

Summary of the Rule:

The proposed amendments to Chapter 64 reissue General Permits Nos. 1, 2 and 3 which authorize the discharge of storm water. General Permits Nos. 1, 2 and 3 were last reissued in 2012 for a five year duration and expire October 1, 2017. This action will renew all three, extending their coverage another five years to October 1, 2022. General permits for storm water discharges are required to be adopted as rules and are effective for no more than five years as specified in the Iowa Administrative Code.

Several minor changes for clarification are being made in General Permit No. 2 (GP2) which are required to implement the federal effluent requirements for construction and development point sources. These standards are found in 40 CFR 450.21. The measures in the federal effluent requirements are already included in GP2 with one exception. The current requirement in GP2 is that areas of sites where construction activity will not occur for 21 or more days must have stabilization measures initiated on the areas no later than 14 days after no construction activity has occurred on them. The federal requirement contained in the proposed changes to GP2 is that areas of sites where construction activity will not occur for 14 or more days must have stabilization measures initiated immediately. Other than this exception, all federal effluent requirements being added as Part III.C. are already found in various sections of GP2 though described using different verbiage. They are being added to GP2 as described in the federal regulations as an aid to demonstrate the program's compliance with federal requirements.

Other changes being proposed for GP2 are clarifications of existing requirements and a Code of Iowa reference change in Part II.C.1.G.(4). The current reference in GP2 is now incorrect as the location of the statute has been changed in the Code of Iowa.

The changes being proposed for GP3 are changes in effective dates and a clarification in Part I.B.2.G. added at the request of stakeholders that explains an existing prohibition on the discharge of vehicle washwaters.

No changes other than changes in effective dates are proposed for GP1.

Changes in GP2 are as follows:

1. Fill sites are already required to obtain permit coverage if they otherwise meet the criteria. This is being added to explicitly enumerate the requirement. Part I.B.1.

2. Concrete washout and concrete wet sawing waste are not authorized by the permit. This prohibition is being added to explicitly enumerate the requirement. Part I.B.2.E.
3. Maintenance activities such as ditch cleaning that disturb less than 5 acres are currently not required to obtain permit coverage. This exemption is being added to explicitly enumerate the requirement. Part I.B.3.
4. A Code of Iowa citation has been moved so the location referenced in the permit is incorrect. The citation referenced in the permit is being changed to the correct citation. Part II.C.1.G.(4).
5. Transfer agreements between development lot buyers and sellers are no longer required to be sent to the Department. This requirement is being removed from the permit. Part II.F.
6. Existing federal construction and development effluent guidelines from the Code of Federal Regulations are being added to the permit. Part III.C.
7. Municipalities currently require dirt tracked out on streets to be expeditiously removed. This is being added to explicitly enumerate the requirement. Part III.D.
8. When no construction trailer, shed or other covered structure is located on the construction site, the time period during which the pollution prevention plan must be kept at a readily available location is being added. This is specified as being from the date of project initiation to the date of final stabilization. V.B.
9. A clarification to the current definition of final stabilization is being added. Part VIII.
10. Definitions of “infeasible”, “stabilization”, “soil stabilization” and “Water(s) of the State” are being added. Part VIII.