

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

**Proposing rule making related to NPDES general permit no. 6
and providing an opportunity for public comment**

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

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 455B.198.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.173(11), 455B.186 and 455B.198.

Purpose and Summary

The purpose of this proposed rule making is to renew National Pollutant Discharge Elimination System (NPDES) General Permit No. 6 (GP6), which authorizes the discharge of wastewater associated with well construction activities. The permit requires the implementation of best management practices and requires visual monitoring of the wastewater effluent to determine compliance with the state’s water quality standards.

The rule making includes changes to GP6 in order to increase clarity and to comply with existing state rules. The renewed permit will include an authorization to discharge treated wastewater from drilling fluid and drilling mud if the discharge complies with Iowa’s narrative water quality criteria in subrule 61.3(2). Well drillers have recently improved their capability to treat the liquid portion of drilling fluid and drilling mud to the point that it will meet narrative water quality criteria. The renewed permit will also include a new limitation on coverage for discharges to outstanding Iowa waters (OIWs) so that GP6 complies with Iowa’s antidegradation rules in subparagraph 64.7(2)“f”(5). The antidegradation rules require individual NPDES permits for discharges to OIWs.

A copy of the proposed permit is available online at www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Wastewater-Permitting/NPDES-General-Permits/GP6-Water-Wells.

Fiscal Impact

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

Jobs Impact

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

Waivers

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

Public Comment

Any interested person may submit comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 7, 2019. Comments should be directed to:

Wendy Hieb
Iowa Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Fax: 515.725.8202
Email: wendy.hieb@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows. Upon arrival, attendees should proceed to the fourth floor to check in at the Department reception desk and then be directed to the appropriate hearing location.

May 28, 2019
2 to 4 p.m.

Conference Room 4 East and West
Wallace State Office Building
Des Moines, Iowa

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

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

Review by Administrative Rules Review Committee

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

The following rule-making action is proposed:

Amend subrule 64.15(6) as follows:

64.15(6) "Discharge Associated with Well Construction Activities," NPDES General Permit No. 6, effective March 1, ~~2015~~ 2020, to February 28, ~~2020~~ 2025.