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# Summary of Storm Water Discharge Permits

Iowa Waste Reduction Center / University of Northern Iowa

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**40 CFR 122.26**

**October 1, 2012**

**IAC 567 Chapter 64**

**Effective October 1, 2012 to October 1, 2017**

## **Background Information**

In 1987, Amendments to the Clean Water Act required the U.S. Environmental Protection Agency (EPA) to develop regulations for storm water discharges from "industrial activities." These regulations established National Pollution Discharge Elimination System (NPDES) permit application requirements for certain types of industrial facilities or certain types of industrial activities that discharge storm water to surface waters. Storm water regulations are found in the Code of Federal Regulation (CFR), specifically, 40 CFR 122.26

In August 1992 the Iowa Department of Natural Resources (IDNR) received authorization from EPA to issue NPDES General Permits for Storm Water Discharges in Iowa. Iowa's storm water regulations follow the federal regulation and can be reviewed in Iowa Administration Code (IAC) 567 Ch.64.

## **What is Purpose of the NPDES General Permits for Storm Water Discharge Program?**

The intent of storm water regulation is to improve water quality by reducing or eliminating contaminants in storm water. Storm water is defined as precipitation runoff, surface runoff and drainage, street runoff, and snow melt runoff. Contaminants commonly found in storm water discharges include oil, grease, fertilizers, sediment from construction sites, lead, zinc, solvents, etc. Contaminants introduced into a storm sewer or other conveyance may impact drinking water sources, ground water sources, and waters protected for recreation, aquatic life, and other beneficial uses.

## **What Are The Types of NPDES Permits that IDNR Issues?**

There are several different types of NPDES Permits and categories of activity that must be covered under some type of permit. Information about permits is discussed in the summary and is briefly described below:

**General Permit No.1: Industrial Storm Water Discharge** from any conveyance (road, yard, ditch, pipe, storm sewer, etc.) which collects and conveys storm water and which is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant.

**General Permit No.2:** Construction Activity Storm Water Discharge from clearing, grading, and excavation operations that result in the disturbance of one or more acres. It also includes sites that are less than one acre, but part of a larger plan of future development.

**General Permit No.3:** Asphalt Plants, Construction Sand & Gravel, Concrete Batch Plants and Rock Crushing Plants Storm Water Discharge from the following processes. Manufacturing asphalt paving mixtures; manufacturing Portland cement concrete; and facilities that are primarily engaged in the crushing, grinding or pulverizing of limestone or granite.

**Individual Permit:** An individual permit is specifically tailored to an individual facility storm water discharge on a case-by-case basis. Once a facility submits an application, a permit writer develops a permit based on the application and issues the permit for a specific time period (generally five years) with a requirement that the facility reapply prior to the expiration date.

### **Additional Categories of NPDES General Permits**

Several other categories of NPDES General Permits exist, but are not covered in this summary.

They are:

- **General Permit No.4:** Discharge from on-site wastewater treatment and disposal systems,
- **General Permit No.5:** Discharge from mining and processing facilities.
- **General Permit No.6:** Discharge associated with well construction activities.
- **General Permit No.7:** Pesticide General Permit (PGP) for point source discharges to waters of the United States from the application of pesticides.
- **MS4 Permit:** Many city storm sewer systems in larger communities or those near larger communities are required to obtain a Municipal Small Source Storm System (MS4) Permit.

For information or assistance with these types of permits contact the IDNR at 512-281-5918 or <http://www.iowadnr.gov/>

### **How Do I Know If I Need a Storm Water Discharge Permit?**

Industrial and commercial activities that have "storm water discharge associated with industrial activity" and that fall within a specifically listed Standard Industrial Classification (SIC) code are required to obtain permit coverage. An SIC code is a four digit number for classifying establishments by their type of economic activity. Visit the OSHA website site at <http://www.osha.gov/pls/imis/sicsearch.html> for help in determining your facilities SIC code.

A more complete definition of "Storm Water Discharge Associated with Industrial Activity" can be found in 40 CFR 122.26(b) (14). A summary of the types of industrial facilities and activities subject to the regulations are provided below:

1. Facilities subject to storm water effluent limitation guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR subchapter N except

facilities with toxic pollutant effluent standards which are exempted under category (10) of this definition.

2. Facilities classified as:
  - SIC 24 Lumber and wood products except Furniture (except 2434)
  - SIC 26 Paper and Allied Products (except 265 and 267)
  - SIC 28 Chemicals and Allied Products (except 283 and 285)
  - SIC 29 Petroleum Refining and Related Industries
  - SIC 311 Leather Tanning and Finishing
  - SIC 32 Stone, Clay, Glass and Concrete Products (except 323)
  - SIC 33 Primary Metal Industries
  - SIC 3441 Fabricated Structural Metal Products
  - SIC 373 Ship and Boat Building and Repairing
3. Facilities classified as SIC 10 through 14 (mineral industry) including active or inactive mining operations and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge storm water contaminated by contact with or that has come in contact with, any overburden, raw material, intermediate products, finished products, by products or waste products located on the site of such operations:
  - SIC 10 Metal Mining
  - SIC 13 Oil and Gas Extraction
  - SIC 12 Coal Mining
  - SIC 14 Mining and Quarrying of Nonmetallic Minerals, fuels
4. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of RCRA.
5. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (wastes from any of the facilities described under this definition including those that are subject to regulation under subtitle D of RCRA.
6. Facilities involved in the recycling of materials which are classified as:
  - SIC 5015 Motor Vehicle Parts, Used
  - SIC 5093 Scrap and Waste Materials.
7. Steam electric power generating facilities, including coal handling sites.
8. Those portion of transportation facilities that are either involved with vehicle maintenance, equipment cleaning operations, or airport deicing operations, or which are otherwise identified as industrial activities in other sections of this definition.
  - SIC 40 Railroad Transportation
  - SIC 41 Local and Suburban Transit and Interurban Highway Passenger Transportation
  - SIC 42 Motor Freight Transportation and Warehousing (except 4221-4225)

- SIC 43 U.S. Postal Service
  - SIC 44 Water Transportation
  - SIC 45 Transportation by Air
  - SIC 5171 Petroleum Bulk Stations and Terminals
9. Treatment works treating domestic sewage or other sewage sludge with a design flow of 1.0 MGD or more, or that are required to have an approved treatment program under 40 CFR Part 403.
10. Construction activity including cleaning, grading and excavation activities except operations that result in the disturbance of less than one acre of total land area which are not part of a larger common plan or development or sale.
11. Facilities where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, byproducts or industrial machinery are exposed to storm water.
- SIC 20 Food and Kindred Products
  - SIC 21 Tobacco Products
  - SIC 22 Textile Mill Products
  - SIC 23 Apparel and Other Finished Products Made From Fabrics and Similar Materials
  - SIC 2434 Wood Kitchen Cabinets
  - SIC 25 Furniture and Fixtures
  - SIC 265 Paperboard Containers and Boxes
  - SIC 267 Converted Paper Except Containers and Boxes
  - SIC 27 Printing, Publishing and Allied Industries
  - SIC 283 Drugs SIC 285 Paint, Varnishes, Lacquers, Enamels, and Allied Products
  - SIC 30 Rubber and Miscellaneous Plastic Products
  - SIC 323 Glass Products, Made from Purchased Glass
  - SIC 34 Fabricated Metal Products, Except Machinery and Transportation Equipment (except 3441)
  - SIC 35 Industrial and Commercial Machinery and Computer Equipment
  - SIC 31 Leather and Leather Products (except 311)
  - SIC 36 Electronic and Other Electrical Equipment and Components, Except Computer Equipment
  - SIC 37 Transportation Equipment (except 373)
  - SIC 38 Measuring, Analyzing, and Controlling Instruments; Photographic, Medial and Optical Goods; Watches and Clocks
  - SIC 39 Miscellaneous Manufacturing Industries
  - SIC 4221 Farm Product Warehousing and Storage
  - SIC 4222 Refrigerated Warehousing and Storage
  - SIC 4225 General Warehousing and Storage

IDNR's paper application forms and information may be found at <http://www.iowadnr.gov/InsideDNR/RegulatoryWater/StormWater/GuidanceApplicationForm>

[s.aspx](#). To apply for coverage under General Permit No. #1 or General Permit No. #3 online, please use IDNR's Online Storm Water General Permit Application here: <https://programs.iowadnr.gov/stormwater/pages/eapphome.aspx>.

### **Are There any Exemptions?**

A "No-Exposure Exemption" is applicable if all industrial materials and activities are protected by a storm resistant shelter that prevents exposure to rain, snow, snowmelt, and/or runoff. A No-Exposure Exemption is only available to those facilities covered under General Permit No. 1.

To qualify for a No-Exposure Exemption, complete and submit IDNR's No-Exposure Certification Form

at <http://www.iowadnr.gov/Portals/idnr/uploads/water/stormwater/noexposurecert.pdf>.

A No-Exposure Certification must be provided for each qualifying facility. In addition, the exclusion is available on a facility-wide basis only, not for individual outfalls. If any industrial activity or materials at a facility is exposed to precipitation, the facility is not eligible for the exemption.

### **Construction Activity That Disturbs One or More Acres:**

Construction activity that disturbs one or more acres must be covered by a storm water permit before any soil is disturbed at the site. Construction activities are covered under General Permit No. 2<sup>1</sup>.

The following general guidelines apply to permit coverage under General Permit No. 2, specific details for compliance are found in the permit:

- Permit coverage must be continued until all building is completed and the ground is completely stabilized with a permanent, perennial, vegetative cover.
- Building is not complete until all houses and buildings are constructed and the ground has been stabilized.
- If only one year of permit coverage was initially purchased and, after one year, the ground is not completely stabilized, permit coverage must be renewed.
- For residential and commercial developments, permit coverage must be maintained after initial grading and street construction.
- Details of topsoil requirements are found within General Permit No. 2, and must be reviewed carefully to assure compliance (Part IV.D.A. (2). (c)).
- Information requested by the IDNR must be provided to the Department within three (3) hours to determine compliance with the permit.

IDNR's paper application forms and information may be found

at <http://www.iowadnr.gov/InsideDNR/RegulatoryWater/StormWater/GuidanceApplicationForm>

[s.aspx](#). To apply for coverage under General Permit No. 2 online, please use IDNR's Online Storm Water General Permit Application website at <https://programs.iowadnr.gov/stormwater/pages/eapphome.aspx>.

<sup>1</sup> **Effective October 1, 2012**, any new or expanded discharge from an industrial or commercial facility or a construction site that may temporarily degrade an “*Outstanding National Resource Water*” or “*Outstanding State Resource Water*” is required to be permitted by an individual NPDES permit, as stipulated in paragraph 567-61.2(2)“e” of the Iowa Administrative Code and in the Iowa Antidegradation Implementation Procedure.

General permit coverage is not available for these discharges.

The list of “*Outstanding Waters*” is located in Appendix B of the Antidegradation Implementation Procedure at [http://www.iowadnr.gov/Portals/idnr/uploads/water/standards/files/antideg\\_2\\_17.pdf](http://www.iowadnr.gov/Portals/idnr/uploads/water/standards/files/antideg_2_17.pdf).

For more information about obtaining an individual storm water permit for industrial or commercial facilities and construction sites, please contact the Storm Water Program Coordinator at 515-281-7017.

### **When Is The Application Deadlines for New Storm Water Discharges?**

For coverage under a general storm water discharge permit, a properly completed Notice of Intent (NOI) and Public Notice must be submitted to IDNR and an authorization approved and issued by the Department prior to the start of operations or soil disturbing activities as specified in 567-64.3(4)“b” of the Iowa Administrative Code.

For coverage under an Individual NPDES permit an application must be submitted 180 days prior to the start of operation.

*Important Note: A Storm Water Pollution Prevention Plan (SWPPP) must be completed before the NOI and Public Notice is submitted to the IDNR. The SWPPP must be fully implemented concurrently with operation at the facility (or if a new facility, with the start of operation.) Information on developing a SWPPP is covered next.*

Please see IDNR's Application Options & Fees page at <http://www.iowadnr.gov/InsideDNR/RegulatoryWater/StormWater/ApplicationOptionsFees.aspx> for more information.

## **Storm Water Pollution Prevention Plan (SWPPP) – General Requirements**

*Important Note: A SWPPP must be completed before the NOI and Public Notice is submitted to the IDNR and must be fully implemented concurrently with operation at the facility (or if a new facility, with the start of operation).*

Storm Water General Permit No.1, General Permit No.2, and General Permit No.3 mandate the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

Individual SWPPP requirements for Permit No.1, Permit No.2, and Permit No.3 are outlined in each permit; however, some basic information applies to all three:

- The SWPPP should identify potential sources of pollution which may reasonably be expected to affect the quality of storm water.
- A SWPPP does not need to be submitted to IDNR for approval and can be developed by qualified facility personnel.
- The SWPPP is to be kept at the site of the storm water discharge and must be made available within 3 hours of being requested by the IDNR.
- The SWPPP must be amended whenever there is a change in design, construction, operations, or maintenance that has a significant potential for discharge of pollutants.

A SWPPP shall include and/or address at a minimum, the following issues, activities and conditions.

### General Permit No.1 & No.3:

- Identify a pollution prevention team or responsible party
- Build on existing environmental management plans
- Develop a site map
- Identify potential pollutant sources
- Identify past spills and leaks
- Identify non-storm water discharges
- Locate existing monitoring data (if any)
- Prepare a site evaluation summary
- Select best management practices (BMP's) for the following:
  - Good housekeeping
  - Preventive maintenance
  - Visual inspections
  - Spill prevention and response
  - Sediment and erosion control
  - Management of runoff
- Implement appropriate controls
- Determine employee training needs
- Conduct an annual site compliance evaluation
- Record keeping and internal reporting
- Plan revisions (ongoing)

- Special requirements:
  - Special requirements for discharges through municipal separate storm sewer systems.
  - Special requirements for SARA Title III, Section 313, reporting facilities for chemicals classified as "Section 313 Water Priority Chemicals".
    - NOTE: General Permit No.3 facilities with Section 313 Water Priority Chemicals at the facility are not eligible for coverage under General Permit No.3 and must instead seek coverage under General Permit No.1.

#### General Permit No.2:

- Collect site information
- Develop site plan design
- Describe the construction activity
- Prepare SWPPP site map
- Measure the site area
- Determine the drainage areas
- Calculate the runoff coefficient
- Review and incorporate state and local requirements
- Select erosion and sediment controls
- Select other controls as needed
- Select storm water management controls
- Indicate the location of controls on the site map
- Prepare an inspection and maintenance plan
- Prepare a description of the controls
- Prepare a sequence of major activities
- Implement controls
- Inspect and maintain controls
- Maintain records of construction activities
- Update/change the plan to keep the plan current
- Report any "hazardous condition" and update the plan
- Provide for plan location and access
- Plan and conduct final stabilization specific to topsoil requirements
  - NOTE: As of October 1, 2012 some of the requirements for General Permit No. 2 have changed, specifically requirements for topsoil. Please refer to the DNR website at <http://www.iowadnr.gov/Portals/idnr/uploads/water/npdes/Changes%20in%20GP2.pdf> for more information.

#### Monitoring and Reporting – All General Permits

Specific parameters for monitoring and reporting are delineated for each type of facility as follows:

- Those that fall under Section 313 of SARA Title III;
- Primary metal industries;
- Land disposal units/incinerators;



- Wood treatment;
- Coal pile runoff;
- Airports;
- Animal handling/meat packing;
- Battery reclaiming facilities;
- Coal fired steam electric facilities; and additional facilities;
- Construction sand and gravel facilities;
- Asphalt plants and rock crushing plants;
- Concrete batch plants;

General requirements, monitoring and reporting instructions are outlined in each of the three General Permits and can be found on the IDNR website at <http://www.iowadnr.gov/InsideDNR/RegulatoryWater/StormWater.aspx>

### **Guidance and Sample SWPPP, General Permit No.1, No.2, No.3**

Step-by-step summary guidance documents and a sample SWPPP for General Permit No.1, General Permit No.2 and General Permit No.3, are available on the IWRC website at <http://www.iwrc.org/> under Regulatory Summaries or by contacting the IWRC at 319-273-8905 or 800-422-3109.

SWPPP guidance documents are also available from the IDNR and can be downloaded from their website at <http://www.iowadnr.gov/InsideDNR/RegulatoryWater/StormWater.aspx>