

Iowa Department of Natural Resources

National Pollutant Discharge Elimination System (NPDES)

**General Permit No. 4
For
Discharge from Private Sewage Disposal Systems**

Effective Dates: August 15, 2012 through August 15, 2017

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Part I. Coverage Under This Permit

A. Permit Area.

This permit covers all the areas of the State of Iowa.

B. Eligibility.

1. This permit covers the discharge from any Private Sewage Disposal System which discharges to a designated surface water of the state or a subsurface drainage tile and is constructed in accordance with 567 IAC Chapter 69.
2. Limitations on Coverage. This permit does not cover the following types of discharges:
 - 1) Discharge from any system which does not meet the minimum construction standards described in 567 IAC Chapter 69.
 - 2) Any non-domestic wastewater discharge such as a car wash, autobody shop, or any other source of industrial wastewater.
 - 3) Any private sewage disposal system with a currently effective individual NPDES permit.
 - 4) Any private sewage disposal system that discharges to a state owned natural or artificial lake, an Outstanding Iowa Water or an Outstanding National Water as defined in IAC 567-61.2(2).
3. Exclusions. The following private sewage disposal systems' discharges do not require an NPDES permit:
 - 1) Private sewage disposal systems which discharge to the surface of the ground where the effluent will not reach a designated water of the state or a subsurface drainage tile.
 - 2) Private sewage disposal systems that discharge to the subsurface. Such systems include soil absorption trenches, mound systems, drip irrigation systems, or any other system with subsurface absorption.

C. Requiring An Individual Permit.

1. The Iowa Department of Natural Resources (Department) may require any person authorized to discharge under this permit to apply for and obtain an individual NPDES permit. The causes for such a request may include but are not limited to location of the discharge, amount of discharge, and history of non-compliance with the general permit condition. When the Department notifies a discharger to apply for an individual permit, a deadline, not longer than one year, will be established for submitting the application. If a person fails to submit an individual NPDES permit application by the deadline established by the Department under this paragraph, his/her coverage under this general permit is automatically terminated at the end of the day specified for the application submittal.

2. Any person authorized to discharge by this permit may apply for an individual permit from the Department. The application for an individual permit shall include DNR Form 30 (542-3220) and all applicable fees and shall be submitted to the Department in accordance with 567 IAC 64.3(4)(a).
3. When an individual NPDES permit is issued to a discharger, the applicability of this general permit to the individual NPDES permit applicant is automatically terminated on the issuance date of the individual permit. When an individual NPDES permit is denied to a person for a discharge otherwise subject to this general permit, the applicability of this general permit to the individual NPDES permit applicant is automatically terminated on the date of such denial, unless otherwise specified by the Department.

D. Authorization.

1. If the owner of a private sewage disposal system proposes to discharge from the disposal system to a designated water of the state or a subsurface drainage tile, he/she must submit a complete Notice of Intent (NOI) in accordance with the requirements of Part II of this general permit to be authorized to discharge under this general permit.
2. Unless notified by the Department to the contrary, owners who have submitted complete NOIs are authorized to discharge effluent from a private sewage disposal system constructed in accordance with IAC 567 Chapter 69 and meet all the terms and conditions of this permit. Upon review of the NOI, the Department may deny coverage under this permit and require submittal of an application for an individual NPDES permit pursuant to Part I.C.1 of this general permit. If the Department determines that the discharge is eligible for coverage under this general permit, an authorization will be sent to the applicant.

E. Reauthorization.

1. The permit will be reauthorized and reissued prior to the expiration date of this permit.
2. Prior to the expiration of an authorization issued under this permit, the owner shall resubmit a NOI with the Department for coverage under the reissued general permit.
3. If this permit is not reissued prior to the expiration date, it will be administratively continued in accordance with 40 CFR 122.6 and IAC 567 64.8 and it will remain in force and effect for discharges that were covered prior to permit expiration date. If a system was granted permit coverage prior to the permit expiration date and the owner resubmitted NOI as specified above, the system will automatically remain covered by this permit until the earliest of:
 - 1) Authorization for coverage granted by the Department under a reissued or replacement of this general permit, following owner's timely submittal of a complete NOI requesting authorization to discharge under the new permit and compliance with the requirements of the new permit; or
 - 2) Owner's submittal of a Notice of Discontinuation; or
 - 3) Issuance of an individual permit for the system's discharge; or
 - 4) A formal decision by the Department not to require permit coverage for the discharge.

Part II. Notice of Intent Requirements

A. Deadlines for Filing a Notice of Intent.

1. The owner shall file a NOI for coverage under this general permit with the Department when the construction permit is issued by the local administrative authority. A copy of the NOI must also be filed with the local administrative authority.

2. Owners of existing private sewage disposal systems constructed prior to the effective date of this general permit shall file a NOI by December 31, 2012.

B. Failure to Notify.

1. Owners who fail to notify the Department of their intent to be covered by this general permit, or who discharge pollutants to designated waters of the state or a subsurface drainage tile without an NPDES permit, are in violation of the Clean Water Act and the Code of Iowa 455B.

C. Contents of the Notice of Intent.

1. A complete NOI shall include DNR Form 542-1541, signed in accordance with Part IV.C of this permit. The information on the form shall include the following:
 - 1) The owner's name, address, and telephone number.
 - 2) The location of the private sewage disposal system. Location shall be provided as $\frac{1}{4}$, $\frac{1}{4}$, $\frac{1}{4}$ Section, Township, Range, and County in which the system discharges, or as the GPS coordinates and County.
 - 3) The type of secondary treatment system from which the discharge originates (i.e., sand filter, aerobic treatment unit, peat filter, textile filter, waste stabilization pond, constructed wetland).
 - 4) A certification that the information provided is accurate.
 - 5) A certification that the terms and conditions of the general permit will be met.
 - 6) Certification that the system will be constructed in conformance with the requirements of IAC 567 Chapter 69, if permit coverage is for a new or replacement private sewage disposal system.

D. Where to Submit.

1. The NOI must be filed with the Department at the following address (or as directed by the Department)
NPDES Section
Iowa Department of Natural Resources
502 E. 9th Street
Des Moines, IA 50319-0034
2. A copy of the completed NOI shall be submitted to the local administrative authority after applying for a construction permit for a private sewage disposal system.

Part III. Compliance Requirements

A. Compliance.

1. The system owner shall be responsible for assuring that compliance with all the permit terms and conditions is met.

B. Effluent Sampling by Qualified Samplers.

1. The owner is responsible to have the private sewage disposal system sampled to ensure compliance with this general permit. Only a "qualified sampler" shall conduct effluent sampling for compliance monitoring. "Qualified samplers" shall be one of the following:
 - 1) A county or city environmental health staff person;
 - 2) An Iowa-certified wastewater treatment operator; or
 - 3) An individual who has received training approved by the Department to conduct effluent sampling.

C. Sampling Frequency and Testing Parameters.

All permitted discharging private sewage disposal systems shall be sampled and tested no less than twice a year at six-month intervals for Carbonaceous Biochemical Oxygen Demand (CBOD5) and Escherichia coli (E. coli), and once a year for total suspended solids (TSS).

D. Effluent quality limits are as follows:

| Effluents Discharging To | E. coli cfu/100 mL | CBOD5 mg/L | TSS mg/L |
|--------------------------|--------------------|------------|----------|
| Class "A1", "A3" waters | 235 | 25 | 25 |
| Class "A2" waters | 2880 | 25 | 25 |

E. Sampling Location and Procedure:

1. Effluent samples must be collected from an approved sampling port or from the end of the discharge pipe (if accessible) following the final treatment component of the system. If the system is not discharging at time of sampling, but appears to have been discharging, water must be added to the system through the building plumbing to create a discharge. If there is no evidence of a discharge from the system within the previous six months, only a physical inspection of the discharge area for any signs of surfacing effluent is required. If no sample was collected, a brief inspection report must be submitted to the local administrative authority and to the Department explaining why no sample was collected.
2. Effluent samples must be analyzed by a laboratory certified by the Department. A list of certified laboratories is available from the Department or the local administrative authority. Sample containers provided by the laboratory must be used for the sample. The sample must be collected from a free falling effluent pipe or sampling port where the effluent is flowing. Samples shall not be taken from a pooled location. Samples must be cooled to 4 degrees C (38 degrees F) immediately after collection and be maintained at this temperature during transport to the laboratory. (Packing the sample in ice is satisfactory). The sampler must ensure that the laboratory receives samples within one day (24 hours) of collection.

F. Reporting of Sample Results and Repeat Sampling:

1. The owner must submit all required sample test results to the Department and to the local administrative authority. All required sample test results must also be sent to the maintenance contractor, if applicable.

G. Duty to mitigate

1. If a sample does not meet the effluent limits, the owner must investigate the potential causes of the problem, and a repeat sample must be taken within 30 days for the specific parameter that was out of compliance. If three consecutive samples do not meet the effluent limits, the owner must take corrective actions to bring the system into compliance.

H. Retention of Records

1. The owner shall retain records of all monitoring information required by this permit for a period of three years.
2. The records of monitoring information shall include:
 - 1) The date, exact place, and time of sampling or measurement;
 - 2) The name of the individual who performed the sampling or measurement;
 - 3) The date analyses were performed;
 - 4) The name of the laboratory that performed the analyses; and,
 - 5) The results of the analyses.

Part IV. Standard Permit Conditions.

A. Duty to Comply.

1. The owner of a private sewage disposal system that discharges to a designated water of the state or a subsurface drainage tile must comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the Code of Iowa and the Clean Water Act and is grounds for enforcement action, termination of coverage under this general permit, or for denial of a request for coverage under a reissued general permit.

B. Duty to Provide Information.

1. The owner shall furnish to the Department or to the local administrative authority any information relative to the construction, operation or maintenance of this facility, including effluent sample test results, within the time period specified by the Department.

C. Signatory Requirements.

1. An NOI for this permit shall be signed by the owner of the system.
2. If the owner is not an individual, the person signing the NOI shall be as follows:
 - 1) Corporations. In the case of corporations, a principal executive officer of at least the level of vice-president.
 - 2) Partnerships. In the case of a partnership, a general partner.
 - 3) Sole proprietorships. In the case of a sole proprietorship, the proprietor.

D. Severability.

1. If any provision or application of any provision to any circumstances is found to be invalid by this Department or by a court of law, all other provisions and conditions shall remain effective.

E. Permit Actions:

1. Coverage under this general permit may be terminated for cause. The filing of a request by the owner for a permit discontinuance, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

F. Legal and Financial Liability Waiver:

1. No legal or financial responsibility arising from the operation or maintenance of any disposal system or part thereof installed by the permittee to achieve compliance with this permit shall attach to the State of Iowa or the Department.

G. Transfer of coverage under this permit:

1. For discharges covered under this general permit, when the property with a private sewage system changes ownership, the Department must be notified of the title transfer prior to the new owner taking possession of the property. After the Department is thus notified, the new owner(s) shall be subject to all terms and conditions of this general permit from and after the date the Department receives written notice of transfer of responsibility.

H. Notice of Discontinuation:

1. If a private sewage disposal system is modified to a system that does not discharge to a designated water of the state or a subsurface drainage tile, the owner of the system shall submit a Notice of Discontinuation to the Department.
2. The Notice of Discontinuation shall include the following information:
 - 1) the name of the owner to which the permit authorization was issued;
 - 2) the general permit authorization number;
 - 3) the date the discharge is discontinued; and,
 - 4) the following certification signed in accordance with Part IV.C.2 of this permit:

"I certify under penalty of law that discharge from the above private sewage system is discontinued. I understand that by submitting this Notice of Discontinuation, I am no longer authorized to discharge from my private sewage disposal system by Iowa Department of Natural Resources NPDES General Permit No. 4 and that discharging pollutants from my private sewage disposal system to designated waters of the state or a subsurface drainage tile is unlawful under the Clean Water Act and Code of Iowa.

Part V. Reopener Clause

If there is evidence indicating potential or realized impacts to water quality due to any discharge from an authorized private sewage disposal system covered by this general permit, the owner of such system may be required to obtain an individual permit in accordance with Part I.C of this general permit.

Part VI. Definitions.

“Administrative Authority” means the local (county or city) or regional Board of Health authorized under Code of Iowa 455B.172 to regulate private sewage disposal systems and the Department.

"Carbonaceous Biochemical Oxygen Demand (CBOD5)" means a five-day measurement of the amount of oxygen used by microorganisms in the biochemical oxidation of organic matter.

"Class 'A1' water," also referred to as a primary contact recreational use water, means waters in which recreational or other uses may result in prolonged and direct contact with the water, involving considerable risk of ingesting water in quantities sufficient to pose a health hazard. Such activities would include, but not be limited to, swimming, diving, water skiing, and water contact recreational canoeing.

"Class 'A2' water," also referred to as a secondary contact recreational use water, means waters in which recreational or other uses may result in contact with the water that is either incidental or accidental. Such uses include fishing, commercial and recreational boating, any limited contact incidental to shoreline activities and activities in which users do not swim or float in the water body while on a boating activity.

"Class 'A3' water," also referred to as a children's recreational use water, means waters in which recreational uses by children are common. Such waters are water bodies having definite banks and bed with visible evidence of the flow or occurrence of water. This type of use would primarily occur in urban or residential areas.

“Department” means the Department of Natural Resources of the State of Iowa.

“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 sixteen individuals on a continuing basis. This includes domestic waste, whether residential or nonresidential, but does not include industrial waste of any flow rate except as provided for in IAC 567-68.11. “Private sewage disposal systems” includes, but is not limited to, septic tanks, holding tanks for waste, chemical toilets, impervious vault toilets, and portable toilets.

“Qualified sampler” means one of the following persons, for the purposes of collecting compliance effluent samples required under NPDES General Discharge Permit No. 4: a county or city environmental health staff person, an Iowa-certified wastewater treatment operator, or an individual who has received training approved by the Department to conduct effluent sampling.