

567—64.6(455B) Completing a Notice of Intent for coverage under a general permit.

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 NOI by submitting to the department materials required in paragraphs “a” to “c” of this subrule, as applicable. An NOI is not required for discharges authorized under General Permit No. 6 or No. 7, for certain discharges under General Permit No. 8, or for certain discharges under General Permit No. 9.

a. Notice of Intent (NOI) Form. Electronic NOI forms provided by the department must be completed in full on the department’s website. Paper NOI forms, when provided, must be completed in full.

b. General permit fee. The applicable general permit fee according to the schedule in 567—64.16(455B) is payable to the Iowa Department of Natural Resources.

c. Public notification. The public notification requirements only apply to General Permits No. 1, No. 2 and No. 3.

(1) Applicants for General Permits No. 1, No. 2 and No. 3 must demonstrate that a public notice was published in at least one newspaper with the largest circulation in the area in which the facility is located or the activity will occur.

(2) The newspaper notice shall, at the minimum, contain the following information:

PUBLIC NOTICE OF STORM WATER DISCHARGE

The (applicant name) plans to submit a Notice of Intent to the Iowa Department of Natural Resources to be covered under NPDES General Permit (select the appropriate general permit—No. 1 “Storm Water Discharge Associated with Industrial Activity”, General Permit No. 2 “Storm Water Discharge Associated with Industrial Activity for Construction Activities” or General Permit No. 3 “Storm Water Discharge Associated with Industrial Activity for Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants, and Construction Sand and Gravel Facilities”). The storm water discharge will be from (description of industrial activity) located in (¼ section, township, range, county). Storm water will be discharged from (number) point source(s) and will be discharged to the following streams: (stream name(s)).

Comments may be submitted to the Storm Water Discharge Coordinator, Iowa Department of Natural Resources, 502 East 9th Street, Des Moines, Iowa 50319-0034. The public may review the Notice of Intent from 8 a.m. to 4:30 p.m., Monday through Friday, at the above address after it has been received by the department.

64.6(2) *Authorization to discharge under a general permit.* Upon the submittal of a complete NOI in accordance with 64.6(1) and 64.3(4)“b,” the applicant is authorized to discharge after the department has determined that the contents of the NOI satisfy the requirements of 567—Chapter 64, evaluated the NOI, and determined that the proposed discharge meets the requirements of the general permit. The applicant will receive notification from the department of coverage under the general permit. If any of the items required for filing an NOI specified in 64.6(1) are missing, the department will consider the application incomplete and will notify the applicant of the incomplete items. If the discharge described in the NOI does not meet the requirements of the general permit, the NOI may be denied. The department will notify applicants of denial within 30 days.

Authorization to discharge is automatic only for the general permits that do not require an NOI under 64.3(4), provided the discharge is a covered activity and the permittee complies with all applicable permit requirements.

64.6(3) *General permit suspension or revocation.* In addition to the causes for suspension or revocation which are listed in 64.3(11), the director may suspend or revoke coverage under a general permit issued to a facility or a class of facilities for the following reasons and require the applicant to apply for an individual NPDES permit in accordance with 64.3(4)“a”:

a. The discharge would not comply with Iowa’s water quality standards pursuant to 567—Chapter 61, or

b. The department finds that the activities associated with an NOI filed with the department do not meet the conditions of the applicable general permit, or

c. The department finds that any discharge covered under a general permit is not managed in a manner consistent with the conditions specified in the applicable general permit.

The department will notify the affected discharger and establish a deadline, not longer than one year, for submitting an individual permit application.

64.6(4) Eligibility for individual NPDES permit holders. A person holding an individual NPDES permit for an activity covered by a general permit may apply for coverage under a general permit by filing an NOI according to procedures described in 64.3(4)“b” and 567—64.6(455B). In addition to these requirements, the permittee must submit a written request, with the NOI, to close or revoke the individual NPDES permit or to amend the individual NPDES permit to remove the general permit-covered activity.

a. Upon receipt of a complete NOI and request for closure, revocation or amendment of an individual NPDES permit, the applicant shall be authorized to discharge under the general permit in accordance with 64.6(2). The applicant will receive notification by the department of coverage under the general permit and of the closure, revocation or amendment of the individual permit.

b. Authorization to discharge under a general permit that does not require an NOI will be automatic in accordance with 64.6(2) and shall commence upon completion of individual NPDES permit closure, revocation, or amendment.

c. Individual NPDES permit amendments under this subrule shall follow the applicable public notice procedures in 567—64.5(455B).

64.6(5) Filing a Notice of Discontinuation. A notice to discontinue discharge associated with an activity covered by a general permit shall be made electronically or in writing to the department in accordance with the conditions established in each general permit.

The notice of discontinuation shall contain the following:

- a. The name of the facility to which the permit was issued,
- b. The general permit number and permit authorization number,
- c. The date the permitted activity was, or will be, discontinued, and
- d. A signed certification in accordance with the requirements in the general permit.

64.6(6) Transfer of ownership—construction activity part of a larger common plan of development. For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, in the event a permittee transfers ownership of all or any part of property subject to NPDES General Permit No. 2, both the permittee and transferee shall be responsible for compliance with the provisions of the general permit for that portion of the project which has been transferred, including when the transferred property is less than one acre in area, provided that:

a. The transferee is notified in writing of the existence and location of the general permit and pollution prevention plan, and of the transferee’s duty to comply, and proof of such notice is included with the notice to the department of the transfer.

b. If the transferee agrees, in writing, to become the sole responsible permittee for the property which has been transferred, then the transferee shall be solely responsible for compliance with the provisions of the general permit for the transferred property.

c. If the transferee agrees, in writing, to obtain coverage under NPDES General Permit No. 2 for the property which has been transferred, then the transferee is required to obtain coverage under NPDES General Permit No. 2 for the transferred property. After the transferee has agreed, in writing, to obtain coverage under NPDES General Permit No. 2 for the transferred property, the authorization issued under NPDES General Permit No. 2 to the transferor for the transferred property shall be considered by the department as not providing NPDES permit coverage for the transferred property and the transferor’s authorization issued under NPDES General Permit No. 2 for, and only for, the transferred property shall be deemed by the department as being discontinued without further action of the transferor.

d. All notices as described in this subrule shall contain the name of the development as submitted to the department in the original Notice of Intent and as modified by any subsequent written notices of name changes submitted to the department, the authorization number assigned to the authorization by the department, the legal description of the transferred property including lot number, if any, and any other information necessary to precisely locate the transferred property and to establish the legality of the document.

[ARC 8520B, IAB 2/10/10, effective 3/17/10; ARC 9365B, IAB 2/9/11, effective 3/30/11; ARC 1337C, IAB 2/19/14, effective 3/26/14; ARC 2482C, IAB 4/13/16, effective 5/18/16; ARC 3786C, IAB 5/9/18, effective 7/1/18; ARC 6191C, IAB 2/9/22, effective 3/16/22]