567—90.2 (455B) Definitions. The following words and terms shall have the following meanings unless the context clearly indicates otherwise. The following definitions are applicable for this chapter and 567—Chapters 90, 91, 92 and 93.

"Authority" means the Iowa finance authority (IFA) as established by Iowa Code chapter 16.

"Clean Water Act" means the federal Water Pollution Control Act of 1972, P.L. 92-500, as amended by the Water Quality Act of 1987, P.L. 100-4, as published in 33 U.S.C. 1251-1376.

"Cluster systems" means onsite wastewater treatment systems providing treatment for two or more dwellings with a combined flow not to exceed 1,500 gallons per day.

"Commission" means the Iowa department of natural resources environmental protection commission.

"Comprehensive Nutrient Management Plan" or *"CNMP"* means a conservation system that is unique to an animal feeding operation (AFO). A CNMP is a grouping of conservation practices and management activities which, when implemented as part of a conservation system, will help to ensure that both production and natural resource protection goals are achieved. A CNMP incorporates practices to use animal manure and organic by-products as beneficial resources. A CNMP addresses natural resource concerns dealing with soil erosion, manure, and organic by-products and their potential impacts on all natural resources including water and air quality, which may derive from an AFO. A CNMP is developed to assist an AFO owner/operator in meeting all applicable local, tribal, state, and federal water quality goals or regulations. For nutrient-impaired stream segments or water bodies, additional management activities or conservation practices may be required by local, tribal, state, or federal water quality goals or regulations. [From proposed Natural Resources Conservation Service Environmental Quality Incentives Program (NRCS EQIP) rules.]

"CWSRF" means the clean water state revolving fund, also known as the water pollution control works revolving loan fund as defined in Iowa Code section 455B.291.

"Department" or *"DNR"* means the Iowa department of natural resources.

"Director" means the director of the Iowa department of natural resources.

"Eligible cost" means the cost of all labor, material, machinery, equipment, loan initiation and service fees, facility planning, design and construction engineering services, legal fees and expenses related to the project; capitalized interest during construction of the project; and construction and rehabilitation of all or part of a project included in the funding request placed on the draft IUP as a fundable project, subject to approval by the commission.

"Eligible entity" means a person eligible under the provisions of the Clean Water Act, the Safe Drinking Water Act, and the commission rules to receive loans for projects from either of the revolving loan funds.

"Eligible project" means, in the context of the water pollution control facilities, the acquisition, construction, reconstruction, extension, equipping, improvement, or rehabilitation of any works and facilities useful for the collection, treatment and disposal of sewage and industrial waste in a sanitary manner including treatment works as defined in Section 212 of the Clean Water Act, or the implementation and development of management programs established under Sections 319 and 320 of the Clean Water Act, including construction and undertaking of nonpoint source water pollution control

projects and related development activities authorized under those Sections. Only projects classified under one of the following needs categories are eligible for loan assistance: I, II, III–A, III–B, IV–A, IV–B, V, VI, all subcategories of VII, X and XII. Projects for the primary purpose of speculative growth are considered ineligible.

"Facility plan" means a report certified by a professional engineer licensed to practice in Iowa and prepared in conformance with Chapter 11 of the Iowa Wastewater Facilities Design Standards (567—paragraph 64.2(9)*"b"*). This report shall be prepared to include an evaluation of the facility, identify problems, provide alternatives and a recommended solution, outline financing options and project time line, and address other applicable issues ensuring the viability of the project and the facility to meet project goals and discharge requirements.

"Federal cross-cutters" means the federal laws and authorities that apply to projects funded through CWSRF.

"Financial agent" means the entity or entities that have entered into a contract with the department to carry out the financial administration of the nonpoint source set-aside programs.

"Fiscal year" means the state fiscal year starting July 1 and ending June 30.

"Fundable applicant" means an eligible entity that meets the following criteria:

1. Appears on the state project priority list;
2. Has submitted a complete application for a water pollution control project with eligible costs;
3. Will be in a state of readiness to proceed with construction and use loan payments in a timely manner; and
4. Has been included on the state's intended use plan as a proposed loan recipient or is otherwise eligible as described in 567—paragraph 93.5(1)*"c,"* 93.6(1)*"c,"* or 93.7(1)*"c."*

"Intended use plan" or *"IUP"* means a plan identifying the intended uses of funds available for loans in the WPCSRF for each fiscal year as described in Section 606(c) of the Clean Water Act.

"Municipality" means the city, county, sanitary district, state agency, or other governmental corporation or body empowered to provide sewage collection and treatment services, or any combination of two or more such governmental bodies, or corporations acting jointly, in connection with a project.

"Needs category" means identified categories of needs which comprise mutually exclusive classes of facilities:

1. Category I. Standard secondary wastewater treatment. This category includes wastewater treatment costs necessary to meet the minimum level of treatment defined by the federal Clean Water Act.
2. Category II. Advanced wastewater treatment. This category includes the wastewater treatment costs necessary to attain a level of treatment that is more stringent than standard secondary treatment or to produce a significant reduction in nonconventional or toxic pollutants present in the wastewater treated by a facility.
3. Category III–A. Infiltration/inflow correction. This category includes costs for correction of sewer system infiltration/inflow problems. Infiltration includes controlling the penetration of water into a sanitary or combined sewer system from the ground through defective pipes or manholes. Inflow includes controlling the penetration of water into the system from drains, storm sewers, and other improper entries. This category also includes costs for preliminary sewer system analysis and detailed sewer system evaluation surveys.

4. Category III–B. Sewer system replacement/rehabilitation. This category includes costs for the reinforcement or reconstruction of structurally deteriorating sanitary or combined sewers. The corrective actions must be necessary to maintain the structural integrity of the system. Rehabilitation is considered to be extensive repair of existing sewers (collector and interceptor) beyond the scope of normal maintenance programs, when sewers are collapsing or structurally unsound. "Replacement" is defined as the construction of parallel sewer or sewers which perform the function of existing sewers where existing sewers are to be abandoned. Sewer work associated with infiltration/inflow elimination is considered a Category III–A need. Relief sewers do not fall within this category since they are newly constructed sewers with a function beyond that of existing sewers.

5. Category IV–A. New collector sewers and appurtenances. This category includes costs of new pipes used to collect and carry wastewater from a sanitary or industrial wastewater source to an interceptor sewer that will convey the wastewater to a treatment facility. The collection system is considered as those public sewers which have a principal purpose of providing service for individual users in existing residential and commercially developed areas to enable collection of wastewater in a centralized system. Pumping stations and force mains and other related appurtenant structures are considered part of the collection system if their primary mechanical function relates to the collection system.

6. Category IV–B. New interceptor sewers and appurtenances. This category includes costs for constructing new interceptor sewers and pumping stations to convey wastewater from collection sewer systems to a treatment facility or to another interceptor sewer. Relief sewers are included in this category where additional sewer capacity is required to accommodate all wastewater in a separate sewer system to ensure that it is transported to a wastewater treatment plant for adequate treatment, and to prevent public health hazards within the service area. Relief sewers may include parallel sewers. Pumping stations and force mains and other related appurtenant structures are considered in this category if their primary mechanical function relates to the interceptor's principal purpose. Equalization basins are included in this category.

7. Category V. Correction of combined sewer overflows. This category includes costs to prevent or control the periodic discharges of mixed storm water and untreated wastewater (combined sewer overflows) that occur when the capacity of a sewer system is exceeded during a wet weather event. This category does not include costs for overflow control allocated to flood control, drainage improvement, or the treatment or control of storm water in separate storm systems.

8. Category VI. Storm water management program. This category includes costs to plan and implement structural and nonstructural measures to control the runoff of water resulting from precipitation (storm water) with the purpose of improving and protecting water quality. This category includes controlling storm water pollution from diffuse sources by reducing pollutants from runoff from commercial and residential areas that are served by the storm sewer, detecting and removing illicit discharges and improper disposal into storm sewers, monitoring pollutants in runoff from industrial facilities that flow into municipal separate storm sewer systems, and reducing pollutants in construction site runoff discharged to municipal separate storm sewers.

9. Category VI–A. Storm water conveyance infrastructure. This category includes costs to address the storm water management program activities associated with the planning, design, and construction of conveying storm water via pipes, inlets, roadside ditches, and other similar mechanisms. These costs will be eligible if they are combined with practices described in Category VI–B or VI–C in order to achieve water quality protection or improvement.

10. Category VI–B. Storm water treatment systems. This category includes costs to address the storm water management program activities associated with the planning, design, and construction of treating storm water with wet ponds, dry ponds, manufactured devices, and other similar means. These costs will be eligible if these activities are implemented in order to achieve water quality protection or improvement.

11. Category VI–C. Green infrastructure. This category includes costs to address the storm water management program activities associated with the planning, design, and construction of low impact development and green infrastructure, such as bioretention, constructed wetlands, permeable pavement,

rain gardens, green roofs, cisterns, rain barrels, vegetated swales, and restoration of riparian buffers and flood plains. Projects in this category can be both publicly owned and privately owned.

12. Category VI–D. General storm water management. This category includes costs to address the storm water management program activities associated with implementing a storm water management program, such as Geographic Information Systems and tracking systems, equipment such as street sweepers and vacuum trucks, storm water education program startup costs, and storm water management plan development.

13. Category VII–A. Nonpoint source (NPS) control: agriculture (cropland). This category includes costs to address NPS pollution control needs associated with agricultural activities related to croplands, such as plowing, pesticide spraying, irrigation, fertilizing, planting, and harvesting.

14. Category VII–B. NPS control: agriculture (animals). This category includes costs that address NPS pollution control needs associated with agricultural activities related to animal production, such as confined animal facilities, open feedlots, and grazing.

15. Category VII–C. NPS control: silviculture. This category includes costs that address NPS pollution control needs associated with forestry activities such as removal of streamside vegetation, road construction and use, timber harvesting, and mechanical preparation for the planting of trees.

16. Category VII–E. NPS control: groundwater protection (unknown source). This category includes costs that address groundwater protection NPS pollution control needs such as wellhead and recharge protection activities.

17. Category VII–F. NPS control: marinas. This category includes costs that address NPS pollution control needs associated with boating and marinas, such as poorly flushed waterways, boat maintenance activities, discharge of sewage from boats, and the physical alteration of shoreline, wetlands, and aquatic habitat during the construction and operation of marinas.

18. Category VII–G. NPS control: resource extraction. This category includes costs that address NPS pollution control needs associated with mining and quarrying activities.

19. Category VII–H. NPS control: brownfields. This category includes costs that address NPS pollution control needs associated with abandoned industrial sites which might have residual contamination (brownfields).

20. Category VII–I. NPS control: storage tanks. This category includes costs that address NPS pollution control needs associated with tanks designed to hold gasoline, other petroleum products, or chemicals. The tanks may be located above or below ground level.

21. Category VII–J. NPS control: landfills. This category includes costs that address NPS pollution control needs associated with sanitary landfills.

22. Category VII–K. NPS control: hydromodification. This category includes costs to address the degradation of water resources as a result of altering the hydrological characteristics of noncoastal waters, including channelization and channel modification, dam, and streambank and shoreline erosion. Work involving wetland or riparian area protection or restoration is included in this category.

23. Category X. Recycled water distribution. This category includes costs associated with conveyance of treated wastewater that is being reused (recycled water), including associated rehabilitation/replacement needs.

24. Category XII. Decentralized sewage treatment. This category includes costs associated with the rehabilitation or replacement of onsite wastewater treatment systems or clustered (community) systems. This category also includes the treatment portion of other decentralized sewage disposal technologies.

"New AFO" means an animal feeding operation that meets at least one of the following criteria:

1. It was constructed after January 1, 2006.
2. Animal production at the site was resumed after being discontinued for at least 12 months.
3. Production facilities were altered in order to house a different animal species than was produced previously.

"Nontraditional project" means a project where the primary purpose of the project is not to protect or improve water quality. A secondary purpose of the project does include water quality improvement or protection.

"NPS" means nonpoint source pollution which does not have a single point of origin and/or is not introduced into a receiving stream from a specific outlet. NPS pollution sources are diffuse and may be a result of runoff, precipitation, atmospheric deposition, drainage, seepage, or hydrological modification.

"Onsite wastewater treatment system," "onsite treatment system" or *"onsite system"* means the same as "private sewage disposal system" as defined in 567—subrule 69.1(2).

"POTW" means publicly owned treatment works as defined in Section 212 of the Clean Water Act.

"Project completion" means the date the final loan certificate is signed by the recipient.

"Quasi-public agency" means an agency that provides public services and is under private ownership or control.

"Sponsored project" means a water resource restoration project pursuant to 2009 Iowa Code Supplement section 455B.199.

"State project priority list (PPL)" means the list of projects in priority order that may qualify for CWRSF loan assistance. The list is developed in accordance with 567—Chapter 91.

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