

**455B.197 National pollutant discharge elimination system permits.**

The department may issue a permit related to the administration of the national pollutant discharge elimination system (NPDES) permit program pursuant to the federal Water Pollution Control Act, 33 U.S.C. ch. 26, as amended, and [40 C.F.R. pt. 124](#) including but not limited to storm water discharge permits issued pursuant to [section 455B.103A](#). The department may provide for the receipt of applications and the issuance of permits as provided by rules adopted by the department which are consistent with [this section](#). The department shall assess and collect fees for the processing of applications and the issuance of permits as provided in [this section](#). The department shall deposit the fees into the national pollutant discharge elimination system permit fund created in [section 455B.196](#). The fees shall be established as follows:

1. For a permit for the discharge from mining and processing facilities, NPDES general permit no. 5, the following fee schedule shall apply:
  - a. An annual permit, one hundred twenty-five dollars each year.
  - b. For a multiyear permit, all of the following shall apply:
    - (1) A three-year permit, three hundred dollars.
    - (2) A four-year permit, four hundred dollars.
    - (3) A five-year permit, five hundred dollars.
  2. For coverage under NPDES individual permits for storm water, for a construction permit, an application fee of one hundred dollars.
  3. For coverage under NPDES individual permits for non-storm water, the following annual fees apply:
    - a. For a major municipal facility, one thousand two hundred seventy-five dollars.
    - b. For a minor municipal facility, two hundred ten dollars. For a city with a population of two hundred fifty or less, the maximum fee shall be two hundred ten dollars regardless of how many NPDES individual permits for non-storm water the city holds.
    - c. For a semipublic facility, three hundred forty dollars.
    - d. For a facility that holds an operation permit, with no wastewater discharge into surface waters, one hundred seventy dollars.
    - e. For a municipal water treatment facility, a fee shall not be charged.
    - f. For a major industrial facility, three thousand four hundred dollars.
    - g. For a minor industrial facility, three hundred dollars.
    - h. For an open feedlot operation as provided in [chapter 459A](#), an annual fee of three hundred forty dollars.
    - i. For a new facility that has not been issued a current non-storm water NPDES permit, a prorated amount which shall be calculated by taking the annual fee amount multiplied by the number of months remaining before the next annual fee due date divided by twelve.
    - j. For a facility covered under an existing non-storm water NPDES permit, a prorated amount which shall be calculated by taking the annual fee amount multiplied by the number of months remaining before the next annual fee due date divided by twelve.
    - k. For a non-storm water permit as provided in [this subsection](#), a single application fee of eighty-five dollars.
  4. A single family home shall not be charged a fee under [this section](#).
  5. The owner of an on-farm processing operation that produces less than one thousand five hundred gallons per day of wastewater shall not be assessed a fee by the department under [this section](#).

[2006 Acts, ch 1178, §25; 2007 Acts, ch 22, §79; 2007 Acts, ch 53, §1, 2; 2011 Acts, ch 31, §3](#)  
Referred to in [§455B.103A, 455B.105, 455B.172A, 455B.196](#)