

<b>2005 deadlines</b>	
Illicit discharge detection program .....	3
Illicit discharge ordinance.....	2
<b>2006 deadlines</b>	
Construction site runoff control ordinance (post-construction) .....	4
Construction site runoff control ordinance (runoff during construction) .....	5
Inspection of basins NOT owned by City.....	1
Inspection of City-owned detention basins, etc. ...	1
Watershed assessment program .....	2

**Index**

Allowable discharges .....	9
Building permits (none issued without NPDES) ...	9
Construction site runoff – inspection of City-owned sites .....	9
Construction site runoff – no permit may be issued without verification of NPDES coverage.....	9
Construction site runoff – post-construction.....	4
Construction site runoff (during construction).....	2
Cross-connections.....	4
Definitions.....	11
Education .....	3
Education – pesticides and fertilizers (see also Education) .....	2
Education – private basin maintenance.....	2
Education – spill prevention and reporting .....	3
Education – waste oil and toxic materials.....	3
Illicit discharge detection program .....	2
Illicit discharge ordinance.....	2
Inspection manual – construction BMPs.....	5
Inspection of basins NOT owned by City.....	2
Inspection of City-owned construction sites .....	9
Inspections of City-owned basins .....	1
Legal authority .....	5
Map of MS4 required.....	5
Monitoring – Indian Creek .....	7
Monitoring – McCloud Run.....	7
Monitoring – storm events.....	7
Monitoring – industrial and high-risk .....	4
Pesticides and fertilizers – management .....	2
Reporting – annual report .....	6
Resources (required to be adequate).....	5
Salt storage .....	9
Spill prevention .....	3
Standard conditions .....	9
Storm water management plan review and modification .....	5
Streets maintenance.....	2
Watershed Assessment Program .....	2

**Outline**

<b>PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT</b>
A. Permit Area.
B. Authorized Discharges.
C. Limitations on Coverage.
<b>PART II. STORM WATER POLLUTION PREVENTION &amp; MANAGEMENT PROGRAM</b>
A. Structural Controls
B. Areas of Commercial and Residential New Development or Redevelopment
C. Public Streets, Roads and Highways
D. Application of Pesticides and Fertilizers
E. Illicit Discharges
F. Spill Prevention, Containment and Response
G. Public Education
H. Cross-Connections between Sanitary Sewers and Storm Sewers Prohibited
I. Monitoring Industrial and High Risk Run-Off
J. Construction Site Runoff
K. Legal Authority
L. SWMP Resources
M. SWMP Review and Modification
<b>PART III. REPORTING REQUIREMENTS</b>
Annual Report
<b>PART IV. MONITORING REQUIREMENTS</b>
A. Storm Event Monitoring
B. Monitoring and Records
<b>PART V. SPECIAL CONDITIONS</b>
<b>PART VI. STANDARD CONDITIONS</b>
A. Permittee's Duty to Comply
B. Duty to Provide Information
C. Need to Halt or Reduce Activity Not a Defense
D. Signatory Requirements
E. Duty to Mitigate
F. Property Rights
G. Severability
H. State/Environmental Laws
I. Proper Operation and Maintenance
J. Inspection and Entry
K. Permit Actions
L. Potential or Realized Impacts on Water Quality
M. Failure to submit fees
N. Penalties for Violations of Permit Conditions
<b>PART VII. Definitions</b>

## PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

### A. Permit Area.

This permit covers all areas within the corporate boundaries of Cedar Rapids. This shall include all areas which are incorporated into the City during the effective term of this permit.

### B. Authorized Discharges.

This permit authorizes all existing or new storm water point source discharges to waters of the State from the Municipal Separate Storm Sewer System (MS4). This permit also authorizes the discharge of storm water commingled with flows contributed by process wastewater, non-process wastewater, or storm water associated with industrial activity provided such discharges are authorized under separate NPDES permits, as required by law. This permit does not authorize discharges to the MS4.

### C. Limitations on Coverage.

The following discharges are not authorized or regulated by this permit:

Storm water discharges that are mixed with non-storm water and storm water associated with industrial activity except where such discharges are:

1. in compliance with a separate NPDES permit; or
2. identified by and in compliance with Part V. of this permit.

## PART II. STORM WATER POLLUTION PREVENTION & MANAGEMENT PROGRAM

The permittee shall implement the Storm Water Management Program (SWMP) as submitted with Part 2 of the NPDES permit application. The SWMP shall be modified to include the following sections:

### A. Structural Controls

The permittee shall operate and maintain all storm water detention structural controls owned by the City of Cedar Rapids to reduce pollutants in discharges from the MS4. Storm water control devices and structures shall be inspected and reviewed for proper maintenance. Educational materials shall be developed and made available to landowners which outline proper maintenance procedures. The permittee shall properly maintain its own control devices and structures.

Inspections shall be conducted by the permittee beginning no later than June 1, 2006 and for the remainder of the duration of the permit. The educational materials shall be developed no later than June 1, 2006 and made available for the remainder of the duration of the permit.

### B. Areas of Commercial and Residential New Development or Redevelopment

The permittee shall develop, implement and enforce a program to address storm water runoff from new construction and re-construction projects for which storm water coverage is required. The program must ensure that controls are in place that will prevent or minimize water quality impacts and shall include the following:

1. Construction Site Runoff Control Policy Ordinance – An ordinance shall be adopted or amended as necessary which will address the control of runoff from building activities after construction has been completed. The ordinance shall require water quality and quantity components be considered in the design of new construction and implemented when practical. The ordinance shall promote the use of storm water detention and retention, grass swales, bioretention swales, riparian buffers and proper operation and maintenance of these facilities.

The ordinance shall be adopted or amended by the permittee no later than June 1, 2006 and enforced for the remainder of the duration of the permit.

2. Inspection of Runoff Control Devices – Storm water control devices and structures shall be inspected and reviewed for proper maintenance. Educational materials shall be developed and made available to landowners which outline proper maintenance procedures. The permittee shall properly maintain its own control devices and structures.

Inspections shall be conducted by the permittee beginning no later than June 1, 2006 and for the remainder of the duration of the permit. The educational materials shall be developed no later than June 1, 2006 and made available for the remainder of the duration of the permit.

3. Watershed Assessment Program – A watershed assessment program and comprehensive land use plan shall be developed which outlines measures to be implemented which reduce flooding, reduce erosion in ditches and streams, improve water quality and reduce degradation of habitat for fish and wildlife. The permittee shall then implement the program whenever possible to meet these goals.

The program shall be established by the permittee no later than June 1, 2006 and implemented for the remainder of the duration of the permit.

#### C. Public Streets, Roads and Highways

The permittee shall operate and maintain public streets, roads and highways in a manner to minimize discharge of pollutants including pollutants discharged as a result of deicing and sanding activities without compromising public safety.

#### D. Application of Pesticides and Fertilizers

The permittee shall implement controls to reduce while remaining in compliance with current State law, pollutants in discharges from municipal separate storm sewers associated with the municipal application of pesticides and fertilizers. The permittee shall operate a public environmental information and education program to inform the public about proper use of pesticides and fertilizers and proper disposal of these substances and their containers.

#### E. Illicit Discharges

The permittee shall develop, implement and enforce a discharge detection and elimination program that includes the following:

1. Illicit Discharge Prohibition Ordinance – An ordinance shall be adopted or amended as necessary by the permittee that prohibits anything other than storm water, allowable non-storm water and pollutants for which an NPDES permit has been issued and when the discharge is in compliance with the permit from entering the MS4. The ordinance shall include language that enables the permittee to inspect private property if an illicit discharge is suspected and penalties for non-compliance.

The ordinance shall be adopted or amended no later than July 1, 2005 and enforced by the permittee for the remainder of the duration of the permit.

2. Illicit Discharge Detection and Elimination Program – A program shall be developed to identify and eliminate illicit discharge to the MS4. The program shall include annual dry weather flow inspections of all known outfalls, sampling and analyses of dry weather flows, procedures to identify the sources of the dry weather flows and procedures for disconnecting illicit connections. Records shall be kept of when inspections are performed, the results of the inspections and measures taken to identify and, when appropriate, eliminate the sources of any dry weather flows. The plan shall be evaluated annually to assess the effectiveness of the program and any necessary changes made. All illicit discharges found must be eliminated no more than 21 days after discovery. All illicit discharges shall be reported to the Department no later than the end of the first business day after the day of the discovery.

The plan shall be developed and implemented by the permittee no later than June 1, 2005 and for the remainder of the duration of the permit.

#### F. Spill Prevention, Containment and Response

The permittee shall continue measures to prevent, contain and respond to spills that may discharge into the MS4 and take all reasonable necessary measures to prevent spills from discharging from the MS4.

#### G. Public Education

The permittee shall continue to implement a public education program which includes the following:

1. A program to promote, publicize and facilitate public reporting of illicit discharges, water quality impacts associated with discharges from the MS4 and improper disposal of materials into the MS4. This program shall include a local telephone number for the reporting of these discharges.
2. A program to inform the public regarding the proper management and disposal of used oil and toxic materials.
3. A program to inform the public regarding the proper use and disposal of pesticides and fertilizers in order to minimize contamination of storm water.

An explanation of these programs shall be included in the annual reports required by this permit.

#### H. Cross-Connections between Sanitary Sewers and Storm Sewers Prohibited

The permittee shall prohibit the connection directly between sanitary sewers and the MS4 for the purpose of normal, day-to-day transfer of flows into the storm sewer. Such connections shall be allowed only for the purpose of emergency overflow where necessary to prevent loss of human life, personal injury, severe property damage or where extensive run-off would damage any sanitary sewage facilities necessary for normal operation.

The permittee shall institute controls to limit the infiltration of seepage from sanitary sewers to the MS4.

#### I. Monitoring Industrial and High Risk Run-Off

The permittee shall require monitoring and the control of pollutants in storm water discharges from all municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the permittee determines are contributing a substantial pollutant loading to the MS4. An inventory of these facilities shall be maintained. The following activities are required:

1. These facilities shall be inspected in accordance with the approved SWMP.
2. The permittee shall ensure each facility certifies annually, on or before December 31 of each calendar year, that the facility complies with all applicable storm water management plans and with the facility's storm water permit.
3. Analyses shall be conducted once per calendar year for the following parameters:

Any pollutants limited in an existing NPDES permit for the facility, oil and grease, chemical oxygen demand, pH, biochemical oxygen demand (5 day), total suspended solids, total phosphorus, total Kjeldahl nitrogen and nitrate plus nitrite nitrogen.

A minimum of one grab sample shall be taken during the first one hour of discharge of a storm event resulting in 0.10 inches or more of rainfall. The storm event shall have occurred at least 72 hours since the previous storm event.

4. The permittee shall obtain information concerning the discharge or potential discharge of pollutants as required under 40 CFR 122.21(g)(7)(iii) and (iv).
5. The permittee shall ensure each facility provides sampling results. Inspection information and sampling results shall be reported in the annual report.

#### J. Construction Site Runoff

The permittee shall develop, implement and enforce a construction site storm water runoff control program to reduce pollutants in any storm water runoff from construction activities for which storm water permit coverage is required and that includes the following:

1. Construction Site Runoff Control Ordinance – An ordinance shall be developed or amended as needed and enforced on all sites for which NPDES permits are required that requires proper soil erosion and sediment control. This ordinance shall also address waste at construction sites that may cause adverse impacts to water quality such as building materials, concrete truck washout, chemicals, solid waste and sanitary waste. Authority to issue an order to terminate activities due to failure to implement or maintain pollution control BMPs and penalties for non-compliance shall be included. The ordinance shall require compliance with the Department’s Storm Water General Permit no. 2.

The ordinance shall be adopted or amended by the permittee as necessary no later than June, 2006 and enforced beginning no later than June 1, 2006 for the remainder of the duration of the permit.

The permittee shall have developed a Procedural Manual for inspection and enforcement of installation, operation and maintenance of construction site best management practices (BMPs). It shall clearly outline the methods for evaluating the adequacy of installation, operation and maintenance of BMPs, the methods for providing written warnings when deficiencies are detected, procedures for levying penalties, and appeal procedures.

K. Legal Authority: The permittee shall ensure legal authority exists to control discharges to and from the MS4. This authority shall include the following:

1. Control the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity from sites of industrial activity.
2. Prohibit illicit discharges to the MS4.
3. Control the discharge of spills and the dumping or disposal of material other than storm water into the MS4.
4. Require compliance with conditions in ordinances, permits, contracts and orders.
5. Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance with the conditions in this permit.

L. SWMP Resources

The permittee shall provide adequate finances, staff, equipment and support capabilities to implement the storm water management program.

M. SWMP Review and Modification

1. Program Review: The permittee shall conduct a review of the current SWMP annually. This review shall include the following:
  - a. A review of the status of program implementation and compliance/non-compliance with the provisions of this permit.
  - b. An assessment of the effectiveness of controls established by the SWMP.

- c. Proposed modifications to the SWMP and a schedule for implementation.
  - d. A review of monitoring data and any trends in estimated cumulative annual pollutant loadings for the principle pollutants of concern.
2. Program Modification by the Permittee: Sections A through M of this permit shall constitute the approved SWMP. The approved SWMP shall not be modified in any way without prior approval of the department.
- Modifications made under this paragraph shall not be enforceable permit conditions until the modifications are formally approved by Department.
3. Modifications Required by the Permitting Authority: The permitting authority (the Department) may require modification of the SWMP.

### PART III. REPORTING REQUIREMENTS

#### Annual Report

The permittee shall prepare an annual report to be submitted to Department by no later than July 31 of each calendar year with the first report due in calendar year 2006. The report shall include the following:

1. The status of implementing the components of the approved SWMP. This shall include all components addressed under Part II, Section A through M of this permit and the SWMP submitted with Part II of the City of Cedar Rapids NPDES MS4 permit application. Any modifications developed by the permittee and approved by the Department or required by the Department shall also be addressed.
2. The status of compliance with any compliance schedule established by this permit or by any modifications to this permit.
3. A summary of all revisions to the approved SWMP.
4. A summary of the data, including monitoring data, that is generated within the reporting period including a narrative description of storm water quality improvements or degradation.
5. An estimate of the previous fiscal year's expenditures for implementation of the SWMP and the budget for the current fiscal year.
6. A summary describing the number and nature of inspections, enforcement actions and public education programs conducted during the reporting period.

## PART IV. MONITORING REQUIREMENTS

### A. Storm Event Monitoring

The permittee shall implement a wet weather monitoring program for the MS4 to assess the effectiveness of BMP control measures implemented under the SWMP. The permittee shall monitor the following locations:

1. Heavy Industrial – The 4800-4900 block of Edgewood Rd. SW.
2. Light Industrial – Outfall no. 48 on 33<sup>rd</sup> Ave S.W. at the end of 12<sup>th</sup> St. S.W.
3. Residential – Outfall no. 23 at the east end of Jacolyn Park N.W.
4. Commercial – Outfall no. 69 near Lindale Mall and Cedar Memorial Cemetery.
5. McCloud Run Watershed – McCloud Run at I-380 and J Ave. N.E.
6. Indian Creek Watershed – Indian Creek at Mount Vernon Rd. S.E.

Four sites shall be monitored each year. McCloud Run and Indian Creek shall be monitored each year. Years in which monitoring the heavy industrial and residential sites occurs shall alternate with the years in which monitoring at the light industrial and commercial sites occurs. During the first, third, and fifth years of the permit monitoring shall be conducted at the heavy industrial and residential sites, during the second and fourth years monitoring shall be conducted at the light industrial and commercial sites with monitoring McCloud Run and Indian Creek being conducted all five years of the permit.

Monitoring shall be conducted during three runoff events each year. One event shall be sampled in March or April, one in June or July, and the third in October or November. The storm water shall be sampled in accordance with the requirements in 40 CFR 122. Snow melt events shall be preceded by at least 10 days of ambient temperatures below 32° F.

Grab samples shall be collected during the first hour of the discharge. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.

Grab samples shall be analyzed for the following parameters:

Oil and grease, pH, temperature, total phenols, fecal coliform bacteria and fecal streptococci bacteria.

Composite samples shall be analyzed for the following parameters:

volatiles/semi volatiles; benzene, benzidine, chloroform

pesticides; Aldrin, BHC, DDT, Endrin aldehyde, Heptachlor, Lindane

total metals; arsenic, antimony, beryllium, cadmium, chromium, copper, lead, mercury, nickel, thallium, zinc

BOD<sub>5</sub>, COD, total ammonia and organic nitrogen, total Kjeldahl nitrogen, nitrate/nitrite nitrogen, dissolved phosphorus, total phosphorus, total dissolved solids, total suspended solids.

A description of odor, color, clarity and floatables for each sample shall also be recorded.

Composite samples for volatile and semivolatile parameters shall be collected in individual vials with no headspace and composited in the laboratory.

The analytical methods used shall be in accordance with 40 CFR Part 136.

#### B. Monitoring and Records

1. Samples and measurements taken for the purpose of this section shall be representative of the monitored activity.
2. Analytical analyses must be performed by a laboratory certified by the State of Iowa to perform the analysis under Iowa Administrative Code [567]-Chapter 83. All analyses reported to the Department, except for those which must be analyzed immediately, must be analyzed using approved methods specified in 40 CFR Part 136.3. All collected samples shall comply with container requirements, preservation techniques and holding time requirements specified in 40 CFR Part 136.3.
3. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all continuous strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit for a period of at least three years from the date of the sample, measurement, report or application.
4. Records of monitoring information shall include the following:
  - a. The date, place and time of the sampling or measurement.
  - b. The names of the individuals who performed the sampling or measurement.
  - c. The dates and times the analyses were performed.
  - d. The names of the individuals who performed the analyses.
  - e. References and written procedures for the analytical methods used.
  - f. The results of the analyses, including the bench sheets, instrument readouts, etc. used to determine the results.
5. Storm event information shall be recorded including: storm duration, precipitation amount, and days since previous storm event. For snow melt events days since previous significant melting event shall be recorded.

## PART V. SPECIAL CONDITIONS

Only storm water, allowable non-storm water, and pollutants for which an NPDES permit has been issued and when the discharge is in compliance with the permit, are allowed to be discharged to the MS4. The permittee shall not have nor allow any discharge of pollutants from a site, facility or source for which an NPDES permit is required unless an NPDES permit has been issued for the discharge. Upon discovery of any unpermitted discharge for which a permit is required or, if an NPDES permit has been issued for the discharge, a discharge not in compliance with the permit, the permittee shall report the discharge to the Department no later than the end of the next business day after the discharge is discovered. Floor drains and other potential sources of pollutants shall be considered discharges even if no actual pollutants have been observed entering the MS4 from such a source.

The permittee is prohibited from issuing any permit, authorization or license allowing any construction, excavating, clearing, grubbing, or any other soil disturbing activity and is prohibited from allowing a person, persons, company, political unit or other entity, public or private, from doing same for which, in whole or as part of another project, coverage under an NPDES permit is required without first ensuring that a storm water authorization from the Department has been issued for the activity.

A construction site inspection program shall be developed and implemented for construction projects owned or operated by the permittee that include areas of soil disturbance for which NPDES permits are required. The inspection program shall be used to ensure that contractors are correctly implementing BMPs which have been approved in the pollution prevention plan and any additional necessary measures. The program shall require inspections by the permittee at least every 7 days and within 2 business days of a 0.50-inch or greater rain event and include any other provisions necessary to ensure compliance by contractors with the storm water General Permit no. 2. Inspections required by General Permit no. 2 must also be conducted by the contractors or the permittee including inspections within 24 hours of the end of a 0.50-inch or greater rain event.

A map of the MS4, including all outfalls, shall be maintained for the duration of this permit.

All salt storage shall be in a structure impervious to precipitation and any spillage due to handling activities in an area subject to runoff shall be immediately removed.

The manner in which actions required by this permit are accomplished by the permittee is subject to review and approval by the Department. Should the Department give notice to the permittee that the approach used by the permittee to comply with any permit provision is unacceptable, the permittee must modify its approach as required in order to be considered in compliance with the permit.

## PART VI. STANDARD CONDITIONS

### A. Permittee's Duty to Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act (CWA) and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. Issuance of this permit does not relieve you of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements applying to the operation of your facility (see 40 CFR 122.41(a) and 567-64.3(11) IAC).

B. Duty to Provide Information

The permittee shall furnish to the Department, within a time specified by the Department, any information that the Department may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to the Director, upon request, copies of any records required to be kept by this permit.

C. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

D. Signatory Requirements

Storm Water Pollution Prevention Plans, reports, certifications or information either submitted to the Department or that this permit requires be maintained by the permittee, shall be signed as follows:

For a municipality, State, Federal, or other public facility: by either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes 1) the chief executive officer of the agency, or 2) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

Certification Any person signing documents shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

E. Duty to Mitigate

The permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

F. Property Rights

The issuance of this permit does not convey any property rights of any sort, nor any exclusive privileges, nor does it authorize any injury to private property nor any invasion of personal rights, nor any infringement of Federal, State, or local laws or regulations.

G. Severability

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit shall not be affected thereby.

H. State/Environmental Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Act. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

### I. Proper Operation and Maintenance

The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water pollution prevention plans. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. Proper operation and maintenance requires the operation of backup or auxiliary facilities or similar systems, installed by the permittee only when necessary to achieve compliance with the conditions of the permit.

### J. Inspection and Entry

The permittee shall allow the Department, an authorized representative or an authorized representative of the municipal operator of the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to: enter upon the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit; have access to and copy at reasonable times, any records that must be kept under the conditions of this permit; inspect at reasonable times any facilities or equipment (including monitoring and control equipment); and to sample any discharge of pollutants.

### K. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or discontinuance, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. This permit may be modified due to conditions or information on which this permit is based, including any new standard the Department may adopt that would change the required effluent limits.

### L. Potential or Realized Impacts on Water Quality

If there is evidence indicating potential or realized impacts on water quality or on a listed endangered species due to any storm water discharge associated with industrial activity covered by this permit, the permit shall be modified to include different limitations and/or requirements of the Pollution Prevention Plan and its implementation.

### M. Failure to submit fees

This permit may be revoked, in whole or in part, if the appropriate permit fees are not submitted within sixty (60) days of the date of notification that such fees are due.

### N. Penalties for Violations of Permit Conditions

Section 309 of the CWA provides significant penalties for a person(s) who violates a permit condition implementing Section 301, 302, 306, 307, 318, or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under Section 402. Any person(s) who violates any condition of this permit is subject to a civil penalty not to exceed \$25,000 per day of such violation, as well as any other appropriate sanction provided by Section 309 of the CWA.

## PART VII. DEFINITIONS

Allowable Non-Storm Water means: discharges from fire fighting activities, fire hydrant flushings, potable water sources, waterline flushings, uncontaminated groundwater, foundation or footing drains where flows are not contaminated with process materials such as solvents, springs, riparian habitats, wetlands, irrigation water, air conditioning condensate, exterior building washwater when no

detergents or other surfactants are used and pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred and when no detergents or other surfactants are used.

Best Management Practices ("BMPs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the State. BMPs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

Permittee means the City of Cedar Rapids.

CWA means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).

Department means the Iowa Department of Natural Resources (IDNR) or an authorized representative.

Discharge means the release of water and any elements, compounds, and particles contained within or upon, from property owned or controlled by an individual, individuals, or entity and where the release originates on said property.

Facility means any entity which discharges storm water.

Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Municipal separate storm sewer system means the conveyance or system of conveyances including storm sewers, roadways, roads with drainage systems, catch basins, curbs, gutters, ditches, constructed channels and storm drains owned or operated by the City of Cedar Rapids.

Significant materials includes, but is not limited to: raw materials; fuels; materials such as solvents, detergents, and plastic pellets; finished materials such as metallic products; raw materials used in food processing or production; hazardous substances designated under Section 101(14) of Comprehensive Environmental Response, Compensation and Liability Act (CERCLA); any chemical the facility is required to report pursuant to Emergency Planning and Community Right-to-Know Act (EPCRA) Section 313; fertilizers; pesticides; and waste products such as ashes, slag and sludge that have the potential to be released with storm water discharges.

Storm water means storm water runoff, snow melt runoff, and surface runoff and drainage.

Storm water discharge associated with industrial activity means the discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant. The term does not include discharges from facilities or activities excluded from the NPDES program. For the categories of industries identified in paragraphs (i) through (x) of this definition, the term includes, but is not limited to, storm water discharges from industrial plant yards; immediate access roads and rail lines used or traveled by carriers of raw materials, manufactured products, waste material, or by-products used or created by the facility; material handling sites; refuse sites; sites used for the application or disposal of process waste waters (as defined at 40 CFR Part 401); sites used for the storage and maintenance of material handling equipment; sites used for residual treatment, storage, or disposal; shipping and receiving areas; manufacturing buildings; storage areas (including tank farms) for raw materials, and intermediate and finished products; and areas where industrial activity has taken place in the past and significant materials remain and are exposed to storm water. For the categories of industries identified

in paragraph (xi) of this definition, the term includes only storm water discharges from all areas (except access roads and rail lines) listed in the previous sentence where material handling equipment or activities, raw materials, intermediate products, final products, waste materials, by-products, or industrial machinery are exposed to storm water. For the purposes of this paragraph, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, finished product, by-product or waste product. The term excludes areas located on plant lands separate from the plant's industrial activities, such as office buildings and accompanying parking lots as long as the drainage from the excluded areas is not mixed with storm water drained from the above described areas. Industrial facilities (including industrial facilities that are Federally, State, or municipally owned or operated that meet the description of the facilities listed in paragraphs (i) to (xi) of this definition) include those facilities designated under 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in "industrial activity" for purposes of this subsection.

Facilities subject to storm water effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Subchapter N (except facilities with toxic pollutant effluent standards that are exempted under category (xi) of this definition).

Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283 and 285), 29, 311, 32 (except 323), 33, 3441, 373;

Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR 434.11(l) because the performance bond issued to the facility by the appropriate SMCRA authority has been released, or except for areas of non-coal mining operations that have been released from applicable State or Federal reclamation requirements after December 17, 1990) 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 into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations; inactive mining operations are mining sites that are not being actively mined, but that have an identifiable owner/operator;

Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;

Landfills, land application sites, and open dumps that have received any industrial wastes (waste that is received from any of the facilities described under this subsection) including those that are subject to regulation under Subtitle D of RCRA;

Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;

Steam electric power generating facilities, including coal handling sites;

Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 4221-25), 43, 44, 45 and 5171 that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance (including vehicle rehabilitation, mechanical repairs, painting, fueling, and lubrication), equipment cleaning operations, airport deicing operations, or that are otherwise identified under paragraphs (i) to (vii) or (ix) to (xi) of this subsection are associated with industrial activity;

Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR Part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and that are not physically located in the confines of the facility, or areas that are in compliance with 40 CFR Part 503;

Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than 5 acres of total land area that are not part of a larger common plan of development or sale;

Facilities under Standard Industrial Classifications 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 4221-25, (and that are not otherwise included within categories (i) to (x)).

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with this permit because of factors beyond the reasonable control of the permittees. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

Waters of the State means any river, stream, lake, pond, marsh, watercourse, waterway, well, spring, reservoir, aquifer, irrigation system, drainage system and any other body or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof.