



STATE OF IOWA

THOMAS J. VILSACK, GOVERNOR
SALLY J. PEDERSON, LT. GOVERNOR

DEPARTMENT OF NATURAL RESOURCES
JEFFREY R. VONK, DIRECTOR

CERTIFIED MAIL

March 17, 2005

David Dorsett
Director of Public Works
City of Ottumwa
105 East Third Street
Ottumwa, IA 52501

RE: NPDES Permit No. 90-83-0-03

Dear Mr. Dorsett:

Please find enclosed the final National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water from your Municipal Separate Storm Sewer System (MS4).

If you have any questions or comments concerning this matter please contact me at 515-281-7017 or joe.griffin@dnr.state.ia.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Griffin".

Joe Griffin
NPDES Section
Environmental Protection Division

Enclosure: Final NPDES permit

cc: Field Office 6

IOWA DEPARTMENT OF NATURAL RESOURCES

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

PERMITTEE

City of Ottumwa
105 East Third Street
Ottumwa, Iowa 52501

IDENTITY AND LOCATION OF FACILITY

City of Ottumwa MS4
Ottumwa, Iowa 52501

IOWA NPDES PERMIT NUMBER: 90-83-0-03

RECEIVING WATERCOURSES

Des Moines River

DATE OF ISSUANCE: March 17, 2005

DATE OF EXPIRATION: March 16, 2010

YOU ARE REQUIRED TO FILE

FOR RENEWAL OF THIS PERMIT BY: September 16, 2009

EPA NUMBER - IA0078972

This permit is issued pursuant to the authority of section 402(b) of the Clean Water Act (33 U.S.C. 1342(b)), Iowa Code section 455B.174, and rule 567-64.13, Iowa Administrative Code. You are authorized to operate the disposal system and to discharge the pollutants specified in this permit in accordance with the monitoring requirements and other terms set forth in this permit.

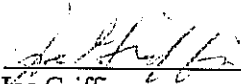
You may appeal any conditions of this permit by filing written notice of appeal and request for administrative hearing with the director of this department within 30 days of receipt of this permit.

Any existing, unexpired Iowa operation permit or Iowa NPDES permit previously issued by the department for the facility identified above is revoked by the issuance of this Iowa NPDES operation permit.

FOR THE DEPARTMENT OF NATURAL RESOURCES

Jeffrey R. Vonk, Director

By



Joe Griffin

NPDES Section

Environmental Protection Division

PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

A. Permit Area

This permit covers all areas within the boundaries of the City of Ottumwa totaling approximately 16.6 square miles which is drained by the city's Municipal Separate Storm Sewer System (MS4) and any other areas added while this permit is in effect.

B. Authorized Discharges

This permit authorizes all existing or new storm water point source discharges to waters of the State from the 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 IV. of this permit.

PART II. STORM WATER POLLUTION PREVENTION & MANAGEMENT PROGRAM

The permittee shall implement the Best Management Practices (BMPs), measurable goals, implementation dates and frequencies described in the following sections.

A. Public Education and Outreach on Storm Water Impacts

The permittee shall implement a public education and outreach program about the impacts of storm water discharges and measures which the residents of the permittee can implement to reduce pollutants in storm water runoff that includes the following:

1. General Storm Water Education Brochures – Informational brochures shall be developed and distributed to all businesses and residents served by the MS4. The brochures shall present information regarding storm water impacts on water quality and measures that can be implemented to reduce water quality degradation from storm water.

Two different brochures shall be distributed by the permittee during the period of the permit with distribution of the first brochure commencing no later than February 1, 2006. The brochures shall also be made available on the permittee's website and at all city offices.

2. Telephone Hotline Number – The permittee shall provide a telephone number for the reporting of storm water related problems. The telephone number shall be made available

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. If it is not possible to eliminate an illicit discharge within 21 days of discovery, the permittee shall submit to the Department the reasons why the discharge cannot be eliminated within 21 days of discovery and a plan which contains a timeline of activities which will result in the elimination of the discharge. This statement and plan shall be submitted within 21 days of discovery of the illicit discharge. If the Department does not approve the plan, the permittee will then be required to eliminate the discharge no later than a date specified by the Department. 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 February 1, 2007 and for the remainder of the duration of the permit.

3. Storm Sewer System Map – All outfalls, intakes, underground piping, above-ground conveyances, basins, other structures and monitoring sites of the MS4 shall be mapped. Approximately 20% of the existing system shall be mapped each year of the permit. New intakes, outfalls and piping added during the term of the permit shall be mapped as they are constructed.

The mapping shall commence no later than February 1, 2006 by the permittee and shall be completed no later than the expiration date of the permit.

D. Construction Site Storm Water Runoff Control

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, authority for the permittee to enter private property for the purposes of compliance inspections and penalties for non-compliance shall be included. The ordinance shall require site plan and pollution prevention plan review and approval by the permittee prior to issuance of any permits for the site by the permittee. 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 February 1, 2007 and enforced beginning no later than February 1, 2007 for the remainder of the duration of the permit.

2. Construction Site Review and Inspection Program - The permittee shall require site plan and pollution prevention plan review and approval by the permittee prior to issuance of any permits for the site by the permittee for construction activities for which an NPDES permit

The program shall be established by the permittee no later than February 1, 2008 and implemented for the remainder of the duration of the permit.

F. Pollution Prevention/Good Housekeeping

The permittee shall develop and implement an operation and maintenance program, including a training component, that shall prevent or reduce pollutant runoff from municipal operations and that shall include the following:

1. Operation and Maintenance of MS4 – A program for inspecting, maintaining and cleaning all components of the MS4 including street sweeping shall be implemented. All components of the MS4 shall be inspected at least once every 7 years and maintenance performed as appropriate with approximately 15% of the entire system inspected each year.

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

2. Pesticide and Fertilizer Management Program – A pesticide and fertilizer management program shall be developed, implemented and enforced which shall reduce pollutant discharge associated with storage, application and disposal of pesticides and fertilizers for municipal operations. The program shall identify all municipal entities that apply pesticides and fertilizers, require that application of these chemicals be applied by properly trained individuals, require training on management techniques addressing storage, application and disposal. Data regarding the application rates of pesticides and fertilizers shall be gathered and evaluated to determine if lower rates would be equally effective. Should it be determined that lower application rates would be equally or nearly as effective it shall be required that the lower rates be applied.

The program shall be developed by the permittee no later than February 1, 2006 and fully implemented no later than February 1, 2007.

3. Training Program for Municipal Employees – The permittee shall develop a program for training municipal employees regarding practices to be implemented in city operations to reduce pollutants in storm water.

The program shall be developed and implemented by the permittee no later than February 1, 2007 and for the remainder of the duration of the permit.

4. City Facilities BMPs – A program shall be developed and implemented to assess BMPs at city facilities to be implemented that reduce pollutants in storm water from these facilities. These measures shall then be implemented whenever practical.

The program shall be implemented by the permittee beginning no later than February 1, 2007 and for the remainder of the duration of the permit.

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. Inspections made by the permittee that satisfy the requirements of General Permit no. 2 may be used to satisfy the requirements 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 V. 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.

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 VI. 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.

Calendar Quarter means each of the following periods: December thru February, March thru May, June thru August and September thru November.

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;