

ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 455B.105(3) and 455B.198, the Environmental Protection Commission hereby gives Notice of Intended Action to amend Chapter 64, "Wastewater Construction and Operation Permits," Iowa Administrative Code.

The purpose of this rule making is to amend Chapter 64 to meet the requirements of Iowa Code section 455B.198. These amendments will allow for the use of a new General Permit to authorize discharge through the use of best management practices (BMPs), require the monitoring of the wastewater effluent to determine compliance of the BMPs, and take enforcement action against dischargers that fail to establish or maintain the required BMPs or meet the water quality standards. The General Permit referenced in the proposed rule amendments will not be printed in the Iowa Administrative Bulletin but can be obtained for review by submitting a request to the contact listed in the paragraph below.

Any interested person may file written comments on the proposed amendments on or before August 14, 2009. Written comments or questions regarding the proposed action should be directed to Russell Tell, Water Supply Section, Iowa Department of Natural Resources, 401 SW 7th Street, Suite M, Des Moines, Iowa 50309-4611; via fax at (515)725-0348; or via E-mail at Russell.Tell@dnr.iowa.gov.

Oral or written comments will also be accepted at the six public hearings that will be held as follows:

- August 4, 2009 10 a.m. Cedar Falls Utilities' Training Room
1 Utility Parkway
Cedar Falls, Iowa
[Observe posted "Event" signs for Public Hearing parking area and entrance information.]
- August 4, 2009 4 p.m. Iowa City Public Library
123 S. Linn Street
Iowa City, Iowa
[Parking is available in the ramp at the corner of Linn and Burlington; the Library will validate the parking stub for one hour.]
- August 5, 2009 1 p.m. North Iowa Area Community College
Muse Norris Conference Center Rooms 180E & F
500 College Drive
Mason City, Iowa
- August 5, 2009 6 p.m. Iowa DNR Water Supply Offices
Conference Rooms North and South
401 SW 7th Street, Suite M
Des Moines, Iowa
- August 11, 2009 9 a.m. Cherokee Community Center
530 W. Bluff Street
Cherokee, Iowa
- August 12, 2009 10 a.m. Atlantic Municipal Utilities' Conference Room
15 West Third Street
Atlantic, Iowa
[Parking is available in the municipal lot south of the building.]

At each hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the amendments.

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

These amendments are intended to implement Iowa Code section 455B.198.

A fiscal impact summary prepared by the Legislative Services Agency pursuant to Iowa Code section 17A.4(4) will be available at <http://www.legis.state.ia.us/IAC.html> or at (515)281-5279 prior to the Administrative Rules Review Committee's review of this rule making.

The following amendments are proposed.

ITEM 1. Adopt the following **new** paragraph **64.3(1)“e”**:

e. Water well construction and well services related discharge that does not reach a water of the United States.

ITEM 2. Amend paragraph **64.4(2)“a”** as follows:

a. The director may issue general permits which are consistent with 64.4(2)“*b*” and the requirements specified in 64.6(455B), 64.7(455B), 64.8(2), and 64.9(455B) for the following activities:

(1) Storm water point sources requiring an NPDES permit pursuant to Section 402(p) of the federal Clean Water Act and 40 CFR 122.26 (as amended through June 15, 1992).

(2) Private sewage disposal system discharges permitted under IAC 567—Chapter 69 where subsoil discharge is not possible as determined by the administrative authority.

(3) Discharges from water well construction and related well services where the discharge will reach a water of the United States.

~~(4)~~ (4) For any discharge, except a storm water only discharge, from a mining or processing facility.

ITEM 3. Amend subrule 64.6(1), introductory paragraph, as follows:

64.6(1) *Contents of a complete Notice of Intent.* An applicant proposing to conduct activities covered by a general permit shall file a complete Notice of Intent by submitting to the department materials required in paragraphs “*a*” to “*c*” of this subrule except that a Notice of Intent is not required for discharges authorized under General Permit No. 6.

ITEM 4. Adopt the following **new** paragraph **64.6(3)“c”**:

c. The department finds that water well construction and well service discharge is not managed in a manner consistent with the conditions specified in General Permit No. 6.

ITEM 5. Adopt the following **new** subrule 64.15(6):

64.15(6) “Discharge Associated with Well Construction Activities” NPDES General Permit No. 6, effective [insert effective date of rule].

ITEM 6. Adopt the following **new** subrule 64.16(5):

64.16(5) “Discharge Associated with Well Construction Activities” NPDES General Permit No. 6. No fees shall be assessed.