



IOWA STORMWATER REGULATION UPDATE

National Pollutant Discharge Elimination System (NPDES)

General Permit #2 Terms & Conditions Summary

Approved by Environmental Protection Commission July 12, 2012

Permit Cycle: October 1, 2012 – September 30, 2017

BACKGROUND INFORMATION

As authorized by the Clean Water Act, the National Pollutant Discharge Elimination System (NPDES) permit program controls water pollution by regulating point sources that discharge pollutants into waters of the United States. In Iowa, the NPDES permit program is administered by Iowa Department of Natural Resources (IDNR) and overseen by the Environmental Protection Agency (EPA).

Stormwater Discharges From Municipal Separate Storm Sewer Systems (MS4s)

Polluted stormwater runoff is commonly transported through Municipal [Separate] Storm Sewer Systems (MS4s), from which it is often discharged untreated into local waterways. To prevent harmful pollutants from being washed or dumped into an MS4, those responsible for the MS4 must obtain a NPDES permit from the IDNR and develop a stormwater pollution prevention / management program. The determination of which public entities, i.e. cities and universities, required to obtain a MS4 permit involves a combination of population, proximity to large, urbanized areas, and the water quality of receiving streams. 42 Iowa municipalities and 3 regent universities in Iowa are required to have a permit to discharge into waters of the state. MS4s are required to reduce the discharge of pollutants from their storm sewer system to the maximum extent practicable; covering six minimum control measures; within the terms and conditions of the permit. Those measures include:

1. Construction Site Runoff Control (erosion and sediment control)
2. Post-Construction Runoff Control
3. Illicit Discharges Detection and Elimination (illegal dumping)
4. Pollution Prevention / Good Housekeeping for municipal operations / departments
5. Public Education and Outreach
6. Public Participation

The MS4 must identify best management practices (BMPs) and measurable goals associated with each minimum control measure. An annual report on the implementation of permit requirements must be submitted each year to the Iowa Department of Natural Resources. MS4 permits are reissued / renewed every 5 years.

General Permit #2 (GP#2), Stormwater Discharge Associated with Construction Activity

Iowa's General Permit No. 2 is a generic NPDES permit that covers stormwater discharges from construction activities (land disturbing) activities. The general permit contains the terms and conditions of which the Operator of a construction site must comply with in order to discharge runoff into waters of the state. The IDNR and MS4s are both responsible for regulatory oversight of those that have filed a Notice of Intent under GP#2. The IDNR

updates the terms and conditions of the generic general permits every five years. Following is an explanation of the major change, along with a few minor changes that go into effect on October 1, 2012.

CHANGES TO IOWA GENERAL PERMIT NUMBER 2

MAJOR CHANGE:



New Section

A.(2).(c). Unless infeasible, the following measures shall be implemented at all sites:

- Utilize outlet structures that withdraw water from the surface when discharging from basins,
- Provide and maintain natural buffers around surface waters,
- Direct storm water to vegetated areas to increase sediment removal
- Maximize storm water infiltration and minimize soil compaction
- Topsoil shall be preserved at all construction sites unless land use precludes the practice.
 - The requirement to preserve topsoil shall be met only when the depth of topsoil, after soil disturbing activities, have been completed and final stabilization achieved for the permitted activity is equal to, or greater than, 4.0 inches, including soil contained in sod, on all areas of the site where the surface of the ground disturbed for the permitted construction activities is exposed and not covered by concrete, asphalt, gravel or other such material and where 4.0 inches or more of topsoil existed prior to the commencement of soil disturbing activities that are permitted under the current permit authorization for the site.
 - On areas where less than 4.0 inches of topsoil existed prior the commencement of soil disturbing activities that are permitted under the current permit authorization for the site, the minimum depth of topsoil after soil disturbing activities have been completed and final stabilization achieved for the permitted activity shall be equal to, or greater than, the depth of topsoil that existed prior to the commencement of soil disturbing activities that are permitted under the current permit authorization for the site.
 - The final topsoil depth is to be measured after the soil has been compacted in a fashion generally considered adequate for an established lawn and so that the expected settling that will occur after measurement will be minimal and shall include the soil contained in any sod that has been placed on the site. The type of topsoil at the site after soil disturbing activities have been completed and final stabilization achieved for the permitted activity shall be similar to that which exists or existed in the general area of the site.
 - For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, in which a new owner agrees in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred or in which the new owner has obtained authorization under this permit for a lot or lots (as specified in sub-rule 567-64.6(6) of the Iowa Administrative Code), the topsoil preservation requirements described above must be met no later than at the time the lot or lots have reached final stabilization as described in this permit.
 - For sites where less than 4.0 inches of topsoil is to be in place after soil disturbing activities have been completed and final stabilization achieved for the permitted activity, a soil survey conducted by properly qualified personnel who regularly conduct soil surveys as part of their normal job duties must be conducted prior to commencement of soil disturbing activities that are permitted under the current permit authorization for the site. The results of the soil survey shall become part of the Pollution Prevention Plan and shall

indicate the depth of topsoil at a suitable number of points on the site commensurate with standard engineering practices established for the size of the site.



The topsoil preservation requirement described above shall be implemented for projects that have not received an authorization under this permit prior to October 1, 2012. The topsoil preservation requirements are not required to be implemented for projects that have been authorized prior to October 1, 2012. *In residential and commercial developments, a plat is considered a project.* For other large areas that have been authorized for multiple construction sites including those to be started at a future date such as those located at industrial facilities, military installations and universities, a new construction project not yet surveyed and platted out is considered a project. This stipulation is intended to be interpreted as requiring the topsoil preservation requirements on development plats and construction activities on other extended areas that may have several construction projects permitted under the same authorization to be implemented on those projects not yet surveyed and platted out prior to October 1, 2012 even if other plats and construction activities in the same development or other extended area were authorized prior to October 1, 2012.

What this means for the MS4: MS4 plan reviewers and inspectors, during the site plan review process and inspections, required under the MS4 permit, will ensure that all conditions of the new terms and conditions are being met:

- Outlet structures are utilized that withdraw water from the surface when discharging from basins,
- Natural buffers around surface waters are provided and maintained,
- Storm water is directed to vegetated areas to increase sediment removal,
- Storm water infiltration is maximized and soil compaction minimized,
- Topsoil is preserved at all construction sites, unless land use precludes the practice.
 - Where topsoil is present at a depth of 4” or greater; a minimum of 4” of topsoil is returned to areas not covered by concrete, asphalt, gravel or other such materials before final stabilization has occurred.
 - Where topsoil is not present, a soil survey has been conducted and has been included as part of the stormwater pollution prevention plan.
 - Where topsoil is not present at a depth 4” or greater, the amount of topsoil present prior to construction is returned to areas not covered by concrete, asphalt, gravel or other such materials before final stabilization has occurred.

MINOR CHANGES:

KEEPING PLANS CURRENT “[expeditiously change the site map to include changes at the site,](#)”

What this means for the MS4: MS4 inspector, during construction site inspections required under the MS4 permit, will ensure changes to site map to include changes at the site, have been made expeditiously.

INSPECTIONS Qualified personnel (provided by the discharger) shall inspect disturbed areas of the construction site that have not been [finally](#) stabilized [with a perennial, vegetative cover of sufficient density to preclude erosion](#) at least once every seven calendar days [and within 24 hours of the end of a storm that is](#)

~~0.5 inches or greater.~~ Unless erosion is evident or other conditions warrant them, regular inspections are not required on areas that have been stabilized with a perennial, vegetative cover of sufficient density to preclude erosion.

What this means for the MS4: MS4 inspector, in the course of construction site inspections required under the MS4 permit, will ensure qualified personnel for GP#2 permit holder has inspected disturbed areas once every seven calendar days.

DUTY TO PROVIDE INFORMATION The permittee shall furnish to the Department, within ~~a reasonable time~~ **three hours**, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

What this means for the MS4: The operator of the construction site shall furnish any information requested to determine compliance with the permit to a MS4 inspector, during construction site inspections required by the MS4 permit.

