent to the Department shall be included in the SWPPP.~~
4. For construction activity which is part of a larger common plan of development ~~or sale, such as a housing or commercial development project,~~ if a permittee transfers ownership of all or any part of property subject to this permit, both the permittee and transferee shall be responsible for compliance with ~~the provisions of this general permit for that portion of the project which has been transferred,~~ including when the transferred property is less than one acre in area. ~~However,~~ if the new owner(s) agree in writing to be solely responsible for compliance with ~~the provisions of this general permit for the transferred property which has been transferred,~~ then the existing permittee(s) shall be relieved of responsibility for compliance with this ~~general permit for the transferred property, from and after the date the transfer of responsibility is signed.~~ ~~A copy of the notice of transfer of responsibility shall be included in the SWPPP.~~

Commented [21]: Split this paragraph into sub-numbers for clarity.

Commented [22]: Specifies what needs to be submitted for a coverage transfer and where to submit the info.

Commented [23]: New #2 - moved from the end of the following two subparagraphs (new #3 and #4).

Commented [24]: These examples were moved to the new definition of "common plan of development or sale."

G. Notice of Discontinuation (NOD)

1. Within 30 days after final stabilization at a construction site ~~(as defined in Part VIII of this permit),~~ the operator or owner of the facility shall submit a Notice of Discontinuation (NOD) to the Department ~~in accordance with Part II.D. of this GP.~~
2. A NOD shall include the following information:
 - a. the name of the owner/operator to which the ~~authorization permit~~ was issued;
 - b. the general permit number and permit authorization number;
 - c. the date the construction site reached final stabilization; and,
 - d. the following certification signed in accordance with Part VI.G.H. of this ~~GP permit~~:

Commented [25]: Definition references are not needed.

I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time. I understand that by submitting this Notice of Discontinuation, that I am no longer authorized to discharge storm-water associated with industrial activity for construction activities by Iowa Department of Natural Resources General NPDES Permit No. 2. and that discharging pollutants from storm-water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit.

PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

A. Prohibition on Non-Stormwater Discharges

All discharges covered by this general permit shall be composed entirely of storm-water, except for: non-storm discharges listed in Part III.A.2 of this permit.

1. Nonstormwater Discharges from:

- a. firefighting activities;
- b. fire hydrant flushings; waters used to wash vehicles in accordance with Part III.C. and Part IV.D.2.c.(2). of this GP permit;
- c. potable water sources, including waterline flushings; irrigation drainage;
- d. routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
- e. air conditioning condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents, and
- f. springs.

2. Nonstormwater discharges of:

- a. fire hydrant flushing water,
- b. uncontaminated groundwater that is not from dewatering activities covered under NPDES General Permit No. 9,
- c. irrigation water,
- d. pavement washwater where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used, and
- e. air conditioning condensate.

The nonstormwater discharges listed above may be authorized by this permit provided the non-storm-water components of the discharge are included in the SWPPP in accordance with Part IV.D.5. of this GP permit.

B. Reporting of Releases and Noncompliance in Excess of Reportable Quantities

Any owner or operator identified in the SWPPP is subject to the spill notification requirements as specified in Iowa Code chapter 455B.386. Iowa law requires that as soon as possible but not more than six hours after the onset of a hazardous condition¹ the Department and local sheriff's office or the office of the sheriff of the affected county be notified.

- 1. Release in Excess of Reportable Quantities. Where a leak, spill or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117, or 40 CFR Part 302 occurs during a 24-hour period, you must notify the department using the environmental spill phone number, 515-725-8694, as soon as you have knowledge of the discharge.
- 2. 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

Commented [26]: This paragraph was split into numbered and lettered subsections for clarity.

Commented [27]: Moved to new 2.a. below.

Commented [28]: Moved to new 2.c. below and changed to "irrigation water" which matches GPs 1 and 3.

Commented [29]: Moved to new 2.d. below.

Commented [30]: "AC condensate" moved to new 2.e. below.

Commented [31]: "springs" moved to new 1.f.

Commented [32]: "Uncontaminated groundwater" moved to new 2.b. below.

Commented [33]: Part IV.D.5. describes what needs to be in a SWPPP.

Commented [34]: Existing hazardous condition language in all of the general permits is being replaced with the correct release reporting, 24 hr reporting, and other noncompliance language that is applicable to NPDES permits.

Commented [35]: From EPA's 2021 MSGP.

¹see Definitions, Part VIII

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.

3. **SWPPP Modification.** The SWPPP described in Part IV of this GP permit must be modified within 7 seven calendar days of knowledge of the release or noncompliance to:
 - a. provide a description of the release and the circumstances leading to the release or noncompliance, and
 - b. identify and provide for the implementation of steps to reduce, eliminate, and prevent a reoccurrence of the release or noncompliance prevent the reoccurrence of such releases and to respond to such releases.
4. **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.

C. Federal Construction and Development Effluent Guidelines

In addition to all other requirements in this permit, permittees all sites and activities required to be authorized under this permit shall comply with the following federal effluent guidelines as applicable to each site and activity.

1. **Erosion and Sediment Controls.** Design, install, and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. The design, installation, and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity, and duration of precipitation; the nature of resulting stormwater runoff; and soil characteristics (including the range of soil particle sizes expected to be present on the site). At a minimum, such controls must be designed, installed and maintained to:
 - a. Control storm-water volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
 - b. Control storm-water discharges, including both peak flow rates and total storm-water volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
 - c. Minimize the amount of soil exposed during construction activity;
 - d. Minimize the disturbance of steep slopes;
 - e. Minimize sediment discharges from the site; The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity, and duration of precipitation, the nature of resulting storm water runoff and soil characteristics including the range of soil particle sizes expected to be present on the site; and
 - f. Provide and maintain natural buffers around waters of the United States;
 - g. direct storm-water to vegetated areas; and
 - h. maximize storm-water infiltration to reduce pollutant discharges, unless infeasible.
2. **Soil Compaction and Topsoil Preservation.** Practices to minimize soil compaction and preserve topsoil shall be implemented as described in Part IV.D.2.a.(2).iii. through a.(2).xi. of this GP permit.
3. **Soil Stabilization.**
 - a. Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating, or other earth disturbing activities have either permanently ceased on any portion of the site or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days.
 - b. In drought-stricken areas, and in areas that have recently received such high amounts of rain that seeding with field equipment is impossible and initiating vegetative stabilization immediately is infeasible, alternative stabilization measures must be employed as specified by the Department.
 - c. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
4. **Dewatering.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.

Commented [36]: Permittees are responsible for compliance.

Commented [37]: "The design..." - moved from e. below, as it is more appropriate here.

Commented [38]: "be designed..." - redundant.

Commented [39]: "in order to..." - repeat of requirement in heading sentence (#1 above).

Commented [40]: "The design..." - moved to heading in #1 as it's more appropriate there.

5. **Pollution Prevention Measures.** Design, install, implement, and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:
- Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Prior to discharge, wash waters must be treated in a sediment basin or an alternative control that provides equivalent or better treatment prior to discharge;
 - Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and storm-water. Minimization of exposure is not required in cases where the exposure to precipitation and to storm-water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm-water contamination (such as final products and materials intended for outdoor use); and
 - Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
6. **Prohibited Discharges.** The following discharges are prohibited:
- Wastewater from washout and cleanup of stucco, paint, form release oils, curing compounds, and other construction materials;
 - Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and
 - Soaps or solvents used in vehicle and equipment washing.
7. **Surface Outlets.** When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

Commented [41]: Redundant; repeats first sentence of paragraph.

Commented [42]: Moved from the end of the sentence.

PART IV. STORM-WATER POLLUTION PREVENTION PLANS (SWPPPs)

A storm water pollution prevention plan (SWPPP) shall be developed for each construction site covered by this permit. SWPPPs shall be prepared in accordance with good engineering practices. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of the storm-water discharge from the construction activities. In addition, the SWPPP shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm-water discharge associated with industrial activity for construction activities at the construction site and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the SWPPP required under this part as a condition of this permit.

A. Deadlines for SWPPP Preparation and Compliance

- SWPPP Preparation Deadline.** The SWPPP shall be completed before prior to the submittal of a NOI is submitted to the Department to be covered under this permit and shall be updated as appropriate.
- SWPPP Compliance Deadline.** The SWPPP shall provide for compliance with its terms and schedule of the SWPPP prior to the initiation of construction activities.

B. Signature and SWPPP Review

- The SWPPP shall be signed in accordance with Part VI.G.H. of this GP permit.
- The permittees shall make SWPPPs available upon request to the Department or the municipal operator of an MS4 upon request; or in the case of a storm-water discharge associated with industrial activity for construction activities that discharges through an MS4 municipal separate storm sewer system with an NPDES permit, shall make the SWPPP available to the municipal operator of the system.
- The Department may notify the permittee at any time that the SWPPP does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall amend make changes to the SWPPP 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 3 business days after such notification to make the necessary changes.

Commented [43]: Simplified.

4. All SWPPPs received by the Department from ~~the~~ permittee are considered ~~public records~~ reports that shall be available to the public under Section 308(b) of the CWA and Iowa Code Chapter 22. However, ~~the~~ permittee may claim any portion of a SWPPP as confidential in accordance with Iowa Code Chapter 22 and 561 IAC 2.5.

C. Keeping SWPPPs Current Amendments

1. The permittee shall amend the SWPPP whenever any of the following occurs:
 - a. ~~(1)~~ there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to ~~the~~ waters of the U.S. and which has not been addressed in the SWPPP; ~~or~~
 - b. ~~(2)~~ if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in Part IV.D.2. of this ~~GP~~ permit, or
 - c. ~~(3)~~ the SWPPP fails to otherwise achieve the general objectives of controlling pollutants in storm-water discharge associated with industrial activity for construction activities.
2. In addition, the SWPPP shall be updated to:
 - a. expeditiously ~~modify~~ change the site map to include changes at the site, including contractors identified after the submittal of the NOI as ~~co~~-permittees, ~~as~~ described in Part IV.D.7. of this ~~GP~~ permit;
 - b. identify any change in ownership or transference of the permit and permit responsibilities; or,
 - c. describe a release in excess of reportable quantities or reportable noncompliance (reported in accordance with Part III.B. of this GP) if required, by the occurrence of a hazardous condition (as defined in Part VIII of this permit).
3. Amendments to the SWPPP amendments may be reviewed by the Department in the same manner as Part IV.B.2 of this ~~GP~~ permit.

Commented [44]: Split into sub-numbers and letters for clarity.

Commented [45]: Modified to correspond with changes to Part III.B.

D. SWPPP Contents of the SWPPP

The SWPPP shall include the following items:

1. **Site Description.** Each SWPPP shall provide a description of the following:
 - a. a description of the nature of the construction activity;
 - b. estimates of the total area of the site and the area of the site that is expected to be disturbed by excavation, grading, or other activities;
 - c. an estimate of the runoff coefficient of the site after construction activities are completed ~~using~~ and existing data describing the soil or the quality of any discharge from the site;
 - d. a site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, the location of structural and nonstructural controls identified in the SWPPP, the location of areas where stabilization practices are expected to occur, the locations of surface waters (including wetlands), and the locations where storm-water is discharged to a surface water; and
 - e. the name(s) of the receiving water(s) and the ultimate receiving water(s).
2. **Controls.** Each SWPPP shall include a description of controls that will be implemented at the construction site. The SWPPP will clearly describe the intended sequence of major activities, and for each activity, the appropriate control measures and when the timing during the construction process ~~that~~ the measures will be implemented. ~~(For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization).~~ The description of controls 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. Stabilization practices may include: temporary or permanent seeding after germination and establishment of vegetative cover of sufficient density and height to preclude erosion has been achieved, ~~as well as~~ mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation,

Commented [46]: Examples are not needed; this can be put in a guidance document.

~~and~~ other appropriate measures. Temporary or continued stabilization must be implemented and maintained when necessary to prevent erosion of seeded areas prior to the establishment of vegetative cover of sufficient density and height to preclude erosion.

- 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. StructuralSuch 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. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.

Commented [47]: "to the degree..." - confusing; replaced by addition of "attainable" earlier in the sentence.

- a.(2).i. For common drainage locations that serve an area with more than 10 disturbed acres at one time, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained shall be provided where attainable until final stabilization of the site has been achieved. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from onsite areas that are either undisturbed or have undergone final stabilization where such flows are diverted around the sediment basin. For drainage locations which serve more than 10 disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained is not attainable, sediment traps, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.

- a.(2).ii. For drainage locations serving 10 or fewer acres, sediment traps, silt fences, or a sediment basin providing for 3,600 cubic feet of storage per acre drained, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area ~~or a sediment basin providing for 3,600 cubic feet of storage per acre drained~~.

Commented [48]: Moved from end of sentence.

- a.(2).iii. Unless infeasible, ~~the following measures shall be implemented at~~ all sites: must utilize outlet structures that withdraw water from the surface when discharging from basins, provide and maintain natural buffers around surface waters, and direct storm-water to vegetated areas to both increase sediment removal and maximize storm-water infiltration.

Commented [49]: "the following..." - inappropriate usage of phrase. Replaced with "must".

- a.(2).iv. ~~The p~~Permittee(s) shall minimize soil compaction and, unless infeasible, preserve topsoil. "Infeasible" ~~shall mean~~ not technologically possible, or not economically practicable and achievable in light of ~~the~~ best industry practices. "Unless infeasible, preserve topsoil" ~~shall mean~~ that, unless infeasible, topsoil from any areas of the site where the surface of the ground for the permitted construction activities is disturbed shall remain within the area covered by the applicable General Permit No. 2 authorization.

Commented [50]: Added new sublettering for clarity.

- a.(2).v. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted. ~~Preserving~~Topsoil preservation is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed.

- a.(2).vi. ~~The p~~Permittee(s) shall control storm-water volume and velocity to minimize soil erosion in order to minimize pollutant discharges, Permittee(s) and shall also control storm-water discharges, including both peak flow rates and total storm-water volume, to minimize channel and stream bank erosion and scour in the immediate vicinity of discharge points. ~~An affidavit signed by the p~~Permittee(s) may be submitted a signed affidavit to the department to demonstrate compliance.

Commented [51]: "An affidavit..." - clarified.

- a.(2).vii. For construction activity which is part of a larger common plan of development or sale, ~~(such as a housing or commercial development project)~~, when in which a new owner agrees in writing to be solely responsible for compliance with ~~the provisions of~~ this permit for a transferred the property ~~which has been transferred~~, or when in which the new owner has obtained authorization under this permit for a lot or lots ~~(as specified in subrule 567 IAC 64.6(6))~~, the topsoil preservation requirements described above must be

Commented [52]: These examples were moved to the new definition of "common plan of development or sale."

met no later than at the time the lot or lots have reached final stabilization ~~as described in this permit.~~

Commented [53]: Unnecessary.

a.(2).ix. The topsoil preservation requirements described above shall be implemented for projects that ~~did have~~ not received an authorization under this permit prior to October 1, 2012. ~~The topsoil preservation requirements are not required to be implemented for projects that have been authorized prior to October 1, 2012.~~ In residential and commercial developments, a plat is considered a project. For other large areas that have been authorized for multiple construction sites, including those to be started at a future date, (such as those located at industrial facilities, military installations, and universities), a new construction project not yet surveyed and platted out is considered a project. ~~This stipulation is intended to be interpreted as requiring t~~

Commented [54]: "The topsoil..." - moved below to a new subsection a.(2).xi.

a.(2).x. The topsoil preservation requirements ~~described above shall be implemented for those projects not yet surveyed and platted out prior to October 1, 2012 for~~ a development plats and construction activities ~~in~~ other extended areas that may have several construction projects permitted under the same authorization ~~to be implemented on those projects not yet surveyed and platted out prior to October 1, 2012,~~ even if other plats and construction activities in the same development or other extended area were authorized prior to October 1, 2012.

Commented [55]: Moved from later in the sentence.

a.(2).xi. ~~The topsoil preservation requirements described above are not required to be implemented for projects that received an authorization under this permit prior to October 1, 2012.~~

Commented [56]: Moved from earlier in section.

b. Stormwater Management Measures. A description of ~~management~~ measures that will be installed during construction to control pollutants in storm-water discharges that will occur after construction ~~is complete~~ operations have been completed. The installation of these ~~measures~~ devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm-water management measures and not the ultimate operation and maintenance of such structures after ~~the construction is complete~~ activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm-water management measures prior to final stabilization of the site, ~~and~~ Permittees are not responsible for maintenance after storm-water discharges associated with industrial activity have been eliminated from the site.

b.(1). ~~Such Management measures/practices~~ may include: storm-water detention structures (including wet ponds); storm-water retention structures; flow attenuation by use of open vegetated swales, ~~and~~ natural depressions; ~~or~~ infiltration of runoff onsite; ~~or~~ sequential systems (which combine several practices).

Commented [57]: Corrected terminology.

b.(2). A goal of 80 percent removal of total suspended solids from those flows which exceed predevelopment levels should be used in designing and installing storm-water management ~~measures~~ controls (where practicable). Where this goal is not met, the permittee shall provide justification for rejecting each ~~management measure/practice~~ based on site conditions.

Commented [58]: Split b.(1). into (1). and (2). for clarity.

b.(3). ~~b.(2).~~ Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the ~~device~~ structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. maintenance of hydrologic conditions present prior to the initiation of construction activities).

c. Other Controls.

c.(1). ~~Waste Disposal.~~ All wastes composed of building materials must be removed from the site for disposal in permitted disposal facilities. No building material wastes or unused building materials shall be buried, dumped, or discharged at the site.

Commented [59]: A heading on only #1 is unnecessary.

c.(2). Off-site vehicle tracking of sediments shall be minimized.

c.(3). The SWPPP shall ensure and demonstrate compliance with applicable State or local waste disposal, sanitary sewer, or septic system regulations.

d. Approved State or Local Plans.

d.(1). The SWPPP that is submitted by a facility that discharges storm water associated with industrial activity for construction activities must include the procedures and requirements specified in any applicable sediment and erosion plans, site permits, plans or storm-water management plans approved by State or local officials. Any such approved requirements specified in sediment and erosion plans, site permits, or storm water management plans approved by State or local officials that are applicable to protecting surface water resources are, upon submittal of an NOI, incorporated by reference and are enforceable under this permit even if they are not specifically included in the SWPPP.

d.(2). Operators of facilities seeking alternative permit requirements shall submit an individual permit application in accordance with Part I.C.2. of this GP permit along with a description of why the requirements in approved State or local plans should not be applicable as a condition of an NPDES permit.

3. Maintenance. A description of the procedures to maintain, in good and effective operating conditions, vegetation, erosion, and sediment control measures and any other protective measures identified in the SWPPP site plan.

4. Inspections. At least once every seven calendar days, qualified personnel (provided by the permittee/discharger) shall inspect disturbed areas of the construction site that have not been stabilized with a perennial, vegetative cover of sufficient density to preclude erosion at least once every seven calendar days. Unless erosion is evident or other conditions warrant them, regular inspections are not required on areas that have been stabilized with a perennial, vegetative cover of sufficient density to preclude erosion. When the entire project site meets the definition of final stabilization, inspections are not required.

a. Inspect all of the following:

a.(1). Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system.

a.(2). Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly.

a.(3). When discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters.

a.(4). Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.

b. Based on the results of the inspection, the storm-water pollution prevention measures at the construction site identified in the SWPPP shall be revised at the construction site as appropriate as soon as practicable after the inspection. A description of the revision(s) shall be added to the SWPPP within seven calendar days of the inspection. If the permittee determines that making these changes at the construction site within 72 hours of the inspection is impracticable, the permittee shall document in the SWPPP why it is impracticable and indicate an estimated date by which the changes will be made.

c. A report shall be made and retained as part of the SWPPP for at least three years after final stabilization has been achieved and a NOD has been submitted to the Department. The report shall be signed in accordance with Part VI.H. of this permit. Inspections shall be documented in a report that shall contain the following: a summary of the inspection, the name(s) and qualifications of personnel conducting the inspection, inspection the date(s) of the inspection, major observations relating to the implementation of the SWPPP, and actions taken in accordance with Part IV.D.4.b. of this paragraph permit. The report shall be retained as part of the SWPPP for at least three years after final stabilization has been achieved and a NOD has been submitted to the Department, and shall be signed in accordance with Part VI.G of this GP.

5. Non-stormwater Discharges. Discharges Sources of non-storm-water listed in Part III.A.2. of this GP permit that are combined with storm-water discharges associated with industrial activity from construction activities must be identified in the SWPPP. Flows from firefighting activities are exempt from this requirement. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-

Commented [60]: Split paragraph into subletters for clarity.

Commented [61]: "that is..." - unnecessary; restates what discharges are authorized by this permit.

Commented [62]: "specified in..." - repetitive and unnecessary.

Commented [63]: Moved from end of sentence.

Commented [64]: "When the..." - existing practice; added for clarification.

Commented [65]: "Inspect all..." - added new heading and sublettering for clarity.

Commented [66]: "at the construction..." - clarified.

Commented [67]: "A report shall..." - moved to end of paragraph.

Commented [68]: Moved to end of paragraph.

storm-water component(s) of the discharge. [Flows from firefighting activities are exempt from these requirements.](#)

6. Additional Requirements for Storm-Water Discharge from Industrial Activities Other than Construction, Including Dedicated Asphalt Plants and Dedicated Cement Plants. This permit may only authorize a stormwater discharge associated with industrial activity from a construction site that is ~~combined~~ ~~mixed~~ with a stormwater discharge from an industrial source other than construction, where all of the following conditions are met:

- a. the industrial source other than construction is located on the same site as the construction activity;
- b. [the](#) storm-water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms [and conditions](#) of this permit; and,
- c. [the](#) storm-water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm-water discharges from dedicated asphalt plants and dedicated cement plants) are in compliance with the terms and conditions, [including applicable NOI or application requirements](#), of a different NPDES general permit or individual permit authorizing such discharges.

Commented [69]: Redundant.

7. Contractors.

- a. The SWPPP must clearly identify, [for each measure in the SWPPP](#), the contractor(s) and/or subcontractor(s) that will implement [each](#) the measure [described in the SWPPP](#). All contractors and subcontractors identified in the SWPPP must sign a copy of the certification statement [below](#) in [Part IV-D-7.b.](#) of this [paragraph](#) permit in accordance with Part VI. [G.H.](#) of this [GP](#) permit. Upon signing the certification, the contractor or subcontractor is a co-permittee with the owner and other co-permittee contractors. All certifications must be included in the SWPPP.

Commented [70]: Moved to the end of the sentence.

- b. **Certification Statement.** All contractors and subcontractors identified in a SWPPP (in accordance with [Part IV-D-7.a.](#) of this [paragraph](#) permit) shall sign a copy of the following certification statement before conducting any professional service at the site identified in the SWPPP:

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm-water discharges associated with industrial activity from the construction site as part of this certification. Further, by my signature, I understand that I am a co-permittee, along with the owner(s) and other contractors and subcontractors signing such certifications, to the Iowa Department of Natural Resources NPDES General Permit No. 2 for Storm-water Discharge Associated with Industrial Activity for Construction Activities at the identified site. As a co-permittee, I understand that I, and my company, are legally required under the Clean Water Act and the Code of Iowa, to ensure compliance with the terms and conditions of the storm-water pollution prevention plan (SWPPP) developed under this NPDES permit and the terms of this NPDES permit.

The certification must include the following:

- b.(1). The name and title of the person providing the signature;
- b.(2). The name, address, and telephone number of the contracting firm;
- b.(3). The address (or other identifying description) of the site; and
- b.(4). The date the certification is made.

PART V. [RECORD RETENTION OF RECORDS](#)

- A. For a period of at least three years from the date of the document or the date the site is finally stabilized and a NOD has been submitted, the permittee shall retain copies of SWPPPs, all reports required by this permit, and all records used to complete the NOI.
- B. [If there is a construction trailer, shed, or other covered structure located on the property, the p](#)ermittees shall retain a copy of the SWPPP required by this permit [at the construction site](#) from the date of project initiation to the date of final stabilization. [at either:](#)
 1. [a construction trailer, shed, or other covered structure located on the property, or](#)

Commented [71]: Moved to new #1 below.

2. If there is no construction trailer, shed, or other covered structure at the construction site, located on the property, the permittee shall retain a copy of the SWPPP from the date of project initiation to the date of final stabilization at a readily available, Department-approved alternative site, approved by the Department. The SWPPP shall be provided for inspection upon request. If the SWPPP is 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.

C. ~~Addresses~~ - All written correspondence to the Department shall be emailed to npdes.mail@dnr.iowa.gov or stormwater@dnr.iowa.gov or mailed to the following address: Stormwater Coordinator, Iowa Department of Natural Resources, 502 E 9th St., Des Moines IA 50319-0034.

PART VI. STANDARD CONDITIONS

A. **Administrative Rules** - Rules of the 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](#) volumes 561 and 567 of the IAC. 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 volume 561 or 567.

B. Duty to Comply

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Iowa Code and the CWA 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. Coverage under this general permit does not relieve the permittee of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements.
2. **Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

C. **Continuation of the Expired General Permit** - This permit expires on February 28, 2033. ~~The conditions of an expired GP will remain in effect until the effective date of the reissued GP, general permit continues in force until replaced by adoption of a new general permit. If a permittee continues the covered activity beyond the expiration date of this GP and the department will not reissue or renew the GP, the discharge must be permitted with an individual NPDES permit in accordance with 567 IAC 60.3(2).~~

D. **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\(7\)"i," 40 CFR §122.41\(c\)}](#)

E. **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. [{60.7\(7\)"k," 40 CFR §122.41\(d\)}](#)

F. **Duty to Provide Information** - The permittee shall furnish to the Department, [within a reasonable time, within three hours](#), 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. ~~Other Information~~ When the permittee becomes aware that ~~they~~ ~~he or she~~ failed to submit any relevant facts or submitted incorrect information in ~~an~~ the NOI or in any other report to the Department, ~~they~~ ~~he or she~~ shall promptly submit such facts or information. [{567 IAC 60.6\(1\), 567 IAC 63.9\(6\), 40 CFR §122.41\(h\) and \(i\)}](#)

G. ~~Signatory Requirements~~ - All NOIs, NODs, SWPPPs, reports, certifications, or information either submitted to the Department or the operator of a municipal separate storm sewer system, or that this permit requires be maintained

Commented [72]: The standard conditions have been updated to match the newly-revised version of Chapter 60, the individual permits, and the other general permits.

Commented [73]: Corresponds with the other GPs and the revised rules at 60.8.

Commented [74]: Combined "Other Information" with "Duty to Provide Information".

by the permittee, shall be signed and certified in accordance with 60.3(2) "d" and 40 CFR §122.22, subrule 567-IAC 64.3(8) as follows:

64.3(8) Identity of signatories of operation permit applications. The person who signs the application for an operation permit shall be:

- a. Corporations. In the case of corporations, a responsible corporate officer. A responsible corporate officer means: (1) 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 (2) 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.
- b. Partnerships. In the case of a partnership, a general partner.
- c. Sole proprietorships. In the case of a sole proprietorship, the proprietor.
- d. 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: (1) The chief executive officer of the agency; or (2) A senior executive officer having responsibility for the overall operations of a unit of the agency.
- e. Storm water discharge associated with industrial activity from construction activities. In the case of a storm water discharge associated with construction activity, either the owner of the site or the general contractor.

The person who signs NPDES reports shall be the same, except that in the case of a corporation or a public body, monitoring reports required under the terms of the permit may be submitted by the person who is responsible for the overall operation of the facility from which the discharge originated.

- I. Certification—Any person signing documents required by this permit 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 gather and evaluate 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 known violations.
- J. 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 CWA.
- H. K-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. (40 CFR §122.41(g))
- I. L-Severability - The provisions of this permit are severable. If any provision or application of any provision to any circumstance of this permit is found to be invalid by this Department or a court of law, such a determination shall not affect validity or enforceability of any other permit term or part. Additionally, if the application of such any provision to other a particular circumstances, and the remainder of this permit, shall not be affected by such finding is found to be invalid by the Department or a court of law, such a determination shall not affect the validity or enforceability of said provision to other circumstances.
- J. M-Transfers - This permit is not transferable to any person except after notice to the Department. The Department may require a permittee the discharger to apply for and obtain an individual NPDES permit as stated in Part I.C of this GP permit.

Commented [75]: Not necessary. Nothing in the permit would preclude the CWA.

Commented [76]: Unnecessary.

K. ~~N~~-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 SWPPPs. 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\(e\)}](#)

L. ~~O~~-Inspection of Premises, Records, Equipment, Methods, and Discharges and Entry - The permittee shall allow the 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 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. 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 (including monitoring and control equipment), and
4. Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the CWA.

[{567 IAC 60.7\(7\)"f," 40 CFR §122.41\(i\)}](#)

M. ~~P~~-Permit Actions - Coverage under this permit may be ~~suspended or revoked~~ terminated for cause, including but not limited to those specified in [567 IAC 60.3\(6\)"c" and 60.6\(3\)](#). The filing of a request by the permittee for a permit discontinuance, or a 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 "i," and 40 CFR § 122.62\(a\)\(6\)}](#)

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

N. Failure to Submit Fees - Authorization to discharge under this permit may be revoked if the required permit fees are not submitted by the due date specified in the notification that such fees are due. [{567 IAC 60.14\(1\)}](#)

Commented [77]: Not needed; covered in "Duty to Comply".

PART VII. REOPENER CLAUSE

If there is evidence indicating potential or realized impacts or water quality due to any storm-water discharge associated with industrial activity for construction activities covered by this permit, the owner or operator of such discharge may be required to obtain individual permit in accordance with Part I.C of this [GP](#) permit.

PART VIII. DEFINITIONS

"BMPs" or "Best Management Practices" or **"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 ~~facility~~ site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Common Plan of Development or Sale" means one proposed plan for a contiguous area where multiple separate and distinct land-disturbing activities may be taking place at different times, on different schedules, but under one proposed plan. One plan is broadly defined to include project design, NOI submittal, advertisement, or physical demarcation indicating that land-disturbing activities may occur. Housing or commercial development projects are examples of a common plan of development or sale.

Commented [78]: Added for clarify; similar to Minnesota definition.

"Construction site" means a site or common plan of development or sale on which a construction activity, including clearing, grading, ~~and~~ excavating, results in soil disturbance. A construction site is considered one site if all areas

of the site are contiguous with one another and one entity owns all areas of the site. A contiguous, linear utility installation owned by one entity that extends across one or more property boundaries can also be considered one site. Contiguous, linear utility installations can include, but are not limited to, water or sewer mains, electrical lines, communication service lines, etc.

Commented [79]: Added to insure permit coverage for utility projects that cross ownership boundaries.

~~“CFR” means the Code of Federal Regulations.~~

Commented [80]: No longer needed; see "Administrative Rules" standard condition.

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

“Dedicated portable asphalt plant” means a portable asphalt facility plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the facility plant is located on or adjacent to.

“Dedicated portable concrete plant” means a portable concrete facility plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the facility plant is located on or adjacent to.

“Dedicated sand or gravel operation” means an operation that produces sand and/or gravel for a single construction project.

“Department” means the Iowa Department of Natural Resources.

“Final Stabilization” means that all soil disturbing activities at the site have ~~ceased been completed~~, and ~~either that~~

Commented [81]: Split into subletters and edited for clarity.

1. a uniform perennial vegetative cover with a density of 70%, sufficient to preclude erosion, ~~for the entire~~ ~~disturbed area of the permitted project~~ has been established;
2. ~~or equivalent stabilization measures~~ permanent, non-vegetative stabilization measures (e.g., riprap, gravel, gabions, or geotextiles) have been employed;
3. ~~the site or which~~ is covered by a permanent structure that ensures the ground surface will not be eroded or otherwise impacted by precipitation or runoff; ~~or~~
4. ~~the site or which~~ has been returned to agricultural production.

Commented [82]: Moved to new sentence at the end of this definition.

Commented [83]: Changed to provide a description of the "equivalent stabilization measures".

One or more of the above options may be used to achieve final stabilization for the entire disturbed area of the permitted project.

~~“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. Iowa Code § 455B.381(4)~~

Commented [84]: Definition no longer needed; see changes to Part III.B.

“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 State 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 ~~chapter~~ § 455B.381(5)

“IAC” means the Iowa Administrative Code.

“Infeasible” means not technologically possible, or not economically practicable and achievable in light of best industry practices.

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

“NOD” means Notice of Discontinuation (see Part II.G. of this [GP permit](#).)

“NOI” means Notice of Intent to be covered by this permit (see Part II of this [GP permit](#).)

“Outstanding Iowa Waters” means those waters which constitute an outstanding state resource such as waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Outstanding National Resource Waters” means those waters which constitute an outstanding national resource such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Permittee” means the owner of the facility or site.

“Qualified personnel” means those individuals capable enough and knowledgeable enough to perform the required functions adequately well to ensure compliance with the relevant permit conditions and requirements of the Iowa Administrative Code.

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“SIC” means [Standard Industrial Classification code](#).

Commented [85]: Added so the abbreviation "SIC" could be used consistently.

“Stabilization” or “Soil Stabilization” means the prevention of soil particles from being dislodged and moving therefore preventing erosion from initiating or continuing.

“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 ~~facility~~~~plant~~. The term does not include discharges from facilities or activities excluded from the NPDES program under 40 CFR Part 122. For the categories of industries identified in paragraphs (i) through (x) of this definition, the term includes, but is not limited to, storm-water discharges from industrial ~~facility~~~~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 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.

For the purposes of this definition, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final product, by-product, or waste product. The term excludes areas located on ~~facility~~~~plant~~ lands separate from the ~~facility~~~~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 these paragraphs (i) to (xi) of this definition) include those facilities designated under 40 CFR ~~§Section-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 paragraph (xi) of this definition);
- (ii) Facilities classified within ~~SIC Standard Industrial Classification~~ 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR ~~§Sections-122.27(b)(2)-(3)~~ and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities);
- (iii) Facilities classified as ~~SIC 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 ~~Section-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, by-products 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 the Resource Conservation and Recovery Act (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 definition) 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 ~~not~~ limited to, those classified as ~~SIC Standard Industrial Classifications~~ 5015 and 5093;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) Transportation facilities classified as ~~SIC 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) to (vii) or (ix) to (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 section 405 of the CWA;
- (x) Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than one acre of total land area. Construction activity also includes the disturbance of less

Commented [86]: Removed to match EPA definition

than one acre of total land area that is a 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 SIC ~~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.

“Storm-water discharge associated with industrial activity for construction activities” means activities that fall under subparagraph (x) in the definition of storm-water discharge associated with industrial activity.

“SWPPP” means storm-water pollution prevention plan.

“Topsoil” means the fertile, uppermost part of the soil containing significant organic matter largely devoid of debris and rocks and often disturbed in cultivation.

“Uncontaminated groundwater” means water that: ~~is potable for humans, meets the narrative water quality standards in subrule 567 IAC 61.3(2), contains no more than half the listed concentration of any pollutants in subrule 567 IAC 61.3(3), has a pH of 6.5-9.0 and~~
1. is located in soil or rock strata,
2. is from an area with no known or expected groundwater contamination, and
3. can reasonably be expected to meet the water quality standards in 567 IAC Chapter 61 Table 1.

Commented [87]: Clarified and split into subletters.

“Water(s) 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 of Iowa or any portion thereof.