ENVIRONMENTAL PROTECTION COMMISSION[567]

Notice of Intended Action

Proposing rule making related to the Cleanup and Modification of Separation Distance, Wastewater, Private Sewage System, Sewage Sludge, and Operator Certification Rules and providing an opportunity for public comment

The Environmental Protection Commission (Commission) hereby proposes to amend Chapter 40, "Scope of Division-Definition-Forms-Rules of Practice"; Chapter 41, "Water Supplies"; Chapter 43, "Water Supplies-Design and Operation"; Chapter 49, "Nonpublic Water Supply Wells"; Chapter 60, "Scope of Division-Definition-Forms-Rules of Practice"; Chapter 62, "Effluent and Pretreatment Standards: other Effluent Limitations or Prohibitions"; Chapter 63, "Monitoring, Analytical and Reporting Requirements"; Chapter 64, "Wastewater Construction and Operation Permits"; Chapter 67, "Standards for the Land Application of Sewage Sludge"; Chapter 69, "Private Sewage Disposal Systems"; and Chapter 81, "Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems;" Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 455B.173, 455B.197, 455B.199B, 455B.222, and 455B.304.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 455B.172, 455B.173, 455B.174, 455B.183, 455B.197, 455B.199B, 455B.212, 455B.213, 455B.222, 455B.223, and 455B.304, and 40 CFR parts 127, 441, and 503.

Purpose and Summary

The purpose of this proposed rule making is to clean up and modify the separation distance, wastewater, private sewage disposal system, sludge, and operator certification rules. A description of the proposed amendments for each Chapter is presented below.

Separation Distances - Chapter 40, Scope of Division-Definition-Forms-Rules of Practice

The proposed amendments to Chapters 40 will change a definition. The proposed change to the definition of "septic tank" in 40.2, Definitions, will make the definition consistent with the current definition of "septic tank" in Chapter 69. Other definitions in Chapter 40 are not being changed because this rule making is intended to correct the separation distances. Other definitions can be addressed in future rule makings, and stakeholders can contact the specific programs for more info on definitions.

Chapter 41, Water Supplies

The proposed amendments to Chapter 41 will change the language in the sources of contamination table in Chapter 41 to match the well separation distances table in Chapter 43. The proposed change to the table regarding sources of contamination in 41.5(1) is consistent with the language in Table A, Separation Distances, in Chapter 43.3(7). The term "wastewater" is more specific than the term "waste". The term "plant" is more specific than "works", which includes the sewer system. "Lagoons" is not being changed because a lagoon and the mechanical portion of a wastewater treatment plant are two separate processes.

Chapter 43, Water Supplies-Design and Operation

The proposed amendments to Chapter 43 will add new language on water main separation distances and update the raw water sources and underground water storage facilities separation distances table (Table A).

The changes to subrule 43.3(2) regarding water main separation distances are being proposed for several reasons. First, the current rules are based on sewer construction, not water main construction. Second, the current rules are inflexible for situations where a proposed water main is being constructed in an area with existing sewer infrastructure. Cutting into and replacing existing sewer pipe is not ideal. Third, the current rules treat sanitary and storm sewers equally, which is problematic because storm sewers in Iowa tend to be buried at a more shallow depth than water mains, thus creating many separation conflicts.

The current water main separation distance rules have contributed to the issuance of many variances in order to proceed with permitting while still providing adequate protection to water supplies. Several of the solutions used in the variance process have been included in the proposed rule change. These solutions include:

- Separate definitions of the crossing requirements for sanitary sewers and storm sewers.
- Casing pipe around water mains instead of replacing sewers with water main material as an option for crossing conflicts (both sanitary and storm sewer conflicts).
- Options for horizontal separation and crossing conflicts with storm sewers, including:
  a. Construct water main of DIP with gaskets impermeable to hydrocarbons
  b. Construct storm sewer of RCP with gaskets impermeable to hydrocarbons

In summary, the proposed changes to the water main separation distance rules will allow for more options to manage sewer separation distances for water main projects while maintaining protection for water supplies. In addition, the new subparagraphs will match the proposed revisions to Chapter 12 of the Wastewater Engineering Design Standards.

The proposed amendments to Table A – Separation Distances in 43.3(7) for new raw water sources and underground finished water storage facilities are intended to clarify and condense the terms in the table. The proposed amendments to Table A will:

- Change two terms to be consistent with the definitions in 567 IAC 69.1(2).
- Add a reference to the definition of “Private sewage disposal system” from Chapter 69.
- Remove the term “Cesspools” because the definition of cesspool in Chapter 49 says that they are not an approved method of sewage disposal.
- Combine the term “Earth pit privies” with “open portion of treatment system”, because the separation distances are the same.
- Change the term “Concrete vaults and septic tanks” to “closed portion of treatment system”, because that is what they are equivalent to, and this will match Table 1 in 69.3(2).
- Remove the term “Soil absorption fields” because these are the same as the open portion of the treatment system, as noted in the definition of “Subsurface soil absorption system” in 567 IAC 69.1(2).
- Add new clarification footnotes.

Chapter 49, Nonpublic Water Supply Wells

The proposed amendments to Chapter 49 will update the private well separation distances table. The proposed changes to the Minimum Lateral Distances table in Chapter 49.6(1) will reorganize the table, add clarification, and add two new setback distances. The table is being reorganized so that the lateral distances are in descending order. The proposed changes to the introductory paragraph and the

table column header add clarification, as not all structures in the table (such as public wells) are sources of contaminants. The proposed amendments to the Minimum Lateral Distances table in Chapter 49.6(1) will:

- Add a transmission pipeline setback, because two other states that border Iowa currently apply this category, and because the department does not have a setback that addresses this scenario. The proposed distances are slightly less restrictive than other states.
- Change the term "sanitary landfills" to "Solid waste landfills and disposal sites" to match Chapter 43.3(7) Table A.
- Change the distance for the preparation or storage area for chemicals to accord with the Chapter 44 of the Agriculture and Land Stewardship rules (21 IAC 44.53(200)).
- Change the terms "conforming wells" and "nonconforming wells" to eliminate confusion.
- Change the term "Ditches, streams, ponds, or lakes" to "Flowing streams or other surface water bodies", to clarify that this term applies to waterbodies and to match Chapter 43.3(7) Table A.
- Add a separate category for Liquid Propane Gas (LPG) storage tanks and assign a setback similar to all of the surrounding states. Previously, Iowa used the same setback for liquid propane (LP) and other liquid fuel storage tanks of 100 feet. Other surrounding states have adopted a lesser setback because an LPG spill is not like other gas spills, as propane is volatile.
- Change the language regarding open and closed portions of private sewage disposal systems to match the changes proposed for 43.3(7), Table A.
- Add the word "yard" in front of "hydrants" because this separation distance applies specifically to private wells near yard hydrants.
- Remove the word "ditch" from the term "Ditches, Streams, Ponds, or Lakes" and a separate setback is being added for roadside ditch and rights of way that is similar to several surrounding states. This will help reduce confusion with the current setback that lumps ditches in with streams, ponds, and lakes.
- Add three new footnotes to clarify the new and changed terms.

Chapter 60, Scope of Division-Definition-Forms-Rules of Practice

The proposed amendments to Chapter 60 will add and update definitions, remove obsolete forms, and add language to allow for electronic submittal of forms.

The proposed addition of definitions for "individual storm water only permit" and "individual non-storm water permit" to 567 IAC Chapter 60 will clarify the difference between storm water only and non-storm water permits by specifying the type of discharges covered by each permit. These definitions are referenced in the proposed amendments to 567-64.16(455B) Fees, which specifies different fee amounts for general, individual storm water only, and individual non-storm water permits.

The proposed amendments to rule 60.2, Definitions, will update will update the reference to the CFR in the definition of "CFR" and correct the address for the EPA Region VII office in the definition of "regional administrator". The new language in the definition of "regional administrator" will match the language in 40 CFR 122.2. The proposed change to the definition of "private sewage disposal system" will match the definition of "private sewage disposal system" in 567 IAC 69.1(2). The proposed change to the definition of "shallow well" will match the definition of "Shallow well" in 567 IAC 40.2.

The proposed amendments to rule 60.3 regarding wastewater application and reporting forms will clarify the title of the subrule, remove obsolete forms, allow for the use of the General Permit 589 Database and the storm water database, and allow for the use of any future e-reporting tools rule while maintaining the requirement to submit appropriate forms as provided by the Department. The proposed amendments clarify that all forms need to be submitted in accordance with their instructions. It is no longer necessary to list the NPDES forms in rule, as all of these forms are now available on the internet.

The existing rule was written before the forms could be easily obtained on the Department's website. This rule change will benefit permittees by removing unnecessary form references.

The proposed amendments to the portions of subrule 60.4(2) regarding operation and NPDES permit applications will remove the reference to subrule 60.3(2), as it is also being removed. The proposed amendments add antidegradation alternative analysis language because applications for new permits or for expanded discharges cannot be evaluated without such an analysis.

The proposed amendments to the portions of subrule 60.4(2) regarding permit amendments clarify the amendment request requirements and specify that the waiver form can be obtained on the department's website.

Chapter 62, Effluent and Pretreatment Standards: other Effluent Limitations or Prohibitions

The proposed amendments to Chapter 62 will update the date reference for the Code of Federal Regulations and add a new reference to the new federal dental effluent limitation guidelines.

The proposed amendments to rule 62.4, Federal effluent and pretreatment standards, will update the reference date for the Code of Federal Regulations in 62.4 to ensure all references are current and to reflect the new dental Effluent Limitation Guidelines (ELGs).

The proposed amendment to subrule 62.4(41) removes the obsolete category reference and adds a reference to the new federal Effluent Limitation Guideline and Standard (ELG) for the Dental Office Point Source Category at 40 CFR Part 441 to the list of referenced federal effluent and pretreatment standards. The ELG for the dental category became effective on July 14, 2017. The addition of this reference will complete the list of referenced federal effluent and pretreatment standards in 567 IAC Chapter 62. This change will benefit permittees by correctly referencing and completing the list of federal effluent and pretreatment standards.

Chapter 63, Monitoring, Analytical and Reporting Requirements

The proposed amendments to Chapter 63 will add references to the Code of Federal Regulations for analytical testing methods (40 CFR Part 136); clarify requirements for testing methods, alternative test procedures, and method modifications; update the rule-referenced Supporting Document for Permit Monitoring Frequency Determination; update the guidelines for whole effluent toxicity testing; add new language on electronic reporting requirements and electronic reporting waivers in accordance with 40 CFR part 127; rescind the monitoring table for land application systems; and rescind the current table for preservation techniques, containers and holding times and replace it with a reference to the preservation techniques, containers and holding times table in the Code of Federal Regulations.

The proposed amendments to rule 63.1 regarding testing procedures for pollutant analysis will:

- Add the adoption date of the last federal Method Update Rule (Part 136).
- Clarify the requirements regarding testing methods by adding subparagraphs and using the correct terminology, and by allowing the department to specify analysis methods for parameters that do not have analysis methods in 40 CFR Part 136.
- Remove confusion regarding the application for alternative test procedures and method modifications by directly referencing the CFR.
- Remove confusion regarding the proper containers, preservation techniques, and holding times by will removing Table IV from the rule and directly referencing the CFR.

The proposed amendments to rule 63.3 regarding the minimum self-monitoring in permits will revise the rule-referenced document "Supporting Document for Permit Monitoring Frequency Determination, August 2008" and the associated reference language. This document is used in conjunction with the monitoring tables in 567 IAC Chapter 63 to determine the monitoring frequencies in permits for organic and inorganic waste dischargers and significant industrial users. The document has not been updated since 2008. The document needs to be revised to incorporate changes to the Water Quality Standards (567 IAC Chapter 61), to incorporate new parameters, to correct rule citations, and to correct typographical errors. These changes will have a minimal effect on permittees for two reasons. First, the monitoring frequencies for the parameters currently included in the document will either remain the same or decrease. Second, monitoring frequencies in permits for the parameters that are not currently included in the document are based on the frequencies for similar parameters, thus the addition of these parameters to the document will not increase the monitoring requirements in permits. The revision to the Supporting Document will benefit permittees by clarifying the wastewater permit monitoring requirements and it will ensure that monitoring frequencies in permits are being determined using the most recent Water Quality Standards.

The proposed amendments to the whole effluent toxicity testing procedures in rule 63.4 will:

- remove redundant language,
- remove an old form,
- update toxicity test procedures to the current procedure (as confirmed with department lab staff and the State Hygienic Laboratory),
- eliminate the requirement for a QA plan since one is required for certification, and
- add a requirement to use a laboratory certified in Iowa.

Chronic whole effluent toxicity testing will be addressed later in a separate rule making.

The proposed amendments to rule 63.7 regarding the submission of records of operation are intended to incorporate the requirements of the federal NPDES electronic reporting rule (40 CFR Part 127), finalized on December 16, 2016. The federal rule requires the electronic submittal of all documents related to NPDES permits, except for individual permit applications. This is intended to result in a more complete and accurate set of NPDES program data. The rule does not change the information that permitted facilities are required to submit; it simply changes the format of the submittal. Existing EPA regulations at 40 CFR 123.62(e) require states to update their rules to conform with 40 CFR Part 127. The Department must update the wastewater rules to clarify that electronic reporting is required and that electronic submissions must be compliant with 40 CFR Part 127 and 40 CFR Part 3 (Cross-Media Electronic Reporting).

The proposed amendments to rule 63.7 will add language regarding temporary, permanent, and episodic electronic reporting waivers to accord with 40 CFR Part 127. Language concerning operation permit reporting will be added, as the new land application permits require paper submittal of annual reports, and the federal NPDES electronic reporting rules do not apply to operation permits. The proposed temporary and permanent waivers and the episodic waiver only apply to NPDES permits (general and individual), not to operation permits. The proposed language on written request requirements for electronic waivers includes the minimum requirements in 40 CFR Part 127. The proposed five year period for temporary waivers and the proposed 60 day period for episodic electronic waivers are the maximum time periods allowed under 40 CFR 127.15.

These proposed amendments regarding the submission of records of operation do not include electronic reporting for animal feeding operation (AFO) facilities. AFO facilities are not currently subject to 63.7, as noted in the first sentence ("except as provided in 65.3(1)"). Electronic reporting for AFO NPDES permits will be addressed at a later time.

The proposed amendment to rule 63.8 regarding the frequency of records submittal will correct the citation for general permits. General Permits 1 – 9 do not have monthly reporting frequencies, and they need to be exempted from the monthly reporting requirement. In addition, 63.7 Submission of Records of Operation, references this rule for both individual and general permits, so general permits need to be included here.

The proposed amendment to rule 63.10 regarding reporting forms will clarify the use of alternative reporting forms. The department's reporting form should always be applicable, but in some very rare cases, we may allow the submittal of an alternative form.

The proposed amendments to the superscripts in Table I, Minimum Self-Monitoring for Organic Waste Dischargers, Controlled Discharge in Chapter 63 will fix typos.

The proposed amendments to the nutrient sampling superscript in Table II, Minimum Self-Monitoring for Organic Waste Dischargers, Continuous Discharge in Chapter 63 will:

- Add a definition of Total Nitrogen (TN) consistent with the current superscript,
- Remove the strict TN analysis requirement, thereby allowing facilities to use more than one TN analysis method, and
- Add a requirement to use lab certified in Iowa, consistent with current laboratory certification rules.

The proposed amendments rescind the table "Minimum Self-Monitoring in Permits for Land Application Systems" (Table III in 567 IAC Chapter 63). Table III is not currently being used to determine land application monitoring requirements, as the requirements in this table were based on the assumption that only domestic wastewater is land applied in Iowa. In fact, the vast majority of wastewater that is land applied is industrial wastewater. Monitoring requirements for land application need to be determined on a case-by-case basis, as industries land apply a wide variety of pollutants. The land application monitoring requirements will be based on Chapter 21 of the Wastewater Design Standards, which is currently being used to determine land application monitoring requirements in permits. This proposed amendment will reduce the number of waivers that the Department needs to review, and it will allow land application monitoring requirements to be tailored to fit each facility. This rescission will benefit permittees by clarifying land application monitoring requirements and ensuring they are appropriate for each facility.

The proposed amendments will also rescind the table "Required Containers, Preservation Techniques, and Holding Times" (Table IV in 567 IAC Chapter 63) and add a reference to the required containers, holding times, and preservation techniques table in 40 CFR Part 136.3. The CFR is the basis for the current table, and referencing the table will eliminate the need to update it each time changes are made to 40 CFR Part 136.6. A copy of Table II from 40 CFR Part 136.3 will be posted on the department's website so that permittees will have access to it.

Chapter 64, Wastewater Construction and Operation Permits

The proposed amendments to Chapter 64 will:

- Simplify and clarify the general permit language in Chapter 64 regarding fees, suspension and revocation, and public notice to ensure that the language matches the requirements in the reissued and new general permits;
- Modify the language regarding the operation permit period to allow Land Application Operation Permits (LAOPs) to remain in effect for longer than five years;

- Update the public notice and public hearing language to accord with 40 CFR 124.10 and allow for electronic communication;
- Update and revise the disadvantaged community eligibility requirements to allow entities to apply for consideration of a disadvantaged community loan interest rate independent of the requirements in an NPDES permit or administrative order, as intended by Iowa Code 455B.199B;
- Add the specific fee amounts for the NPDES and operation permit fees and construction permit fees from Iowa Code 455B.197; and
- Add new language regarding the Nutrient Reduction Exchange (NRE).

The proposed changes to subrule 64.2(9) regarding the review of applications for construction permits will replace the word "variance" with the word "waiver", pursuant to the 2020 change to Iowa Code 17A.9A.

The proposed amendments to subrule 64.3(4) regarding permit applications will allow for the use of the General Permit 589 Database, the storm water database, and any future e-reporting tools and will remove the reference to 60.3(2), as it is being struck.

The proposed amendments to subrule 64.3(7) regarding the length of operation permits will allow Land Application Operation Permits (LAOPs) to remain in effect for longer than five years, in accordance with the Department's new LAOP procedure. Current rules require all operation permits to expire after five years, and this is no longer necessary for land application operation permits. This rule change will benefit these permittees by clarifying the effective term of the permits.

The proposed amendments to subrule 64.3(11) regarding amending, revoking and reissuing, or terminating permits will replace the word "variance" with the word "waiver", pursuant to the 2020 change to Iowa Code 17A.9A.

The proposed amendments to paragraph 64.4(2)"a" regarding general permit issuance will replace the listing of discharges currently covered under general permits in Iowa with the language from 40 CFR 122.28(a)(2) that describes the categories of discharges that can be covered under general permits. This change is consistent with federal regulations and it will mean that this section does not need to be updated every time a general permit is issued.

The proposed amendments to subrule 64.5(2) regarding public notice for NPDES permits will update the rule language to match federal code (40 CFR part 124), allow notices to be posted on the Department's website and transmitted electronically, clarify the contents of public notices, and remove obsolete notice posting and publication requirements. These rule changes will benefit permittees by simplifying the public notice requirements. The changes are consistent with 40 CFR 124.10(c) and are allowed by Iowa Code 455B.174(4)(b), which states: "All applications for discharge permits are subject to public notice and opportunity for public participation including public hearing as the department may by rule require…". The removal of the language regarding notices of permit denial reflects the requirements in 40 CFR 124.10, and the Department has only noticed one denial in the past 15 years. The proposed changes also better capture our voluntary public notice sign up procedure on the Wastewater Permit Information Exchange (WWPIE) database.

The proposed amendments to subrule 64.5(6) regarding public hearings for proposed NPDES permits will allow for web-based hearings, remove the newspaper publication requirement, allow hearing materials to be obtained electronically, and correct a typo.

The proposed amendments to subrule 64.5(7) regarding notice of public hearings will remove the publication requirement for hearing notices and add the option to obtain hearing information

electronically. These changes are being proposed because the department has only noticed a handful of public hearings in the last 15 years, hearings on proposed NPDES permits are rare, and our ability to post notices on the internet makes the newspaper publication obsolete.

The proposed amendments to subrule 64.6(1) regarding general permit notices of intent (NOI) and public notice will:

- Add an NOI exemption for GP7;
- remove the NOI form listing and replaced it with general language to allow for both electronic NOI and paper NOI submittals at the department's discretion;
- clarify the general permit fee language;
- adjust the general permit public notice requirements so that general permits that do not require public notice no longer need to be listed in this portion of the rule; and
- add General Permit No. 3 to the public notice section.

The proposed amendments to subrule 64.6(2) regarding the authorization to discharge under a general permit will clarify how authorization currently works under GPs 5, 6, 7, 8 and 9. The proposed changes will not alter the authorization requirements for the general permits and will remove an obsolete storm water authorization date.

The proposed amendments changes to subrule 64.6(3) regarding suspension or revocation of general permits simplify the language and ensure that all the general permits are covered by this subrule without needing to be listed separately.

The proposed amendments will add new language to subrule 64.6(4) regarding permittee eligibility for coverage under individual and general permits will:

- allow permittees to apply for coverage under a general permit before their individual permit expires,
- include the appropriate NOI requirements and rule references, and
- include a description of how the authorization under the GP will work.

The intent of the proposed language is to avoid double coverage and make sure the closure of or change to an individual permit is handled correctly.

The proposed amendments to subrule 64.6(5) regarding notice of discontinuation (NOD) submittal will allow for electronic NOD submittal and will remove the specific conditions for NOD submittal. This change is being proposed because the current language in 64.6(5) is inconsistent with GPs 1, 2, & 3, there are differences between the general permits, and because permittees should follow the specific conditions in each general permit for NOD submittal.

The proposed amendments to subrule 64.7(5) and subrule 64.7(6) regarding disadvantaged communities and disadvantaged unsewered communities will revise the disadvantaged eligibility requirements to allow entities to apply for consideration of a disadvantaged community loan interest rate independent of the requirements in an NPDES permit or administrative order. Currently, the rules only allow communities or owners of wastewater disposal systems to apply for disadvantaged status when there are new requirements in a proposed or reissued NPDES permit or an administrative order, regardless of whether they are applying for an extended permit compliance schedule or applying for the disadvantaged community clean water SRF loan interest rate. Iowa Code 455B.199B, which establishes the disadvantaged community criteria, does not make such a restriction for those entities or communities applying for the disadvantaged community loan interest rate. This rule change will revise the disadvantaged community eligibility requirements to allow entities to apply for consideration of a

disadvantaged community loan interest rate independent of the requirements in an NPDES permit or administrative order, as the code intends.

The proposed amendment to the income survey portions of paragraphs 64.7(5)"c" and 64.7(6)"c" will remove the reference to Iowa community development block grant (CDBG) income survey guidelines, as the guidelines no longer exists. The Iowa Economic Development Authority (IEDA) has guidance on conducting a low-and-moderate income (LMI) survey for a CDGB application, but that is not applicable to a disadvantaged community analysis (DCA) or a disadvantaged unsewered community analysis (DUCA). The proposed amendment to paragraphs 64.7(5)"e" and 64.7(6)"e" regarding the disadvantaged community matrix and disadvantaged unsewered community matrix will remove an obsolete date so that the referenced form can be updated without a rule change in the future. The form is not on the NPDES portion of the department's website so the language is being adjusted to be more general. The proposed changes also clarify that a disadvantaged community analysis will be evaluated using the disadvantaged community matrix.

The proposed amendments to subrule 64.8(2) regarding general permit renewal clarify the renewal requirements once a general permit expires. Not all activities under general permits require Notices of Intent, and if a general permit will not be renewed, permittees will need to seek coverage under individual permits.

The proposed amendments to rule 64.14 regarding title transfer will delete the references to 64.6(1)"a"(5) and (6), as these portions of the rule are also proposed to be deleted. The proposed changes move the existing general permit sentence in 64.14(2) to 64.16(1) so that the existing paragraph will cover both individual and general permits. The proposed changes remove the sentence regarding electronic notification, as electronic notification is now preferred.

The proposed amendments to subrule 64.16(1) regarding permit fees will clarify the language by clearly delineating individual, construction, and general permits, by specifying what type of fee applies to what permit, and by citing the new definitions of storm water only permits and non-storm water permits in Chapter 60. These changes will reduce confusion regarding the application and annual fees for individual and general permits and for storm water only and non-storm water permits.

The proposed amendments to subrule 64.16(2) regarding permit fee payment will allow payment by credit card, electronic check, or an electronic funds transfer, and clarify that any facility holding more than one permit shall make separate fee payments for each permit.

The proposed amendments to subrule 64.16(3) regarding general permit fees and fee amounts will add the specific fee amounts established in Iowa Code section 455B.197 for the NPDES and operation permit fees and construction permit fees to the rule. This will not change the fee amounts as established in Iowa Code. The rule change will also clarify portions of the fee rules. The proposed changes will:

- clarify that the only general permit fees are the ones listed in this portion of the rule.
- clarify which permittees must pay an application fee of $1,250 (storm water only and MS4 permittees) and which must pay an $85 application or amendment fee. The $85 application fee specified in 455B.197(k) is for non-storm water permits; a distinction between NPDES and operation permits is not made.
- Exempt disadvantaged communities and facilities subject to the nutrient reduction strategy from paying an amendment fee for amendments to disadvantaged community compliance schedules or for amendments that are due to requirements in the nutrient reduction strategy, respectively.
- update the water treatment plant (WTP) and new facility language to match the rest of the rule, and
- clarify how the annual fee is pro-rated for a new permit.

The proposed rescission of 61.16(5), (6), (7), and (8), which specify that there are no fees for general permits 6, 7, 8 and 9, accords with the proposed change to 64.16(3)"a". The proposed rescissions will clarify that only fee assessed for general permits will be the ones listed in 64.16(3)"*a*".

The proposed addition of a new rule, 64.17, regarding the Nutrient Reduction Exchange (NRE) will provide a regulatory framework to support possible future regulatory incentive programs. The NRE is a tracking system developed by the department, the United States Department of Agriculture, the Iowa League of Cities, and the United States Army Corps of Engineers that allows nutrient sources across the state to register and track nutrient reductions resulting from the installation of non-point source best management practices (BMPs). Municipal and industrial permittees may be eligible for potential regulatory incentives depending on the specifics of investments they make in registered BMPs. Without a system in place for tracking nutrient reductions attributable to BMP investments, permittees cannot be confident that investments will qualify for any future regulatory incentive programs. The proposed rule changes can provide permittees with such assurance.

Chapter 67, Standards for the Land Application of Sewage Sludge

The proposed amendments to Chapter 67 will update the sewage sludge classifications, terms, land application pathogen reduction methods, and other sludge testing methods to be consistent with 40 CFR Part 503 and revise the sewage sludge annual reporting rules to comply with the federal electronic reporting requirements in 40 CFR Part 127. These rule changes will ensure that the sewage sludge rules comply with the federal regulations in 40 CFR part 503 (Standards for the Use or Disposal of Sewage Sludge) and 40 CFR Part 127 (NPDES electronic reporting rule).

The proposed amendments to subrule 67.1 will mirror the definition of a sludge generator in federal rule, update the reference to 40 CFR Part 503 (Standards for the Use or Disposal of Sewage Sludge), and add a reference to 567 IAC Chapter 68, which contains the requirements for the disposal of domestic septage.

The proposed amendment to subrule 67.2(1) clarifies that sludge generated at an industrial treatment plant treating only domestic sewage is not excluded from this Chapter. Sludge from a sewage treatment plant that treats only domestic sewage is regulated under 40 CFR Part 503, even if that sewage treatment plant is treating the domestic waste from an industrial facility.

The proposed language clarifications in rule 67.4 concerning land application will make the section easier to read and understand.

The proposed amendments will add four new definitions and change one definition in rule 67.5, Special Definitions. The existing rule does not have definitions of Class I, II, and III sewage sludge, but these terms are used frequently and defining them will provide clarification to the rule. The new definitions for Class I sewage sludge and Class II sewage sludge are based on the updated sludge criteria in 67.7(1) and 67.8(1), respectively. The new definition for Class III sewage sludge is from 67.9(1). The proposed amendments to will change the definition of "sewage sludge" to accord 40 CFR Part 503.9(w). Note; domestic septage is not included in this definition, as the requirements for the disposal of domestic septage are in 567 IAC Chapter 68.

The proposed amendments to 67.6 regarding sludge permitting will delete the sludge permit requirements. The department does not need a separate permit application for sludge land application because the sewage sludge regulations are self-compliant in nature and the sludge requirements are in all NPDES permits for POTWs.

The proposed amendments to subrule 67.7(1) regarding Class I Sludge criteria will incorporate the six alternatives for meeting the Class A pathogen requirements in 40 CFR 503.32. The current pathogen

criteria only provide some of the alternatives from 40 CFR 503.32. The amendments will also update the Class I Sludge vector attraction reduction (VAR) methods to be consistent with 40 CFR 503.33.

The proposed amendments to subrule 67.7(2) regarding Class I sludge management practices will add clarifying language and will delete the open waterway site management restriction for Class I sludge because there is no site restriction for such sludge (exceptional quality sludge) in 40 CFR Part 503.

The proposed amendments to subrule 67.8(1) and (2) regarding Class II sludge will simplify the language, clarify the Class II sludge criteria and site management restrictions, match the proposed changes to 67.7(1) and (2) regarding Class I Sludge, and align with the best management practices in 40 CFR Part 503 and EPA's Biosolids Management Handbook. The proposed Class II vector attraction reduction (VAR) methods are identical to the Class I methods.

The proposed amendments to the Class I Sludge and Class II Sludge frequency of monitoring tables in subrules 67.7(3) and 67.8(3) will remove obsolete units.

The proposed amendments to subrules 67.7(4) and 67.8(4) regarding Class I Sludge and Class II Sludge record keeping, respectively, will meet the federal NPDES e-reporting requirements in 40 CFR Part 127.11.

The proposed amendments to rule 67.9 regarding Class III Sludge will move the definition of Class III sewage sludge to subrule 67.5.

The proposed amendments to rule 67.10 regarding sampling and analytical methods will update the method references.

The proposed amendments to subrule 67.11(2) regarding the processes to further reduce pathogens (PFRP) will remove lime treatment from section in because it is not in 40 CFR Part 503 Appendix B – Pathogen Treatment Processes, and it is represented in the High pH – High Temperature Process alternative of the Class A Pathogen Requirements for Class I Sludge in 67.7(1). Thus, there is no need for it to be here.

Chapter 69, Private Sewage Disposal Systems

The proposed amendments to Chapter 69 will update the private sewage disposal systems separation distances table and change the maintenance contract language for specific onsite systems (peat moss biofilters, recirculating textile filter systems, and aerobic treatment units) to accord with proposed Senate File 511.

The proposed amendments to subrule 69.1(2) will remove the word "normally" to add specificity to the rule. "Normally" implies that there are situations where watertight structures with media are not placed over an underdrain system, and this is not true.

The proposed amendment to Table I, Separation Distances, in subrule 69.3(2) will change an existing term (groundwater heat pump borehole) to the industry standard term (closed circuit vertical heat exchangers).

The proposed amendments to 69.5(2) regarding the requirements for effluent discharge above ground surface will implement proposed Senate File 511 (SF511), which was never signed into law. SF511 states in the bill explanation that the bill prohibits the commission from adopting rules that require an owner of a peat moss biofilter system, a recirculating textile filter system, or an aerobic treatment unit to enter into a maintenance contract. However, the bill requires owners of these systems

to have the system inspected and, if necessary, to have maintenance performed by a technician at least once every three years. In addition, a waiver has been granted to allow trained individuals to perform maintenance. When the rule was originally written, these technologies were new, and only certified technicians had any knowledge of the systems. Now, the technologies are no longer new and more people have knowledge of the systems; thus, trained individuals are able to inspect and maintain systems.

The proposed amendments to subrule 69.13(6) regarding peat moss biofilter systems, subrule 69.13(7) regarding recirculating textile filter systems, and to subrule 69.14(6) regarding aerobic treatment units will implement SF511 for these systems. The change from "to installation" to "the use of" and "annually" to "every two years" is based on recommendations made during the 2019 legislative session. The new language "Unless otherwise required by this chapter" complies with 69.5(1). The proposed amendments will change the inspection frequency for peat moss biofilter systems, but will not change the inspection frequency for recirculating textile filter systems or aerobic treatment units.

Chapter 81, Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems

The proposed amendments to Chapter 81 will revise the Wastewater Treatment Plant Classifications table by adding a category for new technologies, adding a lower level certification classification to serve extremely small communities, and removing an obsolete classification; will update the language associated with the Wastewater Treatment Plant Classifications table; and will clarify the requirements for transient noncommunity water systems.

The proposed amendments to rule 81.1, Definitions, will add examples for activated sludge systems, reword some definitions for clarity, and add Grade W and remove the reference to Grade IIL, in accordance with the proposed changes to the Wastewater Treatment Plant Classifications table in 81.3.

The proposed amendments to the Wastewater Treatment Plant Classifications table in rule 81.3 will add a new grade W for onsite systems, add a new advanced aerated lagoon system treatment type, and remove grade IIL. These amendments are being proposed because the table is outdated. A lower level grade for the extremely small community systems and a treatment type for new technologies need to be added to the table. Grade IIL for larger wastewater lagoons is an old classification that is no longer applicable. These proposed amendments will ensure that the operator certification grade for smaller facilities and for facilities designed with new technologies can be properly determined using this table.

The proposed amendment to the Water Distribution Systems Classification table in rule 81.5 will clarify the requirements for transient noncommunity water systems not classified as Grade A. The Iowa DNR Field Services and Conservation and Recreation staff asked for this new language because the requirements for transient noncommunity water systems not classified as Grade A are implied in Chapter 81, but are currently not clearly specified. This proposed amendment only impacts state parks owned by the Department.

The proposed amendments to the Operator Education and Experience Qualifications table in 81.7 add eligibility requirements for the new Grade W and remove the reference to Grade 2 Lagoon Classification (IIL). These amendments accord with changes to the Wastewater Treatment Plant Classifications table in 81.3(1).

The proposed amendment to 81.7(3) regarding education and experience substitutions removes the reference to grade IIL, as it is obsolete and it is being removed from the Wastewater Treatment Plant Classifications table in 81.3(1). The proposed amendment to 81.16(1) regarding affidavit allowance removes the reference to grade IIL, as it is obsolete and it is being removed from the Wastewater

Treatment Plant Classifications table in 81.3(1).

Fiscal Impact

There is only one portion of the proposed rule making that will have a fiscal impact to the State, and no portions of the rule are estimated to have a fiscal impact to regulated entities, including permittees (industrial, municipal, and semipublic), engineering consultants, laboratories, municipalities, drainage districts, counties or other local governments. This is because the majority of the proposed rule changes are for cleanup and clarification purposes. Where the portions of the proposed rule that adopt new requirements, those requirements are based on federal requirements and are already being implemented by permittees.

The proposed amendments to Chapter 63 regarding the submission of records of operation will result in costs to the state associated with modifications to and maintenance of the Department's wastewater program databases. EPA addressed these database costs in the federal rule preamble, and the costs are necessary to comply with the federal rule. As most permittees already utilize the Department's existing online databases to report electronically, it is not anticipated that this rule making will result in additional costs to permittees. The Department will use existing budget and resources to implement these portions of the proposed rule.

A copy of the fiscal impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the jobs impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on XXXX, 2021 (not less than 20 days after publication). Comments should be directed to:

Courtney Cswercko
Iowa Department of Natural Resources
Wallace State Office Building
502 East 9th Street
Des Moines, Iowa 50319
Fax: 515.725.8202
Email: courtney.cswercko@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held via conference call as follows. Persons who wish to attend the conference call should contact Courtney Cswercko via email. A conference call number will be provided prior to the hearing. Persons who wish to make oral comments at the conference call public hearing must submit a request to Courtney

Cswercko prior to the hearing to facilitate an orderly hearing.

XXXX, 2021 XXXX p.m. Video/conference call

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 567—40.2(455B), definition of "Septic tank", as follows:

"Septic tank" means ~~a watertight tank which receives sewage~~ a watertight structure into which wastewater is discharged for solids separation and digestion (referred to as part of the closed portion of the treatment system).

ITEM 2. Amend numbered paragraph 41.5(1)"c"(7)"4" as follows:

4. Proximity of supplies to commercial or industrial use, disposal or storage of volatile synthetic organic chemicals. Wells that are not separated from sources of contamination by at least the following distances will be considered vulnerable.

Sources of Contamination	Shallow Wells as defined in 567—40.2(455B)	Deep Wells as defined in 567—40.2(455B)
Sanitary and industrial point discharges	400 ft	400 ft
Mechanical ~~waste~~ wastewater treatment ~~works~~ plant	400 ft	200 ft
Lagoons	1,000 ft	400 ft
Chemical and mineral storage (aboveground)	200 ft	100 ft
Chemical and mineral storage including underground storage tanks on or below ground	400 ft	200 ft
Solid waste disposal site	1,000 ft	1,000 ft

ITEM 3. Strike subparagraph 43.3(2)"a"(3) and replace with new subparagraphs (3) and (4) as follows:

(3) Separation of Water Mains from Sanitary and Combined Sewers.

1. Horizontal Separation of Water Mains from Gravity Sanitary and Combined Sewers. Water mains shall be separated from gravity sanitary and combined sewer mains by a horizontal distance of at least 10 feet measured edge to edge unless the bottom of the water main is at least 18 inches above the top of the sewer, and either:

- the water main is placed in a separate trench; or
- the water main is located on a bench of undisturbed earth at a minimum horizontal separation of three feet from the sewer.

If it is not possible to obtain a horizontal separation of three feet and a vertical separation of 18 inches between the bottom of the water main and the top of the sewer, a linear separation of at least two feet shall be provided, and one of the following shall be utilized:

- the water main shall be enclosed in watertight casing pipe with an evenly spaced annular gap and watertight end seals, or
- the sewer shall be constructed of water main materials.

The separation distance between the water main and the sewer shall be the maximum feasible in all cases.

2. Horizontal Separation of Water Mains from Sanitary Sewer Force Mains. Water mains shall be separated from sanitary sewer force mains by a horizontal distance of at least 10 feet measured edge to edge unless the sewer force main is constructed of water main materials and the water main is laid at least four feet horizontally from the sewer force main. The separation distance between the water main and the sanitary sewer force main shall be the maximum feasible in all cases.

3. Vertical Separation of Water Mains from Sanitary and Combined Sewer Crossovers. Vertical separation of water mains crossing over any sanitary or combined sewers shall be at least 18 inches when measured from the bottom of the water main to the top of the sewer. If it is not possible to maintain the required vertical separation, one of the following shall be utilized:

- the bottom of the water main shall not be placed closer than 6 inches above the top of a sewer, or
- the top of the water main shall not be placed closer than 18 inches below the bottom of a sewer.

When a water main crosses below or less than 18 inches above a sanitary or combined sewer, one of the following shall be utilized within 10 feet measured edge to edge horizontally, centered on the crossing:

- the water main shall be enclosed in watertight casing pipe with an evenly spaced annular gap and watertight ends, or
- sewer pipe of water main material shall be installed.

The separation distance shall be the maximum feasible in all cases. In all cases where a water main crosses a sanitary or combined sewer, the water main and sanitary or combined sewer pipes must be adequately supported. A low permeability soil shall be used for backfill material within 10 feet of the point of crossing along the water main.

4. Horizontal Separation of Water Mains from Sanitary and Combined Sewer Manholes. No water pipe shall pass through or come in contact with any part of a sanitary or combined sewer manhole. A minimum horizontal separation of three feet shall be maintained.

(4) Separation of Water Mains from Storm Sewers.

1. Horizontal Separation of Water Mains from Gravity Storm Sewers. Water mains shall be separated horizontally from gravity storm sewers by at least 10 feet measured edge to edge. If it is not possible to maintain the required horizontal separation of 10 feet, a minimum of three feet of separation shall be maintained, and one of the following shall be utilized within 10 feet measured edge to edge:

- the water main shall be constructed of ductile iron pipe with gaskets impermeable to hydrocarbons, or
- the water main shall be enclosed in watertight casing pipe with an evenly spaced annular gap and watertight end seals, or
- storm sewer pipe of water main material shall be installed, or
- reinforced concrete pipe storm sewers shall be constructed with gaskets manufactured in accordance with ASTM C443.

2. Vertical Separation of Water Mains from Storm Sewer Crossovers. Water mains shall be vertically separated from storm sewers by at least 18 inches between the outside edges of the water main and the storm sewer. The separation distance shall be the maximum feasible in all cases. In all cases where a water main crosses a storm sewer, the water main and storm sewer pipes must be adequately supported. A low permeability soil shall be used for backfill material within 10 feet of the point of crossing along the water main. If it is not possible to obtain 18 inches of vertical separation where the water main crosses above a storm sewer, a minimum of 6 inches vertical separation shall be maintained

and one of the following shall be utilized within 10 feet measured edge to edge horizontally, centered on the crossing:

- the water main shall be constructed of ductile iron pipe with gaskets impermeable to hydrocarbons, or
- the water main shall be enclosed in watertight casing pipe with an evenly spaced annular gap and watertight end seals, or
- storm sewer pipe of water main material shall be installed, or
- reinforced concrete pipe storm sewers shall be constructed with gaskets manufactured in accordance with ASTM C443.

ITEM 4. Amend subrule 43.3(7)"c"(3), Table A, beginning at the sub header "Other" under the header "Wastewater Structures", as follows:

TABLE A: SEPARATION DISTANCES

SOURCE OF CONTAMINATION	REQUIRED MINIMUM LATERAL DISTANCE FROM WELL AS HORIZONTAL ON THE GROUND SURFACE, IN FEET	
	Deep Well[1]	Shallow Well[1]
Other		
~~Cesspools & earth pit privies~~ Private sewage disposal systems – open portion of treatment system, including earth pit privies[4]	200	400
~~Concrete vaults & septic tanks~~ Private sewage disposal systems – closed portion of treatment system[4]	100	200
Lagoons	400	1000
Mechanical wastewater treatment plants	200	400
~~Soil absorption fields~~	~~200~~	~~400~~
CHEMICALS:		
Chemical application to ground surface	100	200
Chemical & mineral storage above ground[5,6]	100	200
Chemical & mineral storage on or under ground	200	400
Transmission pipelines (such as fertilizer, liquid petroleum, or anhydrous ammonia)	200	400
MISCELLANEOUS:		
Basements, pits, sumps	10	10

SOURCE OF CONTAMINATION	REQUIRED MINIMUM LATERAL DISTANCE FROM WELL AS HORIZONTAL ON THE GROUND SURFACE, IN FEET	
	Deep Well[1]	Shallow Well[1]
Cemeteries	200	200
Cisterns	50	100
Flowing streams or other surface water bodies	50	50
GHEX loop boreholes	200	200
Railroads	100	200
Private wells	200	400
Solid waste landfills and disposal sites[~~4~~ 7]	1000	1000

[1]Deep and shallow wells, as defined in 567—40.2(455B): A deep well is a well located and constructed in such a manner that there is a continuous layer of low permeability soil or rock at least 5 feet thick located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn. A shallow well is a well located and constructed in such a manner that there is not a continuous layer of low permeability soil or rock (or equivalent retarding mechanism acceptable to the department) at least 5 feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

[2]The separation distances are dependent upon two factors: the type of piping that is in the existing sewer or drain, as noted in the table, and that the piping was properly installed in accordance with the standards.

[3]Solid wastes are those derived from the treatment of water or wastewater. Certain types of solid wastes from water treatment processes may be land-applied within the separation distance on an individual, case-by-case basis.

[4]Private sewage disposal system is defined in 567 IAC Chapter 69. Open portions of treatment systems include subsurface absorption systems, mound systems, intermittent sand filters, constructed wetlands, open bottom media filters and waste stabilization ponds. Closed portions of treatment systems include septic tanks, aerobic treatment units, fully contained media filters and impervious vault toilets. These separation distances also apply to septic systems that are not considered privately owned, including, but not limited to, municipal or semi-public sewage disposal systems.

[5]The minimum separation distance for liquid fuel storage associated with standby power generators shall be 50 feet if secondary containment is provided. Secondary containment shall provide for a minimum of 110% of the liquid fuel storage capacity. Double walled storage tanks shall not be considered as secondary containment. The separation distance for Liquefied Petroleum Gas (LPG) storage shall be 15 feet.

[6]Electrical power transformers mounted on a single utility pole are exempt from the minimum separation distance requirements.

[~~4~~ 7]Solid waste means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities.

ITEM 5. Amend subrule **49.6(1)** as follows:

49.6(1) *Minimum distances.* The following minimum lateral distances from all private wells shall apply for the common structures or sources of contamination listed in the following table.

Table 49.6(1) Minimum Lateral Distances, Private Wells

Structure or ~~Sources~~ Source of Contamination	Minimum Lateral Distance (feet)	
	Shallow Well[1]	Deep Well[1]
Any public water supply well, shallow or deep	400	200
Formed manure storage structure, confinement building, feedlot solids settling facility, open feedlot	200	100
~~Public water supply well~~	~~400~~	~~200~~
Transmission pipelines (including, but not limited to, fertilizer, liquid petroleum, or anhydrous ammonia) if a more restrictive setback is not set by the pipeline owner	200	100
		All Private Wells
Earthen manure storage basin, runoff control basins and anaerobic lagoons (see subrule 49.6(2) below)		1000
Drainage wells		1000
~~Domestic wastewater lagoon~~		~~400~~
~~Sanitary landfills~~ Solid waste landfills and disposal sites[2]		1000
Domestic wastewater lagoon		400
Preparation or storage area for spray materials, commercial fertilizers or chemicals that may result in groundwater contamination		~~100~~ 150
~~Drainage wells~~		~~1000~~
~~Conforming wells~~		~~10~~
~~Nonconforming~~ Existing wells that do not conform to Chapter 49		100
Liquid hydrocarbon storage tanks, except for liquid propane gas (LPG)		100
~~Soil absorption field, any sewage treatment system with an open discharge, pit privy or septic tank discharge line (not conforming to 567—Chapter 69)~~ Private sewage disposal systems – open portion of treatment system[3]		100
~~Septic tank, concrete vault privy, sewer of tightly joined tile or equivalent material, sewer-connected foundation drain, or sewers under pressure~~ Private sewage disposal systems – closed portion of treatment system[3]		50
Flowing streams or other surface water bodies		25
Liquid propane gas (LPG) storage tanks		15
Existing wells that conform to Chapter 49		10
Sewer of cast iron with leaded or mechanical joints, sewer of plastic pipe with glued or compression joints, independent clear water drains, cisterns, well pits, or pump house floor drains		10

Yard Hydrants	10
~~Property lines (unless a mutual easement is signed and recorded by both parties)~~	~~4~~
~~Liquid hydrocarbon storage tanks~~	~~100~~
~~Ditches, streams, ponds, or lakes~~	~~25~~
Roadside ditch and road rights of way	15
Frost pit	10
Property lines (unless a mutual easement is signed and recorded by both parties)	4

[1]"Deep well" and "Shallow well" are defined in 567—49.2(455B).

[2]Solid waste means garbage, refuse, rubbish, and other similar discarded solid or semisolid materials, including but not limited to such materials resulting from industrial, commercial, agricultural, and domestic activities.

[3]Private sewage disposal system is defined in 567 IAC Chapter 69. Open portions of treatment systems include subsurface absorption systems, mound systems, intermittent sand filters, constructed wetlands, open bottom media filters and waste stabilization ponds. Closed portions of treatment systems include septic tanks, aerobic treatment units, fully contained media filters and impervious vault toilets. These separation distances also apply to septic systems that are not considered privately owned, including, but not limited to, municipal or semi-public sewage disposal systems.

ITEM 6. Add the following new definitions to rule 567—60.2(455B,17A):

"Individual storm water only permit" means an individual site-specific NPDES permit that authorizes discharges composed entirely of storm water associated with industrial activity or construction activity and allowable non-storm water discharges as specifically noted in the permit.

"Individual non-storm water permit" means a site-specific NPDES or operation permit that is not an individual storm water only permit and that authorizes discharges of wastewater and allowable discharges of storm water associated with industrial activity, as specifically noted in the permit.

ITEM 7. Amend rule 567—60.2(455B,17A), Definitions, as follows:

"CFR" or *"Code of Federal Regulations"* means the federal administrative rules adopted by the United States in effect as of ~~January 1, 2015~~ July 1, 2021. The amendment of the date contained in this definition shall constitute the amendment of all CFR references contained in 567—Chapters 60 to 69, Title IV, unless a date of adoption is set forth in a specific rule.

"*Private sewage disposal system*" means a system which provides for the treatment or disposal of domestic sewage from four or fewer dwelling units or the equivalent of less than 16 individuals on a continuing basis, including domestic waste, whether residential or nonresidential, but not including industrial waste of any flow rate except as provided for in 567—68.11(455B). ~~This includes domestic waste, whether residential or nonresidential, but does not include industrial waste of any flow rate.~~ "Private sewage disposal system" includes, but is not limited to, septic tanks, holding tanks for waste, chemical toilets, impervious vault toilets and portable toilets.

"Regional administrator" means the regional administrator of the United States Environmental Protection Agency, Region VII, ~~901 N. 5th Street, Kansas City, Kansas 66101~~ 11201 Renner Blvd. Lenexa, KS 66219, or the authorized representative of the Regional Administrator.

"*Shallow well*" means a well located and constructed in such manner that there is not a continuous ~~5-foot~~ layer of low permeability soil or rock ~~between the aquifer from which the water supply is drawn and a point 25 feet below the normal ground surface~~ (or equivalent retarding mechanism acceptable to the department) at least 5 feet thick, the top of which is located at least 25 feet below the normal ground surface and above the aquifer from which water is to be drawn.

ITEM 8. Amend rule 567—60.3(455B,17A), introductory paragraph, as follows:

567—60.3(455B,17A) Construction Permit, Operation and NPDES Permit, and Other Wastewater Application and Reporting Forms. The following construction permit application forms and operation and NPDES permit forms provided by the department shall be used to apply for departmental approvals and permits and to report on activities related to the department's wastewater programs ~~of the department~~. Electronic forms may be accessed on the department's website or obtained from the appropriate regional field office. Paper forms, when available, may be obtained from the ~~Web site of the department~~ department's website or by contacting the appropriate regional field office. Properly completed application forms, reporting forms, and all attachments shall be submitted in accordance with ~~the~~ departmental instructions. ~~Reporting forms shall be submitted to the appropriate field office.~~

ITEM 9. Strike subrules 60.3(2) and 60.3(3).

ITEM 10. Amend paragraph 60.4(2)"a" as follows:

a. General. A person required to obtain or renew a wastewater operation permit or an Iowa NPDES permit pursuant to 567—Chapter 64, 567—Chapter 65, or 567—Chapter 69 must complete the appropriate application form as identified in ~~subrule 60.3(2)~~ 567--60.3(455B).

(1) Complete applications. A permit application is complete and approvable when all necessary questions on the application ~~forms~~ have been completed and the application is signed pursuant to 567—subrule 64.3(8), and when all applicable portions of the application, including the application fee and required attachments, have been submitted. The director may require the submission of additional information deemed necessary to evaluate the application, including an antidegradation alternatives analysis. The due date for a renewal application is 180 days prior to the expiration date of the current permit, as noted in 567—64.8(455B). For a POTW, permission to submit an application at a later date may be granted by the director. The due date for a new application is 180 days prior to the date the operation is scheduled to begin, unless a shorter period is approved by the director.

ITEM 11. Amend paragraph 60.4(2)"b", opening paragraph, as follows:

b. Amendments. A permittee seeking an amendment to its operation permit shall make a written request ~~in the form of a detailed letter~~ to the department which shall include the nature of and the reasons supporting the requested amendment. A ~~variance~~ waiver or amendment to the terms and conditions of a general permit shall not be granted. If a ~~variance~~ waiver or amendment to a general permit is desired, the applicant must apply for an individual permit following the procedures in 567—paragraph 64.3(4)*"a."*

ITEM 12. Amend subparagraph 60.4(2)"b"(3) as follows:

(3) Monitoring requirements. An amendment request for a change in the minimum monitoring requirements in an existing permit is considered a ~~variance~~ waiver request. A request for a ~~variance~~ waiver shall include ~~a letter and the~~ a completed Petition for Waiver ~~or Variance~~ form (542-1258). This form can be obtained from the ~~NPDES section as noted in 60.3(455B~~ department's website or by contacting the NPDES Section. The requesting permittee must provide monitoring results which are frequent enough to reflect variations in actual wastewater characteristics over a period of time and are consistent in results from sample to sample. The department will evaluate the request based upon whether or not less frequent sample results accurately reflect actual wastewater characteristics and whether operational control can be maintained. Upon receipt of a request, the department may grant, modify, or deny the request. If the request is denied, the department may notify the permittee of any violation of its permit and may proceed administratively on the violation or may request that the commission refer the matter to the attorney general for legal action.

ITEM 13. Amend rule 62.4(455B), introductory paragraph, as follows:

567—62.4(455B) Federal effluent and pretreatment standards. The federal standards, 40 Code of Federal Regulations (CFR), revised as of January 1, ~~2015~~ 2021, are applicable to the following categories:

ITEM 14. Amend subrule 62.4(41) as follows:

62.4(41) ~~*Industrial laundries point source category.* Reserved.~~ *Dental Office Point Source Category.* The following is adopted by reference: 40 CFR Part 441.

ITEM 15. Amend rule 567—63.1(455B) as follows:

567—63.1(455B) Guidelines establishing test procedures for the analysis of pollutants. Only the procedures prescribed in this chapter shall be used to perform the measurements indicated in an application for an operation permit submitted to the department, a report required to be submitted by the terms of an operation permit, and a certification issued by the department pursuant to Section 401 of the Act.

63.1(1) Identification of test procedures, application for alternative test procedures, and method modifications.

a. The following is adopted by reference: 40 Code of Federal Regulations (CFR) Part 136 – Guidelines Establishing Test Procedures for the Analysis of Pollutants, as amended through August 28, 2017.

b. All parameters for which testing is required by a wastewater discharge permit, permit application, or administrative order, except operational performance testing, must be analyzed using one of the following:

(1) an approved ~~methods~~ method specified in 40 CFR Part 136.3;

(2) ~~or, under certain circumstances, by other methods that may be more advantageous to use when such other methods have~~ an alternative method that has been previously approved ~~by the director pursuant to 63.1(2)~~ pursuant to 40 CFR Part 136.4 or Part 136.5; or

(3) a method identified by the department, when no approved method is specified for the parameter in 40 CFR Part 136.

Samples collected for operational testing pursuant to 63.3(4) need not be analyzed by approved analytical methods; however, commonly accepted test methods should be used.

c. Applications for alternative test procedures shall follow the requirements of 40 CFR Part 136.4 or Part 136.5.

d. Method modifications shall follow the requirements of 40 CFR Part 136.6.

~~**63.1(2)** Application for alternate test procedures.~~

~~*a.* Any person may apply to the EPA regional administrator through the director for approval of an alternate test procedure.~~

~~*b.* The application for an alternate test procedure may be made by letter and shall:~~

~~(1) Provide the name and address of the responsible person or firm holding or applying for the permit (if not the applicant) and the applicable ID number of the existing or pending permit and type of permit for which the alternate test procedure is requested and the discharge serial number, if any.~~

~~(2) Identify the pollutant or parameter for which approval of an alternate testing procedure is being requested.~~

~~(3) Provide justification for using testing procedures other than those specified in 40 CFR Part 136.3.~~

63.1~~(3)~~(2) Required containers, preservation techniques and holding times. All samples collected in accordance with self-monitoring requirements as defined in an operation permit shall comply with the container, preservation techniques, and holding time requirements as specified in ~~Table IV~~ 40 CFR Part 136.3 Table II - Required Containers, Preservation Techniques, and Holding Times. Sample preservation should be performed immediately upon collection, if feasible.

63.1~~(4)~~(3) All laboratories conducting analyses required by this chapter must be certified in accordance with 567—Chapter 83. Routine on-site monitoring for pH, temperature, dissolved oxygen, total residual chlorine, other pollutants that must be analyzed immediately upon sample collection,

settleable solids, physical measurements such as flow and cell depth, and operational monitoring tests specified in 63.3(4) are excluded from this requirement. All instrumentation used for conducting any analyses required by this chapter must be properly calibrated according to the manufacturer's instructions.

ITEM 16. Amend rule 567-63.3, subrules 63.3(1), 63.3(2), 63.3(3), and 63.3(5) as follows:

63.3(1) *Monitoring by organic waste dischargers*. The minimum self-monitoring requirements to be incorporated in operation permits for facilities discharging organic wastes shall be the appropriate requirements in Tables I~~, II, and III~~ and II. Additional monitoring may be specified in the operation permit based on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of wastewaters, industrial contribution to the system, complexity of the treatment process, history of noncompliance or any other factor which requires strict operational control to meet the effluent limitations of the permit, as described in the Supporting Document for Permit Monitoring Frequency Determination, ~~August 2008~~ new date, located on the ~~NPDES Web site~~ department's website.

63.3(2) *Monitoring by inorganic waste dischargers.* The self-monitoring requirements to be incorporated in the operation permit for facilities discharging inorganic wastes shall be determined on a case-by-case evaluation of the impact of the discharge on the receiving stream, toxic or deleterious effects of wastewaters, complexity of the treatment process, history of noncompliance or any other factor which requires strict control to meet the effluent limitations of the permit, as described in the Supporting Document for Permit Monitoring Frequency Determination, ~~August 2008~~ new date, located on the ~~NPDES Web site~~ department's website.

63.3(3) *Monitoring of significant industrial users of publicly owned treatment works.* Monitoring for significant industrial users as defined in 567—60.2(455B) shall be determined as described in the Supporting Document for Permit Monitoring Frequency Determination, ~~August 2008~~ new date, located on the ~~NPDES Web site~~ department's website. Results of such monitoring shall be submitted to the department in accordance with the reporting requirements in the operation permit. The monitoring program of a publicly owned treatment works with a pretreatment program approved by the department may be used in lieu of the supporting document.

63.3(4) No Change.

63.3(5) Modification of minimum monitoring requirements. Monitoring requirements may be modified or reduced at the discretion of the director when requested by the permittee. Adequate justification must be presented by the permittee that the reduced or modified requirements will accurately reflect actual wastewater characteristics and will not adversely impact the operation of the facility. Requests for modification or reduction of monitoring requirements in an existing permit are considered ~~variance~~ waiver requests and must follow the procedures in 567—paragraph 60.4(2)"b." All reductions or modifications of monitoring incorporated into an operation or NPDES permit by amendment or upon reissuance of the permit are only effective until the expiration date of that permit.

ITEM 17. Amend paragraphs 63.4(2)"a" and "b" as follows:

a. ~~The effluent~~ Effluent toxicity tests shall be performed using a 24-hour composite sample of the effluent collected at the location stated in the operation permit. All composite samples shall be delivered to the testing laboratory within a reasonable time (approximately 24 hours) after collection and all tests must commence within 36 hours following sample collection. The results of all effluent toxicity tests ~~conducted using approved procedures~~, including any tests performed at a greater frequency than required in the operation permit, shall be submitted to the department~~, on Form 542-1381 provided by the department,~~ within 30 days of completing the test.

b. All effluent toxicity tests shall be conducted using the test ~~methodologies~~ methods referenced in 40 CFR Part 136 and protocols described ~~within "Standard Operating Procedure: Effluent Toxicity Testing, Iowa Department of Natural Resources," March 1991. This procedure is adopted as part of this subrule and is filed as part of this subrule with the administrative rules coordinator. This procedure is an essential part of the testing procedures and is available upon request to the department although not printed in this subrule.~~ in the EPA document EPA-821-R-02-012, Methods for Measuring the Acute

Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms, 5th Ed., October 2002. ~~Laboratories performing the effluent toxicity tests shall also have a quality assurance plan.~~ All effluent toxicity tests shall be conducted by an Iowa certified laboratory.

ITEM 18. Amend rule 567-63.7 as follows:

567—63.7(455B) Submission of records of operation.

63.7(1) *Electronic Reporting.* Except as provided in this rule and subrules 63.3(4) and 63.5~~(1)~~(2), records of operation required under NPDES permits shall be submitted electronically to the ~~appropriate regional field office of the~~ department within 15 days following the close of the reporting period specified in 63.8(455B) and in accordance with monitoring requirements derived from this chapter and incorporated in the ~~operation~~ NPDES permit. Records of operation required under operation permits shall be submitted to the department within 15 days following the close of the reporting period specified in 63.8(455B) and in accordance with monitoring requirements derived from this chapter and incorporated in the operation permit.

63.7(2) *Temporary or Permanent Electronic Reporting Waivers Under NPDES Permits.* The requirement in subrule 63.7(1) to submit records of operation electronically can be waived for permittees in accordance with the following requirements.

a. Written Request. To obtain a temporary or permanent electronic reporting waiver, a permittee must submit a paper copy of a written request for a waiver to the NPDES Section of the department at 502 East 9th St., Des Moines, IA, 50319. The written request must include the following:

(1) Facility name;

(2) Individual NPDES permit number or general permit authorization number;

(3) Facility address;

(3) Owner name and contact information;

(4) Name and contact information of the person submitting records of operation (if different than the owner); and

(5) Reason for the waiver request, including a justification of why electronic submission is not feasible at this time.

Requests for electronic reporting waivers that do not contain all of the above information will not be considered. Electronic (email) requests for electronic reporting waivers will not be considered.

b. Temporary electronic reporting waivers.

(1) The department will approve or deny a request for a temporary electronic reporting waiver within 60 days of receipt of the request. Waiver requests will be approved or denied at the discretion of the director.

(2) All temporary electronic reporting waivers will expire five years from department approval. After a temporary electronic reporting waiver expires, the permittee must submit all records of operation electronically, unless another waiver is obtained.

(3) Approved temporary electronic reporting waivers are non-transferrable.

c. Permanent electronic reporting waivers.

(1) The department will approve or deny a request for permanent electronic reporting waiver within 60 days of receipt of the request. Permanent electronic reporting waivers shall only be granted to facilities and entities owned or operated by members of religious communities (e.g., Amish, Mennonite) that choose not to use certain modern technologies (e.g., computers, electricity). Permanent electronic reporting waivers shall not be granted to any other facilities or entities.

(2) Approved permanent electronic reporting waivers are non-transferrable.

d. Paper Copies. All permittees who have received a temporary or permanent electronic reporting waiver must submit paper copies of all records of operation to the department within 15 days following the close of the reporting period specified in 63.8(455B) and in accordance with monitoring requirements derived from this chapter and incorporated in the NPDES permit.

63.7(3) *Electronic Reporting Under General NPDES Permits.*

a. General Permits 1, 2, 3, 4, and 5. Both electronic and paper reporting options are currently available to permittees covered under General Permits 1, 2, 3, 4, and 5. Electronic reporting using the options available on the department's website is strongly encouraged, but paper reports will be accepted.

Electronic waivers can be obtained by permittees covered under General Permits 1, 2, 3, 4, and 5 according to the procedures in 63.7(2).

b. Electronic Reporting Requirements for General Permits 8 and 9. Permittees covered under General Permits 8 and 9 are required to report electronically using the department's online database, unless an electronic waiver is obtained according to the procedures in 63.7(2).

63.7(4) *Episodic Electronic Reporting Waivers.* The requirement in subrule 63.7(1) to submit records of operation electronically under NPDES permits can be waived on an episodic basis for permittees in accordance with the following requirements. The department shall provide notice, individually or through means of mass communication, regarding when an episodic waiver is available, the facilities and entities that may use the episodic waiver, and the likely duration of the episodic waiver. The department shall determine if and when an episodic electronic reporting waiver is warranted.

a. Episodic waivers are only available to permittees in the following circumstances:

(1) Large scale emergencies involving catastrophic circumstances beyond the control of a permittee, such as forces of nature (e.g., hurricanes, floods, fires, earthquakes) or other national disasters.

(2) Prolonged electronic reporting system outages (i.e., outages longer than 96 hours).

b. No waiver request from the permittee is required to obtain an episodic electronic reporting waiver. If the department determines that an episodic waiver is warranted (for the reasons listed above), the permittee shall submit paper copies of all records of operation to the department within 15 days following the close of the reporting period specified in 63.8(455B) and in accordance with monitoring requirements derived from this chapter and incorporated in the NPDES permit.

c. Episodic waivers are not transferrable and cannot last more than 60 days.

63.7(5) *Instances of noncompliance.* The permittee shall report all instances of noncompliance not reported under 63.12(455B) at the time monitoring reports are submitted.

63.7(6) *Relevant Facts.* If a permittee becomes aware that it failed to submit any relevant facts in any report to the director, the permittee shall promptly submit such facts or information.

ITEM 19. Amend rule 567—63.8(455B) as follows:

567—63.8(455B) Frequency of submitting records of operation. Except as provided in subrules 63.3(4) and 63.5~~(1)~~(2), or as specified in an NPDES General Permit issued in accordance with 567--64.4 (455B), records of operation required by these rules shall be submitted at monthly intervals. The department may vary the interval at which records of operation shall be submitted in certain cases. Variation from the monthly interval shall be made only under such conditions as the department may prescribe in writing to the person concerned.

ITEM 20. Amend rule 567—63.10(455B) as follows:

567—63.10(455B) Records of operation forms. Records of operation forms shall be those provided by the department unless ~~its forms are not applicable and in such case the records of operation shall be submitted on such other forms as are agreeable to the department~~ a permittee has obtained approval from the department to use an alternative reporting form.

ITEM 21. Amend superscript number 4 in Chapter 63, Table I Minimum Self-Monitoring in Permits for Organic Waste Dischargers Controlled Discharge Wastewater Treatment Plants, as follows:

4 - Sample types are defined as:

"Grab Sample" means a representative, discrete portion of sewage, industrial waste, other waste, surface water or groundwater taken without regard to flow rate.

"24-Hour Composite" means:

a. For facilities where no significant industrial waste is present, a sample made by collecting a minimum of six grab samples taken four hours apart and combined in proportion to the flow rate at the time each grab sample was collected. (Generally, grab samples should be collected at 8 a.m., 12 ~~a.m.~~ p.m. (noon), 4 p.m., 8 p.m., 12 ~~p.m.~~ a.m. (midnight), and 4 a.m. on weekdays (Monday through Friday) unless local conditions indicate another more appropriate time for sample collection.)

b. For facilities where significant industrial waste is present, a sample made by collecting a minimum of 12 grab samples taken two hours apart and combined in proportion to the flow rate at the

time each grab sample was collected. (Generally, grab samples should be collected at 8 a.m., 10 a.m., 12 ~~a.m.~~ p.m. (noon), 2 p.m., 4 p.m., 6 p.m., 8 p.m., 10 p.m., 12 ~~p.m.~~ a.m. (midnight), 2 a.m., 4 a.m., and 6 a.m. on weekdays (Monday through Friday) unless local conditions indicate another more appropriate time for sample collection.)

ITEM 22. Amend superscript number 9 in Table II Minimum Self-Monitoring in Permits for Organic Waste Dischargers Continuous Discharge Wastewater Treatment Plants, as follows:

9 - ~~Total nitrogen shall be determined by testing for Total Kjeldahl Nitrogen (TKN) and nitrate + nitrite nitrogen and reporting the sum of the TKN and nitrate + nitrite results (reported as N).~~ Total nitrogen (as N) is defined as Total Kjeldahl Nitrogen (as N) plus nitrate (as N) plus nitrite (as N). Nitrate + nitrite can be analyzed together or separately. Total phosphorus shall be reported as P. Analyses must be performed by an Iowa certified laboratory.

ITEM 23. Strike Table III Minimum Self-Monitoring in Permits for Land Application Systems and its associated superscripts, and Table IV Required Containers, Preservation Techniques, and Holding Times and its associated notes from Chapter 567-Chapter 63 (455B).

ITEM 24. Amend paragraphs 64.3(4)"c", "d", and "e" as follows:

c. ~~Variances~~ Waivers from the design standards and siting criteria which provide in the judgment of the department for substantially equivalent or improved effectiveness may be requested when there are unique circumstances not found in most projects. The director may issue ~~variances~~ waivers when circumstances are appropriate. The denial of a ~~variance~~ waiver may be appealed to the commission.

d. When reviewing the ~~variance~~ waiver request the director may consider the unique circumstances of the project, direct or indirect environmental impacts, the durability and reliability of the alternative, and the purpose and intent of the rule or standard in question.

e. Circumstances that would warrant consideration of a ~~variance~~ waiver (which provides for substantially equivalent or improved effectiveness) may include the following:

(1) The utilization of new equipment or new process technology that is not explicitly covered by the current design standards.

(2) The application of established and acceptable technologies in an innovative manner not covered by current standards.

(3) It is reasonably clear that the conditions and circumstances which were considered in the adoption of the rule or standard are not applicable for the project in question and therefore the effective purpose of the rule will not be compromised if a ~~variance~~ waiver is granted.

ITEM 25. Amend subrule 64.3(4) as follows:

64.3(4) Applications.

a. *Individual permit.* Except as provided in 64.3(4)"*b*," applications for operation permits required under 64.3(1) shall be made on forms provided by the department, as noted in ~~567—subrule 60.3(2)~~ 567--60.3(455B). The application for an operation permit under 64.3(1) shall be filed pursuant to 567—subrule 60.4(2). Permit applications for a new discharge of storm water associated with construction activity as defined in 567—Chapter 60 under "storm water discharge associated with industrial activity" must be submitted at least 60 days before the date on which construction is to commence. Upon completion of a tentative determination with regard to the permit application as described in 64.5(1)"*a*," the director shall issue operation permits for applications filed pursuant to 64.3(1) 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 required and the applicant is so notified.

b. General permit. A Notice of Intent for coverage under a general permit ~~must~~ shall be made on ~~the appropriate form~~ forms provided by the department, ~~listed~~ as noted in ~~567—subrule 60.3(2)~~ 567--60.3(455B) and in accordance with 567—64.6(455B). A Notice of Intent must be submitted to the department according to the following:

ITEM 26. Amend subrule 64.3(7) as follows:

64.3(7) ~~Operation~~ 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 disposal system being permitted. ~~Applications~~ An application for renewal of an NPDES or operation permit must be submitted to the department 180 days in advance of the date the permit expires. General permits will be issued for a period not to exceed five years. Each permit to be renewed shall be subject to the provisions of all rules of the department in effect at the time of the renewal.

ITEM 27. Amend subrule 64.3(11) as follows:

64.3(11) The director may amend, revoke and reissue, or terminate in whole or in part any individual operation permit or coverage under a general permit for cause. Except for general permits, the director may modify in whole or in part any individual operation permit for cause. A ~~variance~~ waiver or modification to the terms and conditions of a general permit shall not be granted. If a ~~variance~~ waiver or modification to a general permit is desired, the applicant must apply for an individual permit following the procedures in 64.3(4)"*a*."

ITEM 28. Amend paragraph 64.4(2)"a" as follows:

a. The director may issue general permits which are consistent with 64.4(2)"b" and the requirements specified in 567—64.6(455B), 567—64.7(455B), subrule 64.8(2), and 567—64.9(455B) ~~for the following activities~~ to regulate one or more categories or subcategories of discharges where the sources within a covered category of discharges are either storm water point sources, point sources other than storm water point sources, or treatment works treating domestic sewage, if the sources within each category or subcategory all:

~~(1) Storm water point sources requiring an NPDES permit pursuant to Section 402(p) of the federal Clean Water Act and 40 CFR 122.26.~~

~~(2) Private sewage disposal system discharges permitted under 567—Chapter 69 where subsoil discharge is not possible as determined by the administrative authority.~~

~~(3) Discharges from water well construction and related well services where the discharge will reach a water of the United States as defined in 40 CFR Part 122.2.~~

~~(4) For any discharge, except a storm water only discharge, from a mining or processing facility.~~

~~(5) Discharges from the application of biological pesticides and chemical pesticides which leave a residue where the discharge will reach a water of the United States as defined in 40 CFR Part 122.2.~~

~~(6) Discharges from hydrostatic testing, tank ballasting and water lines.~~

~~(7) Discharges from dewatering and residential geothermal systems.~~

(1) Involve the same or substantially similar types of operations;

(2) Discharge the same types of wastes;

(3) Require the same effluent limitations or operating conditions;

(4) Require the same or similar monitoring; and

(5) Are more appropriately controlled under a general permit than under individual permits.

ITEM 29. Amend subrule 64.5(2) as follows:

64.5(2) Public notice for individual NPDES permits.

a. Prior to the issuance of an NPDES permit, a major NPDES permit amendment, or the denial of a permit application for an NPDES permit, public notice shall be circulated in a manner designed to inform interested and potentially interested persons of the proposed discharge and of the tentative determination to issue or deny an NPDES permit for the proposed discharge. ~~Procedures for the circulation of public notice shall include at least the procedures of subparagraphs (1) to (4).~~

(1) The public notice ~~for a draft NPDES permit or major permit amendment~~ shall be ~~circulated by the applicant within the geographical areas of the proposed discharge by posting the public notice in public places of the city nearest the premises of the applicant in which the effluent source is located and by posting the public notice near the entrance to the applicant's premises and in nearby places.~~ transmitted to the following persons:

1. The applicant;

2. Any other agency which has issued or is required to issue an NPDES permits for the same facility or activity, including EPA;

3. Federal and State agencies with jurisdiction over fish, shellfish, and wildlife resources, State Historic Preservation Officers, and affected States (Indian Tribes);

4. Any State agency responsible for the development of an areawide waste treatment management plan or a water quality standards and implementation plan under CWA section 208(b)(2), 208(b)(4) or 303(e);

5. The U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and the National Marine Fisheries Service; and

6. Any user identified in the permit application of a privately owned treatment works;

7. To any unit of local government having jurisdiction over the area where the facility is proposed to be located; and

8. To each State agency having any authority under State law with respect to the construction or operation of such facility.

~~(2) The public notice for the denial of a permit application shall be sent to the applicant and circulated by the department within the geographical areas of the proposed discharge by publishing the public notice in local newspapers and periodicals or, if appropriate, in a newspaper of general circulation.~~

~~(3)~~ (2) The public notice shall be ~~sent~~ transmitted by the department to any person upon request.

~~(4)~~ (3) ~~Upon request, the department shall add the name of any~~ Any person or group may request to ~~the distribution list to~~ receive copies of all public notices concerning the tentative determinations with respect to the permit applications within the state or within a certain geographical area. ~~and shall send~~ The Department shall transmit a copy of all public notices to such persons.

(4) The Department shall periodically notify the public of the opportunity to receive notices. The Director may update the notice distribution list from time to time by requesting written indication of continued interest from those listed. The Director may delete from the list the name of any person who fails to respond to such a request.

b. ~~In addition to the requirements in paragraph 64.5(2)"a," prior to the issuance of a major NPDES permit or a major permit amendment to a major NPDES permit, the public notice shall be published by the applicant in local newspapers and periodicals or, if appropriate, in a newspaper of general circulation. Publication of a public notice is not required prior to the issuance of the following:~~

~~(1) A minor NPDES permit,~~

~~(2) A minor permit amendment, or~~

~~(3) A major permit amendment to a minor NPDES permit.~~

The Director may publish all notices of activities described in paragraph "*a*" of this subrule to the DNR website. If this option is selected for a draft permit, the Director must post the draft permit and permit rationale on the website for the duration of the public comment period.

~~Major and minor NPDES permits and major and minor permit amendments are defined in 567—60.2(455B).~~

c. The department shall provide a period of not less than 30 days following the date of the public notice during which time interested persons may submit their written views on the tentative determinations with respect to the permit application and request a public hearing pursuant to 64.5(6). Written comments may be submitted by paper or electronic means. All pertinent comments submitted during the 30-day comment period shall be retained by the department and considered by the director in the formulation of the director's final determinations with respect to the permit application. The period for comment may be extended at the discretion of the department. Pertinent and significant comments received during either the original comment period or an extended comment period shall be responded to in a responsiveness summary pursuant to 64.5(8).

d. The contents of the public notice of a draft NPDES permit, a major permit amendment, or the denial of a permit application for an NPDES permit shall include at least the following:

(1) The name, address, and telephone number of the department.

(2) The name and address of each applicant.

(3) A brief description of each applicant's activities or operations which result in the discharge described in the permit application (e.g., municipal waste treatment plant, corn wet milling plant, or meat packing plant).

(4) The name of the waterway to which each discharge of the applicant is made and a short description of the location of each discharge of the applicant on the waterway ~~indicating whether such discharge is a new or an existing discharge~~.

(5) A statement of the department's tentative determination to issue, amend, or deny an NPDES permit for the discharge or discharges described in the permit application.

(6) A brief description of the procedures for the formulation of final determinations, including the 30-day comment period required by paragraph ~~"*b*"~~ "*c*" of this subrule, procedures for requesting a public hearing and any other means by which interested persons may influence or comment upon those determinations.

(7) The address, telephone number, ~~and~~ email address, and website of places at which interested persons may obtain further information, request a copy of the tentative determination and any associated documents prepared pursuant to 64.5(1), request a copy of the permit rationale described in 64.5(3), and inspect and copy permit forms and related documents.

e. No public notice is required for a minor permit amendment, including, but not limited to, an amendment to correct typographical errors, include more frequent monitoring requirements, revise interim compliance schedule dates, change ~~the~~ an owner or facility name or address, include a local pretreatment program, or remove a point source outfall that does not result in the discharge of pollutants from other outfalls.

ITEM 30. Amend subrule 64.5(6) as follows:

64.5(6) *Public hearings on proposed NPDES permits*. The applicant, any affected state, the regional administrator, or any interested agency, person or group of persons may request or petition for a public hearing with respect to an NPDES application. Any such request shall clearly state issues and topics to be addressed at the hearing. Any such request or petition for public hearing must be filed with the director within the 30-day period prescribed in 64.5(2)"b" and shall indicate the interest of the party filing such request and the reasons why a hearing is warranted. The director shall hold an informal and noncontested case hearing if there is a significant public interest (including the filing of requests or petitions for such hearing) in holding such a hearing. Frivolous or insubstantial requests for hearing may be denied by the director. Instances of doubt should be resolved in favor of holding the hearing. Any hearing held pursuant to this subrule shall be held in the geographical area of the proposed discharge when possible, or other appropriate area ~~in~~ at the discretion of the director. Web-based hearings may also be held at the discretion of the Director. In addition, any hearing held pursuant to this subrule~~, and~~ may, as appropriate, consider related groups of permit applications.

ITEM 31. Amend subrule 64.5(7) as follows:

64.5(7) *Public notice of public hearings on proposed NPDES permits.*

a. Public notice of any hearing held pursuant to 64.5(6) shall be circulated at least as widely as was the notice of the tentative determinations with respect to the permit application.

~~(1) Notice shall be published in at least one newspaper of general circulation within the geographical area of the discharge;~~

~~(2)~~ (1) Notice shall be ~~sent~~ transmitted to all persons and government agencies which received a copy of the notice for the permit application;

~~(3)~~ (2) Notice shall be ~~mailed~~ transmitted to any person or group upon request; and

~~(4)~~ (3) Notice pursuant to subparagraphs (1) and (2) of this paragraph shall be made at least 30 days in advance of the hearing.

b. The contents of public notice of any hearing held pursuant to 64.5(6) shall include at least the following:

(1) The name, address, and telephone number of the department;

(2) The name and address of each applicant whose application will be considered at the hearing;

(3) The name of the water body to which each discharge is made and a short description of the location of each discharge to the water body;

(4) A brief reference to the public notice issued for each NPDES application, including the date of issuance;

(5) Information regarding the time and location for the hearing;

(6) The purpose of the hearing;

(7) A concise statement of the issues raised by the person or persons requesting the hearing;

(8) The address, ~~and~~ telephone number, email address, and website ~~of the premises~~ where interested persons may obtain further information, request a copy of the draft NPDES permit prepared pursuant to 64.5(1), request a copy of the permit rationale prepared pursuant to 64.5(3), and inspect and copy permit forms and related documents;

(9) A brief description of the nature of the hearing, including the rules and procedures to be followed; and

(10) The final date for submission of comments (paper or electronic) regarding the tentative determinations with respect to the permit application.

ITEM 32. Amend subrule 64.6(1) as follows:

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 Notice of Intent by submitting to the department materials required in paragraphs "a" to "c" of this subrule, as applicable. ~~except that a~~ A Notice of Intent is not required for discharges authorized under General ~~Permit No.~~ Permits Nos. 6 or 7, for certain discharges under General Permit No. 8, or for certain discharges under General Permit No. 9.

a. Notice of Intent ~~Application~~ Form. ~~The following Notice of Intent forms must be completed in full.~~ Electronic Notice of Intent forms provided by the department must be completed in full on the department's website. Paper Notice of Intent forms, when provided, must be completed in full.

~~(1) General Permit No. 1 "Storm Water Discharge Associated with Industrial Activity," Form 542-1415.~~

~~(2) General Permit No. 2 "Storm Water Discharge Associated with Industrial Activity for Construction Activities," Form 542-1415.~~

~~(3) General Permit No. 3 "Storm Water Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants, Rock Crushing Plants and Construction Sand and Gravel Facilities," Form 542-1415.~~

~~(4) General Permit No. 4 "Discharge from On-Site Wastewater Treatment and Disposal Systems," Form 542-1541.~~

~~(5) General Permit No. 5 "Discharge from Mining and Processing Facilities," Form 542-4006.~~

~~(6) General Permit No. 7, "Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States From the Application of Pesticides."~~

~~(7) General Permit No. 8 "Discharge from Hydrostatic Testing, Tank Ballasting and Water Lines."~~

~~(8) General Permit No. 9 "Discharge from Dewatering and Residential Geothermal Systems."~~

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

c. Public notification. The ~~following~~ public notification requirements ~~must be completed for the corresponding general permit~~ only apply to General Permits No. 1, No. 2 and No. 3.

~~(1)~~ Applicants for General Permits No. 1, No. 2 and No. 3. ~~A demonstration~~ 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. 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, ~~or~~ 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.

~~(2) General Permits No. 4, No. 5, No. 6, No. 7, No. 8 and No. 9. There are no public notification requirements for these permits.~~

ITEM 33. Amend subrule 64.6(2) as follows:

64.6(2) *Authorization to discharge under a general permit*. Upon the submittal of a complete Notice of Intent (NOI) in accordance with 64.6(1) and 64.3(4)"b," the applicant is authorized to discharge after ~~evaluation of the Notice of Intent by the department is complete and the determination has been made that the contents of the Notice of Intent satisfy the requirements of 567—Chapter 64.~~ 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 discharge authorization date for all storm water discharges associated with industrial activity that are in existence on or before October 1, 1992, shall be October 1, 1992.~~ The applicant will receive notification ~~by~~ from the department of coverage under the general permit. If any of the items required for filing ~~a Notice of Intent~~ 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 a Notice of Intent under subrule 64.3(4), provided the discharge is a covered activity and the permittee complies with all applicable permit requirements.

ITEM 34. Amend subrule 64.6(3) as follows:

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 a Notice of Intent filed with the department do not meet the conditions of 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~~, or

c. The department finds that ~~water well construction and well service~~ any discharge covered under a general permit is ~~are~~ not managed in a manner consistent with the conditions specified in the applicable General Permit~~. No. 6, or~~

~~*d*. The department finds that discharges from biological pesticides and chemical pesticides which leave a residue are not managed in a manner consistent with the conditions specified in General Permit No. 7, or~~

~~*e*. The department finds that discharges from hydrostatic testing, tank ballasting or water line testing are not managed in a manner consistent with the conditions specified in General Permit No. 8, or~~

~~*f*. The department finds that discharges from dewatering or residential geothermal systems are not managed in a manner consistent with the conditions specified in General Permit No. 9.~~

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

ITEM 35. Amend subrule 567—64.6(4) as follows:

64.6(4) *Eligibility for individual 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 ~~upon expiration of the individual permit and~~ by filing a Notice of Intent 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 Notice of Intent (NOI), to close or revoke their 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 subrule 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 subrule 64.6(2), and shall commence upon completion of individual NPDES permit closure, revocation, or amendment.

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

ITEM 36. Amend subrule 64.6(5), introductory paragraph, as follows:

64.6(5) Filing a Notice of Discontinuation. A notice to discontinue ~~the~~ an activity covered by ~~the~~ an NPDES general permit shall be made electronically or in writing to the department ~~30 days prior to or after discontinuance of the discharge. For storm water discharge associated with industrial activity for construction activities, the discharge will be considered as discontinued when "final stabilization" has been reached. Final stabilization means that all soil-disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of 70 percent for the area has been established or equivalent stabilization measures have been employed~~ in accordance with the conditions established in each general permit.

ITEM 37. Amend paragraph 64.7(5)"b" as follows:

b. Disadvantaged community analysis (DCA). A regulated entity or affected community must submit a disadvantaged community analysis (DCA) to the director to be considered for disadvantaged status. ~~A DCA may only be submitted when new requirements in a proposed or reissued NPDES permit may result in SWESI.~~

(1) When new requirements in a proposed or reissued NPDES permit may result in SWESI, ~~A~~ a DCA may be submitted by any of the following:

1. A wastewater disposal system owned by a municipal corporation or other public body created by or under Iowa law and having jurisdiction over disposal of sewage, industrial wastes or other wastes, or a designated and approved management agency under Section 208 of the Act (a POTW);

2. A wastewater disposal system for the treatment or disposal of domestic sewage which is not a private sewage disposal system and which is not owned by a city, a sanitary sewer district, or a designated and approved management agency under Section 208 of the Act (33 U.S.C. 1288) (a semipublic system); or

3. Any other owner of a wastewater disposal system that is not a private sewage disposal system and does not discharge industrial wastes. "Private sewage disposal system" and "industrial waste" are defined in rule 567—60.2(455B).

(2) A DCA may be submitted prior to the issuance of an initial NPDES permit if the facility does not discharge industrial wastes and is not a new source or new discharger. "New source" is defined in rule 567—60.2(455B). "New discharger" means any building, structure, facility, or installation from which there is or may be a discharge of pollutants; that did not commence the discharge of pollutants at a particular site prior to August 13, 1979; that is not a new source; and that has never received a finally effective NDPES permit for discharges at that site.

(3) A DCA may be submitted by the entities noted in subparagraph 64.7(5)"*b*"(1) above for consideration of a disadvantaged community loan interest rate under the clean water state revolving fund, independent of the requirements in a proposed or reissued NPDES permit.

ITEM 38. Amend numbered paragraph 64.7(5)"c"(2)"1" as follows:

1. For entities with more than ten households or ratepayers, the median household or ratepayer income, as determined by an income survey conducted by the regulated entity ~~based on the Iowa community development block grant income survey guidelines~~ (the survey must be included in the DCA); or

ITEM 39. Amend paragraph 64.7(5)"e" as follows:

e. Disadvantaged community matrix (DCM). The department hereby incorporates by reference "Disadvantaged Community Matrix," DNR Form 542-1246~~, effective January 16, 2013~~. This document may be obtained on the department's ~~NPDES~~ website.

Upon receipt of a complete DCA, the director shall use the disadvantaged community matrix (DCM) to evaluate the disadvantaged status of the community. The DCM shall be used to evaluate DCAs submitted in accordance with 64.7(5)"*b*". Compliance with the applicable federal regulations, requirements in 567—Chapters 60, 61, 62, 63, and 64, or an order of the department shall be considered to result in SWESI, and the regulated entity and affected community shall be considered a disadvantaged community, if the point total derived from the DCM is equal to or greater than 12. The following data sources shall be used to derive the point total in the DCM:

ITEM 40. Amend paragraph 64.7(6)"b" as follows:

b. Disadvantaged unsewered community analysis (DUCA). An unsewered community must submit a disadvantaged unsewered community analysis (DUCA) to the director to be considered for disadvantaged unsewered community status. ~~To be considered for disadvantaged unsewered community status, an unsewered community may submit a disadvantaged unsewered community analysis (DUCA) to the director prior to the issuance of or amendment to an administrative order with requirements that could result in SWESI and that are based on applicable federal regulations, requirements in 567—Chapters 60, 61, 62, 63, and 64, or an order of the department.~~ Only unsewered communities may submit a DUCA under this subrule. For the purposes of this subrule, an unsewered community is defined as a grouping of ten or more residential houses with a density of one house or more per acre and with either no wastewater treatment or inadequate wastewater treatment. An entity defined in rule 567—60.2(455B) as a private sewage disposal system may not submit a DUCA or qualify for a disadvantaged unsewered community compliance agreement under paragraph 64.7(6)"*g*."

1. An unsewered community may submit a DUCA to the director prior to the issuance of or amendment to an administrative order with requirements that could result in SWESI and that are based on applicable federal regulations, requirements in 567—Chapters 60, 61, 62, 63, and 64, or an order of the department.

2. A DUCA may also be submitted for consideration of a disadvantaged community loan interest rate under the clean water state revolving fund, independent of an administrative order.

ITEM 41. Amend paragraph 64.7(6)"c" as follows:

c. Contents of a DUCA. A DUCA must contain:

(1) Proposed total annual project costs as defined in paragraph 64.7(6)"*d*";

(2) The number of households in the unsewered community and source of household information;

(3) Total amount of any awarded grant funding;

(4) An explanation of why the unsewered community believes that compliance with the proposed requirements will result in SWESI.

If no MHI information is available for the unsewered community, the community should conduct a rate survey to determine the MHI. ~~The survey must be conducted in accordance with the Iowa community development block grant income survey guidelines. In addition, the~~ The survey must be attached to the DCA.

ITEM 42. Amend paragraph 64.7(6)"e" as follows:

e. Disadvantaged unsewered community matrix (DUCM). The department hereby incorporates by reference "Disadvantaged Unsewered Community Matrix," DNR Form 542-1247~~, effective January 16, 2013~~. This document may be obtained on the department's ~~NPDES~~ website.

ITEM 43. Amend subrule 64.8(2) as follows:

64.8(2) *Renewal of coverage under a general permit.* Coverage under a general permit will be renewed subject to the terms and conditions in paragraphs *"a"* ~~to *"d."*~~ and "*b."*

a. If a permittee intends to continue an activity covered by a general permit for which a Notice of Intent is required beyond the expiration date of the general permit, the permittee must reapply and submit a complete Notice of Intent in accordance with ~~64.6(1)~~ the requirements specified in the applicable general permit.

~~*b*. A complete Notice of Intent for coverage under a reissued or renewed general permit must be submitted to the department within 180 days after the expiration date of a general permit.~~

~~*c.*~~ *b.* A person holding a general permit is subject to the terms of the permit until ~~it~~ either the permit expires, the authorization under the permit expires, or a Notice of Discontinuation is submitted in accordance with 64.6(5).

(1) If the person holding a general permit continues the activity beyond the expiration date of the permit and the permit will be reissued, the conditions of the expired general permit will remain in effect provided the permittee submits a complete Notice of Intent for coverage ~~under a renewed or reissued general permit within 180 days after the expiration date of the general permit~~ as required by the applicable general permit.

(2) If the person holding a general permit continues ~~an~~ the activity ~~for which the general permit has expired~~ beyond the expiration date of the permit and the general permit ~~has not been~~ will not be reissued or renewed, the discharge must be permitted with an individual NPDES permit according to the procedures in 64.3(4)"a."

~~*d*. The Notice of Intent requirements shall not include a public notification when a general permit has been reissued or renewed provided the permittee has already submitted a complete Notice of Intent including the public notification requirements of 64.6(1). Another public notice is required when any information, including facility location, in the original public notice is changed.~~

ITEM 44. Amend rule 567—64.14(455B) as follows:

567—64.14(455B) Transfer of title and owner or operator address change.

64.14(1) *Permits issued under rule 567—64.2(455B), 567—64.3(455B), or 567—64.6(455B)~~, except 64.6(1)"a"(5) and (6)~~*. If title to any disposal system or part thereof for which a permit has been issued under these rules is transferred, the new owner or owners shall be subject to all terms and conditions of the permit. Whenever title to a disposal system or part thereof is changed, the department shall be notified in writing of such change within 30 days of the occurrence. When a discharge is covered by a general permit, the operator of record shall be subject to all terms and conditions of the permit. No transfer of the authorization to discharge from the facility represented by the permit shall take place prior to notification of the department of the transfer of title. Whenever the address of the owner is changed, the department shall be notified in writing within 30 days of the address change. ~~Electronic notification is not sufficient; all title transfers and address changes must be reported to the department by mail.~~

~~**64.14(2)** *Permits issued under 64.6(1)"a"(5) and (6).* When the operator of a facility permitted under subparagraphs 64.6(1)*"a"*(5) and (6) changes, the department must be notified of the transfer within 30 days. When a discharge is covered by the general permit, the operator of record shall be subject to all terms and conditions of the permit. No transfer of the authorization to discharge from the facility represented by the permit shall take place prior to notification of the department of the transfer. Whenever the address of the operator is changed, the department shall be notified in writing within 30 days of the address change. Electronic notification is not sufficient; all transfers and address changes must be reported to the department by mail.~~

ITEM 45. Amend subrule 64.16(1) as follows:

64.16(1) A person who applies for an individual permit ~~or coverage under a general permit~~ to ~~construct, install, modify or~~ operate a disposal system shall submit along with the application an application fee ~~or a permit fee or both~~ as specified in 64.16(3)"*b*." Certain individual facilities shall also be required to submit annual fees as specified in 64.16(3)"*b*." ~~Fees shall be assessed based on the type of permit coverage the applicant requests, either as general permit coverage or as an individual permit.~~ For a wastewater construction permit, an application fee must be submitted with the application as specified in 64.16(3)"*c*." For authorizations under General Permits Nos. 1, 2, 3 and 5, the applicant has the option of paying an annual permit fee or a multiyear permit fee at the time the Notice of Intent for coverage is submitted as specified in 64.16(3)"*a*.".

For municipal separate storm sewer system permits (MS4s) and individual storm water only permits, as defined in 567 IAC 60.2, a one-time, multiyear permit fee must be submitted at the time of application. ~~A storm water only permit is defined as an NPDES permit that authorizes the discharge of only storm water and any allowable non-storm water as defined in the permit.~~ For all other individual non-storm water NPDES ~~permits~~ and operation permits, as defined in 567 IAC 60.2, the applicant must submit an application fee at the time of application and the appropriate annual fee on a yearly basis, except for municipal water treatment facilities. ~~A non-storm water NPDES permit is defined as any individual NPDES permit or operation permit issued to a municipality, industry, semipublic entity, or animal feeding operation that is not an individual storm water only permit.~~ If a facility needs coverage under more than one NPDES or operation permit, fees for each permit must be submitted appropriately.

Fees are nontransferable. Failure to submit the appropriate fee at the time of application renders the application incomplete, and the department shall suspend processing of the application until the fee is received. Failure to submit the appropriate annual fee may result in revocation or suspension of the permit as noted in 64.3(11)~~"*f*."~~.

ITEM 46. Amend subrule 64.16(2) as follows:

64.16(2) Payment of fees. Fees shall be paid by check, credit card, electronic payment, or money order made payable to the "Iowa Department of Natural Resources."

For facilities needing coverage under ~~both a storm water only permit and a non-storm water NPDES permit~~ more than one permit (general, individual storm water only, and/or individual non-storm water), separate payments shall be made according to the fee schedule in 64.16(3).

ITEM 47. Amend paragraph 64.16(3)*"a"* and "*b*" as follows:

a. ~~For coverage under the NPDES general permits the following fees apply:~~ NPDES General Permit fees. No fees shall be assessed for coverage under general permits not listed in this paragraph. The following fees are applicable to the described general NPDES permits:

(1) Storm Water Discharges Associated with Industrial Activity, NPDES General Permit No. 1.

Annual Permit Fee. . . . . $175(per year)

or

Five-year Permit Fee $700

Four-year Permit Fee. $525

Three-year Permit Fee $350

All fees are to be submitted with the Notice of Intent for coverage under the general permit.

(2) Storm Water Discharge Associated with Industrial Activity for Construction Activities, NPDES General Permit No. 2. The fees are the same as those specified for General Permit No. 1 in subparagraph (1) of this paragraph.

(3) Storm Water Discharge Associated with Industrial Activity from Asphalt Plants, Concrete Batch Plants, and Rock Crushing Plants, NPDES General Permit No. 3. The fees are the same as those specified for General Permit No. 1 in subparagraph (1) of this paragraph.

~~(4) Discharge from Private Sewage Disposal Systems, NPDES Permit No. 4. No fees shall be assessed.~~

~~(5)~~ (4) Discharge from Mining and Processing Facilities, NPDES General Permit No. 5.

Annual Permit Fee. . . . . $125 (per year)

or

Five-year Permit Fee $500

Four-year Permit Fee. $400

Three-year Permit Fee $300

New facilities seeking General Permit No. 5 coverage shall submit fees with the Notice of Intent for coverage. Maximum coverage is for five years. Coverage may also be obtained for four years, three years, or one year, as shown in the fee schedule above. Existing facilities shall submit annual fees by August 30 of every year, unless a multiyear fee payment was received in an earlier year. In the event a facility is no longer eligible to be covered under General Permit No. 5, the remainder of the fees previously paid by the facility shall be applied toward its individual permit fees.

b. Individual NPDES and operation permit fees. The following fees are applicable for the described individual ~~NPDES permit~~ permits:

(1) For individual storm water only permits ~~that authorize the discharge of only storm water associated with industrial activity and any allowable non-storm water~~, a five-year permit fee of $1,250 must accompany the application.

(2) For permits that authorize the discharge of only storm water from municipal separate storm sewer systems (MS4s) and any allowable non-storm water, a five-year permit fee of $1,250 must accompany the application.

(3) For ~~operation and~~ individual non-storm water NPDES and operation permits ~~not subject to subparagraphs (1) and (2)~~, a single application fee of $85 as established in Iowa Code section 455B.197 is due at the time of application. The $1,250 fee in subparagraphs (1) and (2) is not required for individual non-storm water permits that authorize storm water discharges along with other wastewater discharges. The $85 application fee is to be submitted with the application forms (as required by 567—Chapter 60) at the time of a new application, renewal application, or amendment application. Before an approved amendment request submitted by a facility holding a non-storm water NPDES or operation permit can be processed by the department, the ~~application~~ $85 fee must be submitted~~. Application fees The $85 fee will not be charged to facilities holding non-storm water NPDES permits~~, except when an amendment ~~request~~ is initiated by the director, when the requested amendment will correct an error in the permit, when the amendment is for a disadvantaged community compliance schedule or nutrient reduction strategy, or when there is a transfer of title or change in the address of the owner as noted in 567—64.14(455B).

(4) For ~~every major and minor municipal facility, every semipublic facility, every major and minor industrial facility, every facility that holds an operation permit (no wastewater discharge into surface waters), and every open feedlot animal feeding operation required to hold a non-storm water NPDES permit, an~~ individual non-storm water NPDES and operation permits, the following annual ~~fee~~ fees, as established in Iowa Code section 455B.197, ~~is~~ are due by August 30 of each year~~.~~ :

1. Major municipal facility: $1,275.

2 .Minor municipal facility: $210. For a city with a population of two hundred fifty or less, the maximum fee shall be $210 regardless of how many individual non-storm water NPDES permits the city holds.

3. Semipublic facility: $340.

4. Major industrial facility: $3,400.

5. Minor Industrial facility: $300

6. Facilities that hold an operation permit: $170.

7. Animal Feeding Operations covered by a non-storm water NPDES permit: $340.

(5) For ~~every~~ a municipal water treatment facility with ~~a~~ an individual non-storm water NPDES permit, no ~~fee is charged (as established in Iowa Code section 455B.197)~~ fees shall be assessed.

(6) For a new facility covered by an individual non-storm water NPDES or operating permit, ~~an~~ a prorated annual fee, ~~as established in Iowa Code section 455B.197~~ calculated by taking the annual fee amount multiplied by the number of months remaining before the next annual fee due date divided by twelve, is due 30 days after the new permit is issued.

ITEM 48. Rescind subrules 567—64.16(5), 64.16(6), 64.16(7) and 64.16(8).

64.16(5) ~~"Discharge Associated with Well Construction Activities," NPDES General Permit No.6. No fees shall be assessed.~~ Rescinded IAB XXXX, effective XXXX.

64.16(6) ~~"Pesticide General Permit (PGP) for Point Source Discharges to Waters of the United States From the Application of Pesticides," NPDES General Permit No.7. No fees shall be assessed.~~ Rescinded IAB XXXX, effective XXXX.

64.16(7) ~~"Discharge from Hydrostatic Testing, Tank Ballasting and Water Lines," NPDES General Permit No.8. No fees shall be assessed.~~ Rescinded IAB XXXX, effective XXXX.

64.16(8) ~~"Discharge from Dewatering and Residential Geothermal Systems," NPDES General Permit No.9. No fees shall be assessed.~~ Rescinded IAB XXXX, effective XXXX.

ITEM 49. Add **new** rule 567-64.17(455B), and renumber rules 567-64.17 and 567-64.18.

567—64.17(455B) Nutrient Reduction Exchange. The department shall maintain a registry of non-point source nutrient reduction practices installed by permittees. Practices listed in the registry may be eligible for future regulatory incentives.

ITEM 50. Amend subrule 67.1(1) as follows:

67.1(1) General. This chapter establishes standards for the land application of sewage sludge generated during the treatment of domestic sewage in a treatment works. This chapter applies to any person who ~~prepares~~ generates a material from sewage sludge (generator), to any person who derives a material from sewage sludge (generator), to any person who applies sewage sludge to the land (applicator), and to sewage sludge applied to the land. No person shall land apply sewage sludge through any practice for which requirements are established in this chapter except in accordance with such requirements.

In areas that are not specifically addressed in this chapter or in 567 IAC Chapter 68, but which are addressed in federal regulations for sewage sludge applied to land at 40 CFR Part 503 as amended through July 1, 2021, the federal regulations shall apply under this rule and are hereby adopted by reference under this chapter.

On a case-by-case basis, this department may impose requirements for the land application of sewage sludge in addition to or more stringent than the requirements in this chapter when necessary to protect public health and the environment from any adverse effect of a pollutant in the sewage sludge.

ITEM 51. Amend subrule 67.2(1) as follows:

67.2(1) Sludge generated at an industrial facility, not including sludge generated from separately treated domestic sewage at an industrial facility.

ITEM 52. Amend rule 567—67.4(455B) as follows:

567—67.4(455B) Land application program. All sewage sludge generators wishing to land apply sewage sludge shall establish and maintain in writing a long-range program for land application of sewage sludge. This program shall be developed for a minimum period of five years and shall be updated annually. A copy of this program shall be available at the facility for inspection by the department. At a minimum, this program shall contain the following information in detail for the next calendar year and in general terms for the following four years. The plan shall include, but not be limited to, the following:

67.4(1) An outline of the sewage sludge sampling schedule and procedures ~~which~~ that will be followed to ensure that the sewage sludge being applied to land continues to meet the requirements.

67.4(2) A determination of the amount of land required to allow land application to be conducted in accordance with the requirements.

67.4(3) Identification of the land and application methods ~~which~~ that will be used for land application of the sewage sludge. Those areas and application methods shall be selected as necessary to ensure that land application can be conducted in accordance with the requirements.

67.4(4) The names of the ~~owners~~ landowners and ~~operators of~~ the applicators for all ~~land~~ areas to be used for land application, and identification of any legal arrangements ~~made relative to~~ related to the use of these areas. The programs ~~should~~ shall also outline any restrictions or special conditions ~~which~~ that exist regarding the use of these areas for land application of sewage sludge.

67.4(5) An overall schedule for the land application of sewage sludge. This schedule ~~should~~ shall indicate the areas being used, the time of year that land application will occur on each area ~~will be conducted~~, and the ~~proposed~~ estimated application ~~rates~~ rate for each area.

67.4(6) A determination of the types and capacities of the equipment required for land application of sewage sludge in accordance with the developed application schedule. The program shall also outline how the ~~required~~ application equipment will be made available and who will be responsible for conducting land application operations.

67.4(7) A determination of the ~~volumes and types~~ types and capacities of sludge storage ~~and handling facilities required~~ structures used to ~~allow~~ ensure that the land application of sewage sludge ~~to be~~ is conducted in accordance with the land application schedule. The program shall also outline ~~how~~ if any ~~required~~ additional sludge storage or handling facilities ~~will be provided~~ are needed.

67.4(8) A plan to construct or obtain any additional sludge storage, handling or application facilities or equipment ~~which~~ that are required by the land application program.

ITEM 53. Add the following **new** definitions in rule 567—67.5(455B) as follows:

"Class I sewage sludge" is sewage sludge that meets the criteria under 567-67.7(1).

"Class II sewage sludge" is sewage sludge that meets the criteria under 567-67.8(1).

"*Class III sewage sludge*" is any sewage sludge that cannot meet either Class I sewage sludge criteria or Class II sewage sludge criteria.

ITEM 54. Amend the definition, "sewage sludge", in rule 567—67.5(455B) as follows:

"*Sewage sludge*" is solid, semisolid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge. Sewage sludge does not include ash generated during the firing of sewage sludge in a sewage sludge incinerator or the grit and screenings generated during preliminary treatment of domestic sewage in a treatment works.

ITEM 55. Amend rule 567—67.6(455B) as follows:

567—67.6(455B) Permit requirements. ~~Prior to any land application of sewage sludge, a permit must be obtained by the sewage sludge generator in accordance with the following requirements:~~

67.6(1) ~~Any treatment facility proposing to land apply sewage sludge shall apply for a permit for land application of sewage sludge on a properly completed form supplied by the department. Application forms may be obtained from:~~

~~Environmental Services Division~~

~~Iowa Department of Natural Resources~~

~~Wallace State Office Building~~

~~502 East 9th Street~~

~~Des Moines, Iowa 50319~~

~~http://www.iowadnr.gov/~~

~~Properly completed forms should be submitted in accordance with the instructions for the form.~~

~~*a.* Permit application for land application of sewage sludge from new facilities shall be filed at least 180 days prior to the date operation is scheduled to begin unless a shorter period of time is approved by the department.~~

~~*b.* Existing facilities generating sewage sludge shall file an application for land application of sewage sludge within 90 days of September 21, 1994, or at least 180 days prior to the expiration of any state operation or NPDES permit issued to the facility pursuant to 567—64.3(455B) or 567—64.4(455B), whichever date is later.~~

~~*c.* Sewage sludge disposal operations which are not regulated under 567—Chapter 64 shall apply for a permit for land application of sewage sludge no later than 90 days after September 21, 1994.~~

67.6(~~2~~1) The permit for the land application of sewage sludge ~~for any sewage sludge generating facility~~ produced by a wastewater treatment facility that has been issued a construction permit from the department will be issued concurrently and as part of a state operation permit or NPDES permit. The issuance process and permit terms will be the same as that specified for NPDES permits in 567—IAC Chapter 64.

67.6(2) The department will review, on a case-by-case basis, land application of sewage sludge or any material derived from sewage sludge if the sewage sludge is produced outside of the State of Iowa or produced by a wastewater treatment plant that has not been issued a construction permit from the department.

ITEM 56. Amend subrule 67.7(1) as follows:

67.7(1) *Class I sewage sludge criteria.* ~~Class I sludge is sewage sludge that has excellent quality and has been treated in a process equivalent to processes to further reduce pathogens (PFRP).~~ Class I sewage sludge is sewage sludge that meets the pollutant concentrations in paragraph "*a*", the Class A pathogen reduction requirements in paragraph "*b*", and one of the vector attraction reduction requirements in paragraph "*c*" below.

a. Pollutant Concentrations for Class I Sewage Sludge. The concentration of each pollutant in the sewage sludge shall not exceed the concentration for the pollutant in Table 1.

TABLE 1—POLLUTANT CONCENTRATIONS

	Monthly Average Concentration
Pollutant	**milligrams per kilogram***
Arsenic	41
Cadmium	39
Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800

*Dry weight basis

b. Class A Pathogen Requirements for Class I Sewage Sludge. ~~One~~ The sewage sludge shall meet one of the monitoring processes in subparagraph (1) ~~below~~ and ~~also~~ one of the analytical and treatment processes in subparagraph (2). ~~below shall be met for a sewage sludge to be classified as Class I sludge.~~

(1) Monitoring processes. Compliance with pathogen density shall not be based on an average value. Each individual sample result shall meet the numerical pathogen standards.

1. The density of fecal coliform in the sewage sludge shall be less than 1000 Most Probable Number per gram of total solids (dry weight basis)~~.~~, or

2. The density of Salmonella sp. bacteria in the sewage sludge shall be less than three Most Probable Number per four grams of total solids (dry weight basis).

(2) Analytical and treatment processes.

~~1. The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis).~~

~~2. The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis).~~

1. Thermally treated sewage sludge. The temperature of the sewage sludge shall be maintained at a specific value for a period of time using one of the procedures detailed below.

- When the percent solids of the sewage sludge is seven percent or higher, the temperature of the sewage sludge shall be 50 degree Celsius or higher; the time period shall be 20 minutes or longer; and the temperature and time period shall be determined using equation 1, except when small particles of sewage sludge are heated by either warmed gases or an immiscible liquid.

$D = 131{,}7000{,}000/10^{0.1400t}$ Equation 1

Where D = time in days; t = temperature in degree Celsius.

- When the percent solids of the sewage sludge is seven percent or higher and small particles of sewage sludge are heated by either warmed gases or an immiscible liquid, the temperature of the sewage sludge shall be 50 degrees Celsius or higher; the time period shall be 15 seconds or longer; and the temperature and time period shall be determined using equation 1.
- When the percent solids of the sewage sludge is less than seven percent and the time period is at least 15 seconds, but less than 30 minutes, the temperature and time period shall be determined using equation 1.
- When the percent solids of the sewage sludge is less than seven percent; the temperature of the sewage sludge is 50 degrees Celsius or higher; and the time period is 30 minutes or longer, the temperature and time period shall be determined using equation 2.

$D = 50{,}070{,}000/10^{0.1400t}$ Equation 2

Where D = time in days; t = temperature in degree Celsius.

2. High pH - High Temperature Process. The sewage sludge shall meet all of the following requirements:

- The pH of the sewage sludge shall be raised to above 12 and shall remain above 12 for 72 hours;
- The temperature of the sewage sludge shall be above 52 degrees Celsius for 12 hours or longer during the period that the pH of the sewage sludge is above 12; and
- At the end of the 72-hour period during which the pH of the sewage sludge is above 12, the sewage sludge shall be air dried to achieve a percent solids in the sewage sludge greater than 50 percent.

3. Sewage Sludge Treated in Other Known Processes. Sewage sludge treated in other known processes shall be analyzed prior to pathogen treatment to determine whether the sewage sludge contains enteric viruses and viable helminth ova. The density of enteric viruses in the sewage sludge after pathogen treatment shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis). The density of viable helminth ova in the sewage sludge after pathogen treatment shall be less than one per four grams of total solids (dry weight basis). Once the process has been demonstrated to achieve the required pathogen reduction, the process must be operated under the same conditions that were used during the demonstration.

4. Sewage Sludge Treated in Unknown Processes. Sewage sludge treated by unknown processes or by processes operating at conditions less stringent than the operating conditions at which the sewage sludge could qualify as Class A under other alternatives shall be analyzed prior to pathogen treatment to determine whether the sewage sludge contains enteric viruses and viable helminth ova. The density of enteric viruses in the sewage sludge shall be less than one Plaque-forming Unit per four grams of total solids (dry weight basis). The density of viable helminth ova in the sewage sludge shall be less than one per four grams of total solids (dry weight basis).

~~3~~5. Sewage sludge shall be treated in one of the Processes to Further Reduce Pathogens (PFRP) described in 567—67.11(455B).

~~4~~6. Sewage sludge shall be treated in a process that is equivalent to a Process to Further Reduce Pathogens (PFRP), as determined by the department.

c. Vector Attraction Reduction Requirements for Class I Sewage Sludge. ~~One of the vector attraction reduction requirements shall be met for a sewage sludge to be classified as Class I sludge.~~ The sewage sludge shall meet one of the following vector attraction reduction requirements.

(1) The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38 percent.

(2) Digest a portion of the previously anaerobically digested sewage sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. When at the end of the 40 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 17 percent, vector attraction reduction is achieved.

(3) Digest a portion of the previously aerobically digested sewage sludge that has a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. When at the end of the 30 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 15 percent, vector attraction reduction is achieved.

~~(2)~~(4) The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.

~~(2) Digest a portion of the previously anaerobically digested sewage sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. At the end of the 40 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 17 percent.~~

~~(3) Digest a portion of the previously aerobically digested sewage sludge that has a percent solids of 2 percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. At the end of the 30 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 15 percent.~~

(5) Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40 degrees Celsius and the average temperature of the sewage sludge shall be higher than 45 degrees Celsius.

(6) The pH of sewage sludge shall be raised to 12 or higher, measured at 25° C, by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 2 hours and then at 11.5 or higher for an additional 22 hours.

(7) The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials.

(8) The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials.

~~(7)~~ (9) Sewage sludge shall be injected below the surface of the land and no significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.

~~(8)~~ (10) Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.

ITEM 57. Amend subrule 67.7(2) as follows:

67.7(2) *Management practices for Class I sewage sludge.* Class I sewage sludge may be land applied in conformance with the following rules:

a. ~~Only~~ Class I sewage sludge ~~can~~ may be applied to a lawn or a home garden.

~~*b.* Sewage sludge shall not be applied to land that is 35 feet or less from an open waterway~~.

~~*c*~~*b.* Sewage sludge shall be applied to the land at an annual whole sludge application rate that is equal to or less than the agronomic nitrogen uptake rate, unless otherwise specified by the department.

~~*d*~~*c.* An information sheet shall be provided to the person who receives sewage sludge sold or given away in a container for application to the land. The label or information sheet shall contain the following information:

(1) The name and address of the sewage sludge generator.

(2) A statement that application of the sewage sludge to the land is prohibited except in accordance with the instructions on the information sheet.

(3) The annual application rate for the sewage sludge.

ITEM 58. Amend subrule 67.7(3)"*a*", Table 2 – Frequency of Monitoring, as follows:

TABLE 2—FREQUENCY OF MONITORING

Amount of sewage sludge metric tons per 365-day period dry weight basis	Monitoring Frequency
Greater than zero but less than 290 ~~(or 325 English ton)~~	once per year
Equal to or greater than 290 but less than 1,500 ~~(English ton 325 to 1,680)~~	once per quarter (4 times per year)
Equal to or greater than 1,500 but less than 15,000 ~~(English ton 1,680 to 16,800)~~	once per 60 days (6 times per year)
Equal to or greater than 15,000 ~~(or 16,800 English ton)~~	once per month (12 times per year)

ITEM 59. Amend paragraph 67.7(4)"*b*" as follows:

b. Treatment works with a design flow rate of 1 million gallons per day or greater and treatment works that serve 10,000 people or more shall submit the above information to the ~~department~~ EPA, using EPA's NPDES eReporting Tool (NeT), by February 19 of each year for the previous calendar year.

ITEM 60. Amend subrule 67.8(1), introductory paragraph, as follows:

67.8(1) *Class II sludge criteria.* ~~Class II sludge is sewage sludge that has normal quality and has been treated in a process equivalent to Processes to Significantly Reduce Pathogens (PSRP).~~ Class II sewage sludge is sewage sludge that meets pollutant concentrations in paragraph "a", pathogen reduction standards in paragraph "b", and one of vector attraction reduction requirements in paragraph "c" below.

ITEM 61. Amend paragraph 67.8(1)"a", introductory paragraph, as follows:

a. Pollutant Concentrations for Class II Sewage Sludge. The concentration of any pollutant in the sewage sludge shall not exceed the ceiling concentration for the pollutant in Table 3.

ITEM 62. Amend paragraph 67.8(1)"*b*", introductory paragraph, as follows:

b. Pathogen Reduction Requirements for Class II Sewage Sludge. ~~One~~ The sewage sludge shall meet one of the following ~~Processes to Significantly Reduce Pathogens requirements (PSRP)~~ three alternatives ~~shall be met for a sewage sludge to be classified as Class II sludge~~.

ITEM 63. Amend paragraph 67.8(1)"*c*", as follows:

c. Vector Attraction Reduction Requirements for Class II Sewage Sludge. ~~One of the vector attraction reduction requirements shall be met for a sewage sludge to be classified as Class II sludge.~~ The sewage sludge shall meet one of the following vector attraction reduction requirements.

(1) The mass of volatile solids in the sewage sludge shall be reduced by a minimum of 38 percent.

~~(2) The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.~~

~~(3)~~ (2) Digest a portion of the previously anaerobically digested sewage sludge anaerobically in the laboratory in a bench-scale unit for 40 additional days at a temperature between 30 and 37 degrees Celsius. When at the end of the 40 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 17 percent, vector attraction reduction is achieved.

~~(4)~~ (3) Digest a portion of the previously aerobically digested sewage sludge that has a percent solids of two percent or less aerobically in the laboratory in a bench-scale unit for 30 additional days at 20 degrees Celsius. When at the end of the 30 days, the volatile solids in the sewage sludge at the beginning of that period is reduced by less than 15 percent, vector attraction reduction is achieved.

(4) The specific oxygen uptake rate (SOUR) for sewage sludge treated in an aerobic process shall be equal to or less than 1.5 milligrams of oxygen per hour per gram of total solids (dry weight basis) at a temperature of 20 degrees Celsius.

(5) Sewage sludge shall be treated in an aerobic process for 14 days or longer. During that time, the temperature of the sewage sludge shall be higher than 40 degrees Celsius and the average temperature of the sewage sludge shall be higher than 45 degrees Celsius.

(6) The pH of sewage sludge shall be raised to 12 or higher, measured at 25° C, by alkali addition and, without the addition of more alkali, shall remain at 12 or higher for 2 hours and then at 11.5 or higher for an additional 22 hours.

(7) The percent solids of sewage sludge that does not contain unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 75 percent based on the moisture content and total solids prior to mixing with other materials.

(8) The percent solids of sewage sludge that contains unstabilized solids generated in a primary wastewater treatment process shall be equal to or greater than 90 percent based on the moisture content and total solids prior to mixing with other materials.

~~(7)~~(9) Sewage sludge shall be injected below the surface of the land and no significant amount of the sewage sludge shall be present on the land surface within one hour after the sewage sludge is injected.

~~(8)~~(10) Sewage sludge applied to the land surface or placed on a surface disposal site shall be incorporated into the soil within six hours after application to or placement on the land.

ITEM 64. Amend subrule 67.8(2), title, as follows:

67.8(2) *Management practices for Class II sewage sludge.* Class II sewage sludge may be land applied in conformance with the following rules:

ITEM 65. Amend paragraph 67.8(2)"*l*" as follows:

l. Food crops with harvested parts that touch the sewage sludge/soil mixture shall not be harvested for ~~38~~14 months after application of sewage sludge.

ITEM 66. Amend Table 5 in subrule 67.8(3) as follows:

TABLE 5—FREQUENCY OF MONITORING

Amount of sewage sludge metric tons per 365-day period dry weight basis	Monitoring Frequency
Greater than zero but less than 290 ~~(or 325 English ton)~~	once per year
Equal to or greater than 290 but less than 1,500 ~~(English ton 325 to 1,680)~~	once per quarter (4 times per year)

Equal to or greater than 1,500 but less than 15,000 ~~(English ton 1,680 to 16,800)~~	once per 60 days (6 times per year)
Equal to or greater than 15,000 ~~(or 16,800 English ton)~~	once per month (12 times per year)

ITEM 67. Amend paragraph 67.8(4)"*b*" as follows:

b. Treatment works with a design flow rate of 1 million gallons per day or greater and treatment works that serve 10,000 people or more shall submit the above information to the ~~department~~ EPA, using EPA's NPDES eReporting Tool (NeT), by February 19 of each year for the previous calendar year. In addition, a supplemental sewage sludge report that includes the land application information listed in 567-67.8(4)"*a"*(6) to (9) is required to be submitted to the department by the same due date.

ITEM 68. Amend rule 567—67.9(455B) as follows:

567—67.9(455B) Class III sewage sludge.

67.9(1) ~~Class III sewage sludge is any sewage sludge that cannot meet either Class I sewage sludge criteria or Class II sewage sludge criteria.~~

67.9~~(2)~~(1) Class III sewage sludge shall not be utilized for beneficial use for land application as specified in the chapter.

67.9~~(3)~~(2) Class III sewage sludge shall be disposed according to the surface disposal subpart of the 40 CFR Part 503 regulation and 567—103.6(455B) or the incineration subpart of the 40 CFR Part 503 regulation.

ITEM 69. Amend rule 567—67.10(455B), subrules 2 through 9, as follows:

67.10(2) *Enteric viruses.* ASTM ~~Designation: D 4994-89~~ D4994-19, ~~"~~Standard Practice for Recovery of Viruses From Wastewater Sludges,~~"~~ ASTM International, West Conshohocken, PA, 2019, www.astm.org. ~~Annual Book of ASTM Standards: Section 11 - Water and Environmental Technology, ASTM, Philadelphia, PA, 1992~~.

67.10(3) *Fecal coliform.* ~~Part 9221 E. or Part 9222 D.~~ SM 9221 E-2011 or SM 9222 D-2011, "Standard Methods for the Examination of Water and Wastewater," ~~18th Edition,~~ American Public Health Association, Washington, D.C.~~, 1992~~; EPA Method 1680: Fecal Coliforms in Sewage Sludge (Biosolids) by Multiple-Tube Fermentation using Lauryl Tryptose Broth (LBT) and EC Medium, EPA-821-R-14-009, September 2014; EPA Method 1681: Fecal Coliforms in Sewage Sludge (Biosolids) by Multiple-Tube Fermentation using A-1 medium, EPA-821-R-06-013, July 2006.

67.10(4) *Helminth ova.* Yanko, W.~~A.~~, "Occurrence of Pathogens in Distribution and Marketing Municipal Sludges," ~~EPA-600/1-87-014, 1987. PB-88-154273/AS, National Technical Information Service, Springfield, Virginia.~~ U.S. Environmental Protection Agency, Washington, D.C., EPA/600/1-87/014 (NTIS PB88154273), 1988.

67.10(5) *Inorganic pollutants.* ~~"Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods," EPA Publication SW-846, Second Edition (1982) with Updates I and II and Third Edition (1986) with Revision I. Second Edition - PB87-120-291, National Technical Information Service, Springfield, Virginia. Third Edition Document number 955-001-00000-1, Superintendent of Documents, Government Printing Office, Washington, D.C.~~

a. Metals - "Test Methods for Evaluating Solid Waste, Physical/ Chemical Methods" EPA Publication SW-846, Third Edition, Final Updates V (2015), www.epa.gov/hw-sw846/sw-846-compendium.

b. Nonmetals – For nonmetals not identified elsewhere in this chapter, methods approved at 40 CFR Part 136, as amended through August 28, 2017.

67.10(6) *Salmonella sp. Bacteria.* ~~Part 9260 D.,~~ SM 9260 B-2011, "Standard Methods for the Examination of Water and Wastewater," ~~18th Edition~~, American Public Health Association, Washington, D.C.,~~ 1992~~; EPA Method 1682: *Salmonella* in Sewage Sludge (Biosolids) by Modified

Semisolid Rappaport-Vassiliadis (MSRV) Medium, EPA-821-R-06-14, July 2006; or Kenner, B.A. and H.P. Clark, "Detection and Enumeration of Salmonella and Pseudomonas aeruginosa," J. Water Pollution Control Federation, 46(9):2163-2171, 1974.

67.10(7) *Specific oxygen uptake rate.* ~~Part 2710 B.~~ SM 2710 B-2011, "Standard Methods for the Examination of Water and Wastewater," ~~18th Edition,~~ American Public Health Association, Washington, D.C. ~~1992~~.

67.10(8) *Total, fixed, and volatile solids.* ~~Part 2540 C.~~ SM 2540 G-2011, "Standard Methods for the Examination of Water and Wastewater," ~~18th Edition,~~ American Public Health Association, Washington, D.C., ~~1992~~.

67.10(9) *Percent volatile solids reduction calculation.* "Environmental Regulations and Technology - Control of Pathogens and Vectors in Sewage Sludge," EPA-625/R-92/013, ~~U.S. Environmental Protection Agency, Cincinnati, Ohio, 1992~~ July 2003.

ITEM 70. Strike paragraph "*h*" from subrule 67.11(2).

ITEM 71. Amend subrule 69.1(2), definition of "Packed bed media filter", as follows:

"*Packed bed media filter*" means a watertight structure filled with uniformly sized media that is ~~normally~~ placed over an underdrain system. The wastewater is dosed onto the surface of the media through a distribution network and is allowed to percolate through the media to the underdrain system. The underdrain collects the filtrate and discharges the final effluent.

ITEM 72. Amend Table I in paragraph 69.3(2) as follows:

Table I

Minimum Distance in Feet From	Closed Portion of Treatment System[1]	Open Portion of Treatment System[2]
Private water supply well	50	100
Shallow public water supply well[3]	200	400
Deep public water supply well[4]	100	200
~~Groundwater heat pump borehole~~ Closed Circuit Vertical Heat Exchangers	50	100
Lake or reservoir	50	100
Stream or pond	25	25
Edge of drainage ditch	10	10
Dwelling or other structure	10	10
Property lines (unless a mutual easement is signed and recorded)	10	10
Other type of subsurface treatment system	5	10
Water lines continually under pressure	10	10
Suction water lines	50	100
Foundation drains or subsurface tiles	10	10

ITEM 73. Amend subrule 567—69.5(2) as follows:

69.5(2) Private sewage disposal systems that require a maintenance contract shall be inspected by a ~~manufacturer's certified technician~~ trained individual familiar with the operation and maintenance of the system.

ITEM 74. Amend paragraph 69.13(6)"*d*" as follows:

d. Maintenance contract. Prior ~~to installation~~ the use of a peat moss biofilter system, a maintenance contract for the proper monitoring and servicing of the entire treatment system shall be established between the owner of the system and a ~~certified technician~~ trained individual familiar with the operation and maintenance of the system. A maintenance contract is required for the life of the system. All monitoring and servicing of the system shall be performed by ~~a manufacturer's certified technician~~ the trained individual. ~~Manufacturers are responsible for ensuring that an adequate number of certified technicians are available to service all peat moss biofilters at the specified intervals.~~ The ~~certified technician~~ trained individual shall perform the required maintenance and reporting to the owner of the system and to the administrative authority. The ~~certified technician~~ trained individual shall also report any discontinuance of maintenance of the peat moss biofilter system to the administrative authority. Unless otherwise required by this chapter, peat ~~Peat~~ moss biofilter systems shall be inspected at least once ~~annually~~ every two years by the ~~certified technician~~ trained individual. A copy of the maintenance contract shall be on file in the office of the administrative authority.

ITEM 75. Amend paragraph 69.13(7)"*e*" as follows:

e. Maintenance contract. Prior to installation of a recirculating textile filter system, a maintenance contract for the proper monitoring and servicing of the entire treatment system shall be established between the owner of the system and a ~~certified technician~~ trained individual familiar with the operation and maintenance of the system. A maintenance contract is required for the life of the system. All monitoring and servicing of the system shall be performed by ~~a manufacturer's certified technician~~ the trained individual. ~~Manufacturers are responsible for ensuring that an adequate number of certified technicians are available to service all recirculating textile filters at the specified intervals.~~ The ~~certified technician~~ trained individual shall perform the required maintenance and reporting to the owner of the system and to the administrative authority. The certified technician shall also report any discontinuance of maintenance of the system to the administrative authority. Recirculating textile filter systems shall be inspected at least once annually by the ~~certified technician~~ trained individual. A copy of the maintenance contract shall be on file in the office of the administrative authority.

ITEM 76. Amend subrule 69.14(6) as follows:

69.14(6) *Maintenance contract*. Prior to installation of an aerobic treatment unit, a maintenance contract for the proper monitoring and servicing of the entire treatment system shall be established between the owner of the system and ~~certified technician~~ trained individual familiar with the operation and maintenance of the system. A maintenance contract is required for the life of the system. All monitoring and servicing shall be performed by ~~a manufacturer's certified technician~~ the trained individual. ~~Manufacturers are responsible for ensuring that an adequate number of certified technicians are available to service all aerobic treatment units at the specified intervals.~~ Notwithstanding other requirements in this chapter, aerobic ~~Aerobic~~ treatment units shall be inspected for proper operation at least twice a year at six-month intervals by the certified technician.

ITEM 77. Add the following **new** definition in rule **567—81.1(455B)**:

"Advanced aerated lagoon system" means an aerated lagoon system that has been augmented by adding other treatment processes. Examples include, but are not limited to, covered lagoon systems with enhanced aeration and mixing, the addition of fixed film processes to the lagoon process, or the utilization of algal based treatment processes.

ITEM 78. Amend the following definitions in rule **567—81.1(455B):**

"Activated sludge system*"* means a biological wastewater treatment process in which a mixture of wastewater and sludge floc, produced in a raw or settled wastewater by the growth of microorganisms, is agitated and aerated in the presence of a sufficient concentration of dissolved oxygen, followed by sedimentation. Examples include, but are not limited to, conventional activated sludge systems, extended aeration activated sludge systems, oxidation ditches, and sequencing batch reactors.

"Aeration" means the process of initiating contact between air and water. ~~This definition includes~~ Examples include, but ~~is~~ are not limited to: spraying the water in the air, bubbling air through the water, or forcing the air into the water by pressure.

"Fixed film biological treatment" means a treatment process in which wastewater is passed over a media onto which are attached biological organisms capable of oxidizing the organic matter, normally followed by sedimentation. ~~This definition includes~~ Examples include, but ~~is~~ are not limited to: trickling filters, rotating biological contactors, packed towers and activated filters.

"Grade" means one of seven certification levels, designated as A, W, I, IL, II, ~~IIL,~~ III, or IV.

ITEM 79. Amend rule 567—81.3 as follows:

567—81.3(455B) Wastewater treatment plant grades.

81.3(1) *Classifications.* The wastewater treatment plant classifications are listed in the following table:

Wastewater Treatment Plant Classifications

Treatment Type	Grade				
	Based on Design Pounds of BOD5/day				
	less than 334	334-835	836-2,505	2,506-8,350	more than 8,350
	Based on Design Population Equivalent				
	less than 2,000	2,000-5,000	5,001-15,000	15,001-50,000	more than 50,000
1. ~~Primary Treatment~~ Onsite Treatment System	~~I~~ W	~~I~~ Not Applicable	~~II~~ Not Applicable	~~III~~ Not Applicable	~~IV~~ Not Applicable
2. Waste Stabilization Lagoon System	IL	IL	IL	IL	IL
3. Aerated Lagoon System	IL	IL	~~IIL~~ I	~~IIL~~ I	~~IIL~~ I
4. Advanced Aerated Lagoon System	II	II	II	II	II
~~4~~5. Fixed Film Biological Treatment System	II	II	III	III	IV
~~5~~6. Activated Sludge System	II	III	III	IV	IV

81.3(2) *Unknown design ~~BOD5loading~~ BOD5 loading.* When the design BOD_5 loading is unknown, the plant BOD_5 loading shall be determined by using the average pounds of BOD_5 of the 24-hour

composite influent samples taken in the last 12 months. If ~~no~~ 24-hour composite samples ~~were taken~~ are not available then grab samples shall be used.

81.3(3) *IL ~~and IIL~~ wastewater operator requirements.* A Grade I, II, III, or IV wastewater treatment certificate will satisfy the certification requirements for a Grade IL plant. ~~A Grade II, III, or IV wastewater treatment certificate will satisfy the certification requirements for a Grade IIL plant.~~

81.3(4) *Grade W Onsite Wastewater Classification.* Any wastewater treatment plant that discharges to a water of the state and that utilizes onsite wastewater treatment technologies, such as Private Sewage Disposal System technologies specified in 567 IAC Chapter 69, but excluding waste stabilization ponds, shall be classified as an Onsite Treatment System (Grade W).

ITEM 80. Amend the Water Distribution Systems Classifications table in subrule 567—81.5 as follows:

Water Distribution System Classifications*

System Type	Grade**			
	Average Daily Pumpage in MGD			
	0-0.1	>0.1-1.5	>1.5-5	>5
All municipal water systems	I	II	III	IV
Community water systems not classified as a Grade A water system	I	II	III	IV
Nontransient noncommunity water systems not classified as a Grade A water system	I	II	III	IV
Transient noncommunity water systems not classified as a Grade A water system	I	II	III	IV
	Miles of Pipe			
	0-100	>100-1,000	>1,000-2,500	>2,500
Rural water districts	II	II	III	IV

ITEM 81. Amend the Operator Education and Experience Qualifications table in subrule 567-81.7 as follows:

Operator Education and Experience Qualifications

Grade	Education	Substitution for Education	Experience	Substitution for Experience
A	High school diploma or GED	None	Completion of an IDNR-approved training course	None
W	High school diploma or GED	None	Completion of an IDNR-approved	None

Grade	Education	Substitution for Education	Experience	Substitution for Experience
			training course	
I	High school diploma or GED	None	1 year	See 81.7(3)*"b"*(1), (3) to (5)
IL	High school diploma or GED	None	1 year	See 81.7(3)*"b"*(1), (3) to (5)
II	High school diploma or GED	None	3 years	See 81.7(3)*"b"*(2) to (5)
~~IIL~~	~~High school diploma or GED~~	~~None~~	~~3 years~~	~~See 81.7(3)*"b"*(2) to (5)~~
III	High school diploma or GED and 2 years of post-high school education (1 year must be directly related)	See 81.7(3)*"a"* (1), (3)	4 years of experience in a Grade I or higher	See 81.7(3)*"b"*(2), (3)
IV	High school diploma or GED and 4 years of post-high school education (2 years must be directly related)	See 81.7(3)*"a"* (2), (3)	4 years of experience including 2 years of DRC in a Grade III or higher	See 81.7(3)*"b"*(2), (3) and 81.7(3)*"c"*

ITEM 82. Amend subparagraph 81.7(3)*"b"*(2) as follows:

(2) Thirty semester hours or 45 quarter hours or 45 CEUs of post-high school education may be substituted for one year of experience up to a maximum of one-half the experience requirement for Grades II, ~~IIL,~~ III and IV.

ITEM 83. Amend subrule 81.16(1) as follows:

81.16(1) *Affidavit allowance.* The owner of a plant or distribution system that is required to have a Grade A, I, IL, or II, ~~IIL~~ certified operator may sign an affidavit with a certified operator of the required classification and grade.

Date

Kayla Lyon, Director