RA 26-313

ENVIRONMENTAL PROTECTION COMMISSION[567]

Regulatory Analysis

Notice of Intended Action to be published: rule 567—60.13(455B)
"General Permits Issued by the Department"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 455B.103A, 455B.105, 455B.173, and 455B.198

State or federal law(s) implemented by the rulemaking: Clean Water Act §402(b); 40 CFR Part 122; 40 CFR §123.25; and Iowa Code sections 455B.103A, 455B.105, 455B.173, 455B.197, and 455B.198

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

October 23, 2026 11 a.m.	Via videoconference call Information on virtual participation can be found at www.iowadnr.gov/environmental-protection/water-quality/wqb-rulemaking

Free language assistance: If you need assistance in a language other than English, contact the Department of Natural Resources (Department) at civilrights@dnr.iowa.gov or by telephone at 515.360.1671 at least seven days before the event.

Asistencia lingüística gratuita: Si necesita ayuda en un idioma que no sea inglés, comuníquese con el Departamento al civilrights@dnr.iowa.gov o por teléfono a 515.360.1671 al menos siete días antes del evento.

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Department no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Courtney Cswercko
Iowa Department of Natural Resources
6200 Park Avenue, Suite 200
Des Moines, Iowa 50321
Email: npdes.mail@dnr.iowa.gov

Free language assistance: If you speak a non-English language, the Department offers language assistance services free of charge. Contact the Department at civilrights@dnr.iowa.gov.

Servicios gratuitos de asistencia lingüística: Si habla un idioma que no sea el inglés, los servicios de asistencia lingüística están disponibles de forma gratuita. Comuníquese con el Departamento al civilrights@dnr.iowa.gov.

Purpose and Summary

The proposed amendment renews nine National Pollutant Discharge Elimination System (NPDES) and State operation general permits (GPs), which are referenced in Chapter 60. The GPs being renewed are for stormwater (GPs 1, 2, and 3); private sewage disposal systems (GP 4); mining and

quarries (GP 5); well construction and well service activities (GP 6); point source discharges from pesticide application (GP 7); discharges from hydrostatic testing, tank ballasting and water lines (GP 8); and discharges from dewatering and residential geothermal systems (GP 9). GPs 1, 2, 3, and 4 will expire on February 29, 2028, and GPs 5, 6, 7, 8, and 9 will expire on June 30, 2028. GPs are required by law to be adopted through rulemaking. The new effective dates for GPs 1, 2, 3, and 4 will be March 1, 2028, through February 28, 2033. The new effective dates for GPs 5, 6, 7, 8, and 9 will be July 1, 2028, through June 30, 2033.

GPs authorize certain types or classes of facilities to discharge without having to obtain an individual NPDES or operation permit. GPs benefit the regulated community by shortening the time needed to obtain discharge authorization and reducing costs compared to individual permits, which have more complicated application requirements, take several months to obtain, and have additional annual fees. Failure to renew these GPs would have a far-reaching negative impact on current permittees. Because of the additional requirements and time constraints, it is not practical to issue individual permits to permittees covered by these GPs.

The proposed GPs can be viewed in full at www.iowadnr.gov/environmental-protection/water-quality/wqb-rulemaking.

The majority of the revisions being proposed to the nine GPs in this renewal are to 1) simplify and clarify the permit language; 2) update rule references and language in the GPs that were changed as part of the Executive Order 10 rulemakings; 3) standardize the language across the GPs, particularly the language requiring an individual permit and the GP standard conditions; 4) replace the current hazardous condition language in the GPs with the correct release reporting, 24-hour reporting, and other noncompliance language that is applicable to NPDES permits; and 5) clarify electronic reporting requirements. There are no additional substantive revisions to GPs 1, 3, 6, 7, 8, and 9. Additional revisions to GPs 2, 4, and 5 are discussed below.

The proposed revisions to GP 2 for stormwater discharge associated with construction activities include the addition of language allowing coverage for new or expanded discharges to Outstanding Iowa Waters (OIWs). These discharges are currently not eligible for coverage under GP 2, resulting in an extended period to obtain permit coverage. Applicants wishing to discharge to an OIW must submit an individual permit application at least six months prior to the expected discharge, and the Department must then draft and issue an individual NPDES permit (when appropriate), which can take up to four months. Because the resulting individual NPDES permits contain the same requirements as GP 2, this places an undue burden on permittees and the Department. In lieu of submitting an individual permit application, the new language in GP 2 requires an applicant to submit a stormwater pollution prevention plan (SWPPP) with a Notice of Intent (NOI, or application) for coverage under GP 2. The SWPPP for a discharge to an OIW must demonstrate how the permittee will design, install, and maintain best management practices (BMPs) on the construction site to protect and maintain water quality adequate to fully protect the existing uses of the OIW. Discharges to OIWs shall only be authorized under GP 2 upon Department receipt and approval of an SWPPP. This proposed change to GP 2 will remove the burden of obtaining an individual NPDES permit from the applicants and will allow proposed discharges to OIWs to be covered under GP 2 in a timely manner while continuing to maintain and protect the water quality of OIWs in Iowa.

The proposed revisions to GP 4 for private sewage disposal systems (PSDSs) include the simplification of the effluent limits. Currently, GP 4 contains two *Escherichia coli (E. coli)* effluent limits: one for waters designated either as Class A1—primary contact recreational use or Class A3—children's recreational use, and one for waters designated as Class A2—secondary contact recreational use. The proposed revisions remove the less stringent *E. coli* effluent limitation for Class A2 waters so that all permitted discharging PSDSs have one set of effluent limits (the current limits for Class A1 and A3 waters). This simplification of the effluent limits will maintain the protections for recreational-use waters and will not result in more stringent requirements for permittees who discharge to Class A2 streams, since any PSDS capable of meeting the existing Class A2 *E. coli* effluent limitation already meets the Class A1 and Class A3 limitation.

The proposed revisions to GP 5 for mining and quarries include the addition of effluent limitations and monitoring for discharges to cold water streams (those designated as Class B(CW1) or Class B(CW2) in the Department's Surface Water Classifications document, as referenced in 567—Chapter 61). These new effluent limitations have been added to maintain and protect the water quality of public trout stream fisheries in northeast Iowa. There are currently only two permittees covered by GP 5 that would be affected by the addition of these effluent limits, so this addition will have a negligible effect on permittees while ensuring future protections for cold water streams in Iowa.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

Permittees currently covered by these GPs will bear the costs.

- **Classes of persons that will benefit from the proposed rulemaking:**

Citizens of Iowa will benefit.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

The proposed change in effluent limitations for GP 5 will result in a change in costs for mines and quarries who discharge to cold water streams. These dischargers will have the option to seek coverage under the revised GP 5 and incur a one-time cost of approximately $1,000 for additional monitoring equipment. They may also seek coverage under an individual NPDES permit, for which they would incur the same one-time cost of $1,000 for monitoring equipment and an additional cost for the annual permit fee, which is $1,000 more than the existing five-year GP 5 permit fee. These additional costs (approximately $1,000 for GP 5 coverage or $2,000 for individual permit coverage) will only be borne by a very small number of permittees.

Quantitative costs cannot be determined for the other proposed revisions to the nine GPs. However, the activities required of the permittees that result in various costs are described below.

- **Qualitative description of impact:**

Permittees authorized to discharge under the nine NPDES GPs incur costs related to the operation of treatment plants, the monitoring and reporting of pollutants, and recordkeeping. The costs of complying with the NPDES GPs vary by the type of facility process, quantity and type of pollutants discharged, number of point sources, and pollutant capacity of the receiving stream. The Department's existing GP fees for GPs 1, 2, 3, and 5 are listed in Iowa Code section 455B.197. There are no fees associated with GPs 4, 6, 7, 8, and 9.

The proposed change in the coverage for discharges to OIW streams under GP 2 will not result in increased costs for permittees since the preparation and submittal of an SWPPP and an NOI is comparable to the preparation and submittal of an individual permit application. The proposed change in effluent limitations for GP 4 will not result in increased costs for permittees since there is no change to the design or monitoring requirements for PSDSs.

With the exception of the costs associated with the proposed addition of effluent limits for discharges to cold water streams in GP 5, the proposed renewals of Iowa's nine NPDES and State operation GPs will not change the costs incurred by obtaining or maintaining coverage under these GPs.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

Since these are renewals of existing permits, there are no anticipated implementation or enforcement costs.

- **Anticipated effect on State revenues:**

No effect on State revenues is anticipated.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

In the absence of effluent limits for discharges to cold water streams in GP 5, mines and quarries that discharge to cold water streams would no longer qualify for coverage under GP 5 and would be required to obtain coverage under an individual NPDES permit. These dischargers would still incur the one-time cost of approximately $1,000 for additional monitoring equipment (the approximate additional cost for these dischargers under the revised GP 5), in addition to the increased annual individual permit fee cost of $1,000 over five years. This minimal cost to dischargers, either for GP 5 coverage or individual permit coverage, is offset by the increased protections for cold water streams, which can be quantified as revenues generated by trout fishing. The estimated total valuation for trip-related expenditures to cold water trout streams, using an average trip expenditure of $35, is $13.5 million annually.

If the nine NPDES and State operation GPs are not renewed in this proposed rulemaking, the permittees authorized to discharge under the GPs will be required to obtain individual NPDES or State operation permits. There are currently 7,300 permittees authorized under GPs 1, 2, 3, 4, 5, 8, and 9. GPs 6 and 7 do not require the submittal of NOIs, and GPs 8 and 9 only require NOIs for a small subset of discharges, but there are a few thousand more dischargers authorized under GPs 6, 7, 8, and 9. If the GPs are not renewed, all of these permittees would be required to submit individual applications, and the Department would be required to review the applications and issue individual permits.

For these reasons, the Department is proposing this rulemaking to renew the nine NPDES and State operation GPs.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

There are no less costly or intrusive methods to accomplish the benefit of the proposed rulemaking.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

The nine NPDES and State operation GPs implement a streamlined, less-costly application and authorization process for thousands of Iowans when compared to the requirements and costs of obtaining an individual permit. The proposed renewal of and revisions to the nine GPs will protect water quality in Iowa and maintain the expediency of the GPs.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Small businesses cannot be exempted from NPDES permitting. Small businesses benefit from the streamlined NPDES GPs since these permits provide faster coverage compared to individual permits. In addition, the proposed revisions to the GPs will enhance their clarity so all permittees will be able to easily move through the permitting process.

Text of Proposed Rulemaking

ITEM 1. Amend rule 567—60.13(455B) as follows:

567—60.13(455B) General permits (GPs) issued by the department. The following is a list of GPs adopted by the department through the Administrative Procedure Act, Iowa Code chapter 17A, and the term of each permit.

60.13(1) "~~Storm Water~~ Stormwater Discharge Associated with Industrial Activity," NPDES General Permit No. 1, effective March 1, ~~2023~~ 2028, to February ~~29, 2028~~ 28, 2033.

60.13(2) "~~Storm Water~~ Stormwater Discharge Associated with Industrial Activity for Construction Activities," NPDES General Permit No. 2, effective March 1, ~~2023~~ 2028, to February ~~29, 2028~~ 28, 2033.

60.13(3) "~~Storm Water~~ Stormwater Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants, and Construction Sand and Gravel Facilities," NPDES General Permit No. 3, effective March 1, ~~2023~~ 2028, to February ~~29, 2028~~ 28, 2033.

60.13(4) "Discharge from Private Sewage Disposal Systems," NPDES General Permit No. 4, effective March 1, ~~2023~~ 2028, to February ~~29, 2028~~ 28, 2033.

60.13(5) "Discharge from Mining and Processing Facilities," NPDES General Permit No. 5, effective July 1, ~~2023~~ 2028, to June 30, ~~2028~~ 2033.

60.13(6) "Discharge Associated with Well Construction Activities," NPDES General Permit No. 6, effective July 1, ~~2023~~ 2028, to June 30, ~~2028~~ 2033.

60.13(7) "Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States from the Application of Pesticides," NPDES General Permit No. 7, effective July 1, ~~2023~~ 2028, to June 30, ~~2028~~ 2033.

60.13(8) "Discharge from Hydrostatic Testing, Tank Ballasting and Water Lines," NPDES General Permit No. 8, effective July 1, ~~2023~~ 2028, to June 30, ~~2028~~ 2033.

60.13(9) "Discharge from Dewatering and Residential Geothermal Systems," NPDES General Permit No. 9, effective July 1, ~~2023~~ 2028, to June 30, ~~2028~~ 2033.