

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 455B.105(3) and 455B.198, the Environmental Protection Commission hereby amends 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 amendments will not be printed in the Iowa Administrative Bulletin but can be obtained by submitting a request to the Department of Natural Resources.

Notice of Intended Action was published in the Iowa Administrative Bulletin on July 15, 2009, as **ARC 7945B**. Six public hearings were held across the state. Approximately 23 persons or groups provided oral or written comments on the proposed revisions to Chapter 64 and the proposed General Permit. A responsiveness summary has been prepared addressing the comments received in terms of the issues involved and the changes that have been made to the proposed amendments and General Permit based on the comments provided by the stakeholders.

Changes made to the Notice of Intended Action include:

1. The addition of the phrase “as defined in 40 CFR Part 122.2” in new paragraph 64.3(1)“e.”
2. The addition of the phrase “as defined in 40 CFR Part 122.2” in paragraph 64.4(2)“a,” new subparagraph (3).
3. The amendment of the permit authorization date as found in 64.15(6) to state “March 17, 2010,” the earliest possible effective date of these amendments.

These amendments are intended to implement Iowa Code chapter 455B, division I.

These amendments shall become effective March 17, 2010.

The following amendments are adopted.

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 as defined in 40 CFR Part 122.2.

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 567—64.6(455B), 567—64.7(455B), 567—subrule 64.8(2), and 567—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 as defined in 40 CFR Part 122.2.

~~(3)~~ (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 March 17, 2010, to February 28, 2015.

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.

[Filed 1/21/10, effective 3/17/10]

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EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 2/10/10.