

**567—60.3(455B) Operation permits.**

**60.3(1) Operation permit requirement.** Except as otherwise provided in this subrule, in 567—Chapter 65, and in 567—Chapter 69, no person shall operate any wastewater DS or part thereof without, or contrary to any condition of, an operation permit issued by the director. An operation permit is not required for the following:

- a. A PSDS that does not discharge into, or have the potential to reach, a designated water of the state or subsurface drainage tile (Note: PSDSs under this exemption are regulated under 567—Chapter 69).
- b. A semipublic sewage DS, the construction of which has been approved by the department and that does not discharge into a water of the state.
- c. A pretreatment system, the effluent of which is to be discharged directly to another DS for final treatment and disposal.
- d. A discharge from a geothermal heat pump that does not reach a navigable water.
- e. Water well construction and well services related discharge that does not reach a WOTUS.
- f. Discharges from the application of biological pesticides and chemical pesticides where the discharge does not reach a WOTUS. Aquatic pesticides may be applied to any WOTUS in accordance with this chapter and NPDES General Permit No. 7, “Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States From the Application of Pesticides.”
- g. Agricultural stormwater discharges. This exclusion applies only to the operation permit requirement set forth in this rule and does not alter other requirements of law, including but not limited to any applicable requirements of Iowa Code chapters 459 and 459A.
- h. Dewatering discharge from the installation, repair, or maintenance of agricultural drainage systems that does not reach a water of the state. This activity is not considered operation of a wastewater DS.
- i. A wastewater discharge from a water treatment plant that does not reach a WOTUS.

**60.3(2) Applications.****a. Individual permit applications.**

(1) Application Forms. Applications for operation permits required under this paragraph shall be made on forms provided by the department.

**(2) Application due dates.**

1. Applications for an individual permit for a new discharge of stormwater associated with construction activity as defined in 40 CFR §122.26(b)(14) under “stormwater discharge associated with industrial activity” must be submitted at least 60 days before the date on which construction is to commence.

2. The due date for an application for a new discharge of wastewater is 180 days prior to the date the operation is scheduled to begin unless a shorter period is approved by the director.

3. The due date for a renewal application is 180 days prior to the expiration date of the current permit. For a POTW, permission to submit an application at a later date may be granted by the director.

**(3) Application completeness.**

1. A permit application is complete and approvable when all necessary questions on the application have been completed and the application is signed pursuant to this subrule, and when all applicable portions of the application, including the application fee, treatment agreement forms, and required attachments, have been submitted. The director may require the submission of an antidegradation alternatives analysis or other additional information deemed necessary to evaluate the application.

2. Incomplete applications may be returned to the applicant for completion. Authorization to discharge will be suspended if a complete application is not submitted to the department before the expiration date of the current permit. In the case of new applications, no discharge will be allowed until an operation permit is issued. In the case of existing discharges, if a permit application is incomplete or has not been submitted, the department shall notify the applicant of a violation of this rule.

3. If a permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, the permittee shall promptly submit such facts or information.

(4) Application receipt. Upon completion of a tentative determination with regard to a permit application as described in 60.5(1), the director shall issue an operation permit for applications filed

pursuant to this subrule within 90 days of the receipt of a complete application unless the application is for an NPDES permit or unless a longer period of time is necessary and the applicant is notified.

*b. GP applications.* A Notice of Intent (NOI) for coverage under a GP shall be completed on forms provided by the department and in accordance with 60.6(1). An NOI must be submitted for any of the following:

- (1) Stormwater discharge associated with industrial activity;
- (2) Stormwater discharge associated with small construction activity;
- (3) PSDSs that discharge to a WOTUS;
- (4) Discharges, except a stormwater only discharge, from a mining or processing facility;
- (5) Discharges from hydrostatic testing, tank ballasting and water lines, if required to be submitted by GP No. 8; or
- (6) Discharges from dewatering or residential geothermal systems, if required to be submitted by GP No. 9.

*c. Application fees.* Required fees shall be submitted with all permit applications pursuant to Iowa Code section 455B.197(3).

*d. Signatories of permit applications.* Permit applications for operation and NPDES permits shall be signed in accordance with 40 CFR §122.22.

**60.3(3) Indirect discharger requirements.**

*a. Information requirement.* The director may require an indirect discharger to submit information similar to that required in an application for an operation permit, but no operation permit is required for such discharge. This subrule does not apply to indirect dischargers that discharge to POTWs with department-approved pretreatment programs.

*b. Treatment agreement (TA).* A POTW intending to accept waste from a SIU as defined in 40 CFR §403.3(v) must submit a TA that:

- (1) Is on the TA form provided by the department;
- (2) Identifies and limits the monthly average and daily maximum flows and identifies and limits all other pollutants or pollutant parameters necessary to ensure that the discharge will be in accordance with the applicable requirements in 567—Chapter 62; and
- (3) Is signed and dated by the SIU and the owner of the POTW accepting the wastewater.

*c. TA submittal timelines.* A POTW receiving waste from an existing or proposed SIU shall submit a complete TA form to the department in accordance with the following time lines:

- (1) For an existing SIU with an existing TA, 60 days in advance of a proposed expansion, production increase or process modification that may result in discharges of sewage, industrial waste, or other waste in excess of the discharge stated in the existing TA.
- (2) For an indirect discharger that would become a SIU as a result of a proposed expansion, production increase or process modification, 60 days in advance of the proposed expansion, production increase or process modification.
- (3) For a new indirect discharger that will qualify as a SIU, 180 days in advance of a proposed discharge.

*d. Construction and operation permit applications—TA submittal.*

(1) A construction permit application for the construction or modification of a POTW must include current TA forms for each SIU discharging to the POTW. These TAs will be used in determining the design basis of the new or upgraded system.

(2) An operation permit application from a POTW must include information and current TA forms for each SIU discharging to the POTW, and information on any Non-Significant Categorical Industrial User discharging to the POTW.

**60.3(4) Effective period.** NPDES permits may be granted for any period of time not to exceed five years. All other operation permits may be granted for an appropriate period of time as determined by the director, based on the type of wastewater DS being permitted. GPs will be issued for a period not to exceed five years. Each permit to be renewed shall be subject to the provisions of all department rules in effect at the time of the renewal.

**60.3(5) *Permit conditions.*** Operation permits shall contain conditions deemed necessary by the director to ensure compliance with all applicable department rules, including monitoring and reporting conditions, to protect the public health and beneficial uses of waters of the state, and to prevent water pollution from waste storage or disposal operations.

**60.3(6) *Modification or termination.*** The director may amend, revoke and reissue, or terminate in whole or in part any permit for cause, either at the request of any interested person (including the permittee) or upon the director's initiative, according to the provisions of this subrule.

*a. GP.* The director may revoke and reissue or terminate in whole or in part any GP or coverage under a GP for cause. A waiver or amendment of the terms and conditions of a GP shall not be granted. If a waiver or amendment of a GP is desired, the permittee must apply for an individual permit following the procedures in 60.3(2) "a."

*b. Individual permit.* All requests to amend, revoke and reissue, or terminate an individual permit shall be in writing and contain information or reasons supporting the request.

(1) A permittee shall furnish to the director, within a reasonable time, any information that the director may request to determine whether cause exists for amending, revoking and reissuing, or terminating a permit, including a new permit application.

(2) Required amendment fees shall be submitted in accordance with 60.14(3).

(3) The filing of a request by an interested person for an amendment, revocation and reissuance, or termination does not stay any permit condition.

*c. Cause.* Cause under this subrule includes but is not limited to the following:

(1) Violation of any term or condition of the permit.

(2) Obtaining a permit by misrepresentation of fact or failure to disclose fully all material facts.

(3) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

(4) Failure to submit records and information the director requires, both generally and as a condition of the permit, in order to ensure compliance with the discharge conditions specified in the permit.

(5) Failure or refusal of an NPDES permittee to carry out the requirements of 60.7(7) "f."

(6) Failure to provide all the required application materials or appropriate fees.

(7) Causes listed in 40 CFR §§122.62 and 122.64.

*d. Individual permit compliance schedule amendments.*

(1) A request to amend an interim date in a compliance schedule shall be made at least 30 days prior to the next scheduled date that the permittee contends it is unable to meet. The request shall include proposed changes to the existing compliance schedule and documentation supporting the need for an extension.

(2) A request to amend a final date in a compliance schedule shall be made at least 120 days prior to the final compliance date. An extension of the final date may be granted by the department for cause, including unusually adverse weather conditions, equipment shortages, labor strikes, federal grant regulation requirements, or any other extenuating circumstances beyond the control of the requesting party. Cause does not include economic hardship, profit reduction, or failure to proceed in a timely manner.

*e. Reduction of individual permit minimum monitoring requirements.* The minimum monitoring requirements in an existing or reissued individual permit as established in 567—Chapter 63 may be modified or reduced at the director's discretion or when requested by the permittee.

(1) A request to modify or reduce the minimum monitoring requirements in an existing individual permit is considered a waiver request. A request shall include a written description of the proposed modification or reduction, monitoring results that are frequent enough to reflect variations in wastewater characteristics over a period of time and are consistent in results from sample to sample, and a completed Petition for Waiver form, available on the department's website.

(2) Any request to modify or reduce minimum monitoring requirements must adequately justify that the modified or reduced monitoring will accurately reflect actual wastewater characteristics and will not adversely impact facility operations.

(3) The department will evaluate a request to modify or reduce the minimum monitoring requirements in an existing permit based upon whether or not less frequent sample results would accurately reflect actual wastewater characteristics and whether operational control could be maintained.

(4) All reductions or modifications of monitoring incorporated into an individual operation or NPDES permit by amendment or upon reissuance are only effective until the expiration date of that permit.

*f. Requests to amend, revoke and reissue, or terminate.*

(1) Individual permit requests.

1. If the director tentatively decides to amend or revoke and reissue an individual permit, a draft permit shall be prepared according to 60.5(1)“a.” When an individual permit is amended under this subrule, only those conditions to be amended shall be reopened when a new draft permit is prepared. All other aspects of the existing permit shall remain in effect for the duration of the permit. If an amendment falls under the definition of “minor amendment,” the individual permit may be amended without a draft permit or PN.

2. If the director decides to terminate an individual permit, a termination decision shall be prepared and transmitted to the permittee. The permittee will have 60 days to appeal the termination.

(2) GP requests. If the director tentatively decides to revoke and reissue or terminate a GP, a draft reissuance or termination will proceed in accordance with Iowa Code sections 455B.103A and 455B.173.

(3) When an individual or general permit is revoked and reissued under this subrule, the entire permit is reopened just as if the permit had expired and was being reissued.

(4) During any amendment, revocation and reissuance, or termination proceeding, the permittee or permittees shall comply with all conditions of the existing permit until a new final permit is reissued or the existing permit is terminated.

(5) If the director decides the request is not justified, the director shall deny the request and send the requester a brief written response giving a reason for the decision. Denials of requests for permit amendment, revocation and reissuance, or termination are not subject to PN, comment, hearings, or appeals.

**60.3(7)** *Prohibitions on permit issuance.* 40 CFR §122.4 is adopted by reference.

**60.3(8)** *Public access to NPDES information.* Department records connected with NPDES permits are available for public inspection and copying to the extent provided in 567—Chapter 2.

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