

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Rule making related to NPDES general permit no. 5

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

Legal Authority for Rule Making

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

State or Federal Law Implemented

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

Purpose and Summary

The purpose of this rule making is to renew National Pollutant Discharge Elimination System (NPDES) General Permit No. 5 (GP5), which authorizes the discharge of wastewater associated with mining and processing facilities. The permit requires the implementation of best management practices and requires monitoring of the wastewater effluent to determine compliance with applicable limits.

This rule making includes changes to GP5 in order to increase clarity, add definitions, revise the definition for “Water of the United States” to reference the federal definition as of June 22, 2020 (effective date of the final Navigable Waters Protection Rule published by the United States Environmental Protection Agency), and comply with existing state rules. Annual fees are required with GP5. Fees are specified in Iowa Code section 455B.197 and are not impacted by this rule making.

A copy of the proposed permit is available online at www.iowadnr.gov/Environmental-Protection/Water-Quality/NPDES-Wastewater-Permitting/NPDES-General-Permits/GP5-Mining-Processing.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 12, 2020, as **ARC 5135C**. A public hearing was held via conference call on September 2, 2020, at 2 p.m. There were four attendees. No public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on October 20, 2020.

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 upon request.

Jobs Impact

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

Waivers

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

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).

Effective Date

This rule making will become effective on July 20, 2021.

The following rule-making action is adopted:

Amend subrule 64.15(5) as follows:

64.15(5) “Discharge from Mining and Processing Facilities,” NPDES General Permit No. 5, effective July 20, ~~2016~~ 2021, to July 19, ~~2021~~ 2026.

[Filed 10/23/20, effective 7/20/21]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 11/18/20.