



**CERTIFIED MAIL**

August 23, 2021

BRIAN HADLEY  
UNIVERSITY OF NORTHERN IOWA  
1801 W. 31<sup>ST</sup> ST  
CEDAR FALLS IA 50614

RE: Final Municipal Separate Storm Sewer (MS4) Permit No. 07-09-0-04

Dear Mr. Hadley:

Please find enclosed the final National Pollutant Discharge Elimination System (NPDES) permit for the discharge of storm water from this facility.

The changes that have been made from the draft permit are in Part II.A.1., II.B.1. and II.B.3.

If you have any questions or comments concerning this matter, please contact me at 515-725-8417 or [joe.griffin@dnr.iowa.gov](mailto:joe.griffin@dnr.iowa.gov).

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Griffin", is written over a light blue horizontal line.

Joe Griffin  
NPDES Section

Enclosure



# IOWA DEPARTMENT OF NATURAL RESOURCES

## NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

**PERMITTEE**

University of Northern Iowa  
Cedar Falls, Iowa 50614

**IDENTITY AND LOCATION OF FACILITY**

University of Northern Iowa  
Cedar Falls, Iowa 50614

**IOWA NPDES PERMIT NUMBER:** 07-09-0-04

**RECEIVING WATERCOURSES**

Dry Run Creek and other, undesignated  
waterbodies

**DATE OF ISSUANCE:** September 1, 2021

**DATE OF EXPIRATION:** August 31, 2026

**YOU ARE REQUIRED TO FILE**

**FOR RENEWAL OF THIS PERMIT BY:** March 4, 2026

**EPA NUMBER –** IA0079952

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

By



Joe Griffin  
NPDES Section

## PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

### A. Permit Area

This permit covers all areas within the boundaries of the University of Northern Iowa totaling approximately 808 acres which is drained by the university'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

The permittee shall implement the Best Management Practices (BMPs), measurable goals 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. Informational Web Board – Informational board posts regarding the impact of certain activities on storm water quality and quantity shall be written and posted at least once each calendar year. The posts shall discuss measures staff and faculty can implement to reduce water quality degradation from storm water. The posts shall reference the permittee's storm management procedures and website.

The informational posts shall be written and published by the permittee at least once each year on the University's informational web board for the duration of the permit.

2. Storm Drain Stenciling – The program to ensure labels on all storm sewer intakes are legible shall be continued for the duration of the permit.

3. Storm Water Website – The permittee’s website shall contain information regarding storm water impacts on water quality, measures students, faculty and staff can implement to reduce pollutants in storm water, regulations, current local topics and links to other relevant websites. A form for reporting storm water complaints and a telephone number shall be provided on the website. The website shall be updated as needed.

The website shall be maintained and updated as needed for the duration of the permit.

**B. Public Involvement and Participation**

The permittee shall continue implementing a public involvement and participation program that includes the following:

1. Storm Water Management Team – The storm water management team that is comprised of individuals whose activities may impact storm water quality, including students and staff, shall attend meetings and provide input and guidance on storm water management issues and direct implementation of the storm water program.

The group shall meet periodically as needed for the duration of the permit.

2. Storm Water Hotline – A 24-hour pollution prevention hotline for the public to report suspected storm water polluting activities shall continue to be maintained. The telephone number and its purpose shall be advertised each semester of each academic year in the student newspaper, shall be on the storm water website and shall be listed along with other University telephone numbers. It is not necessary to have a dedicated telephone number for this purpose.

The hotline shall be maintained by the permittee for the duration of the permit.

3. Events Cleanup Program – The permittee shall continue to implement cleanup procedures after events on campus.

Cleanup of campus outdoor events will primarily be completed by the Facilities Management group, specifically the Grounds organization. Campus sponsored groups will be encourage through the event scheduling process to provide garbage cans and labor to police and cleanup after individual events. Waste from larger campus events sponsored by the Athletics and Performing Arts Departments will be mitigated by staff, students or contractors.

4. Public Notice Requirements - When implementing a public involvement and participation program, the permittee must comply with all state and local public notice requirements.

**C. Illicit Discharge Detection and Elimination**

The permittee shall continue implementing and enforcing a discharge detection and elimination program that includes the following:

1. Illicit Discharge Prohibition Policy Statement – A policy shall continue to be implemented that prohibits discharges to the University operated MS4 that are not comprised of storm water, properly permitted storm water discharges associated with industrial activity or allowable non-storm water. The policy statement shall specify penalties for non-compliance.

2. Illicit Discharge Detection and Elimination Program – A program shall continue to be implemented to identify and eliminate illicit discharge to the MS4. The program shall include annual dry weather flow inspections of all outfalls not already inspected since flows from newly developed or re-developed areas have been discharged from the outfalls, sampling and analyses of these 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. 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 implemented for the duration of the permit.

3. Storm Sewer System Map – All outfalls and intakes of the MS4 shall continue to be mapped for the duration of the permit. New intakes and outfalls added during the term of the permit shall be mapped as they are constructed.

D. Construction Site Storm Water Runoff Control

The permittee shall continue implementing and enforcing 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 Policy Statement – A policy shall continue to be implemented on all sites for which NPDES permits are required that addresses proper soil erosion and sediment control. This policy statement 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 shall be included. The statement shall require site plan and pollution prevention plan review and shall reference the Iowa Construction Site Erosion Control Manual and the Iowa Department of Transportation Erosion Control Standards. The policy shall require compliance with the Department’s Storm Water General Permit no. 2 and inspections by the permittee of all sites for which coverage under General Permit no. 2 is required. The policy statement shall specify penalties for non-compliance.

The policy statement shall be enforced by the permittee for the duration of the permit.

2. Standard Operating Procedures for NPDES Construction Permits – A Standard Operating Procedure (SOP) for the handling of areas of soil disturbance for which NPDES permits are required shall continue to be implemented. The SOP shall be compatible with all relevant requirements of the Iowa Administrative Code and the storm water NPDES General Permit no. 2. The SOP shall outline the responsibilities of University personnel and shall include the minimum

requirements for preparing storm water pollution prevention plans, relevant contact information and required information for inspection logs.

The SOP shall be implemented for the duration of the permit.

3. Construction Site Inspection Program – A construction site inspection program shall continue to be implemented for 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 include any other provisions necessary to ensure compliance by contractors with the storm water General Permit no. 2. Inspections conducted by the permittee that meet the requirements of General Permit no. 2 may be used to satisfy these requirements. University personnel shall ensure that all topsoil preservation requirements stipulated by General Permit no. 2 are implemented on those sites for which they are required.

The program shall be implemented for the duration of the permit.

4. Pollution Prevention Plan (PPP) Review Procedures – A PPP review procedure shall continue to be implemented for areas of soil disturbance for which NPDES permits are required. The procedure shall indicate who is responsible for reviewing PPPs, outline submittal requirements and reviewer response time. The criteria for acceptance shall be, at a minimum, that which is required in the storm water General Permit no. 2.

The procedure shall be implemented for the duration of the permit.

#### E. Post-construction Storm Water Management

The permittee shall continue implementing and enforcing 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. Post - Construction Runoff Control Policy Statement – A design and implementation policy statement shall be developed that will address the control of runoff from building activities after construction has been completed. The policy statement shall require water quality and quantity components be considered in the design of new construction and implemented when practical. The statement shall promote the use of storm water detention, retention, infiltration, other Best Management Practices specific to each site which address water quality and quantity issues and proper operation and maintenance of these facilities. Written documentation of the analyses determining the practicality of implementing measures to reduce increases in water quantity and decreases in water quality shall be retained as required elsewhere in this permit.

The policy statement shall be implemented for the duration of the permit.

2. Site Plan Review Procedures – Site plan review procedures shall continue to be implemented which address sites for which storm water coverage is required. The procedures will designate who is responsible for reviewing site plans, submittal requirements, reviewer response time and plan approval criteria and the purpose shall be to ensure that construction site and post-construction runoff BMPs are incorporated into site planning when possible and designed properly.

The review procedures shall be implemented for the duration of the permit.

3. Re-Pavement and Storm Water Repair Retrofit Evaluation Program – Re-pavement projects shall be evaluated to determine if post-construction BMPs to minimize and/or treat runoff are feasible and shall be implemented when possible. The feasibility of installing post-construction runoff controls to minimize and/or treat runoff from existing streets and parking lots shall be considered and implemented when possible.

The program shall be implemented for the duration of the permit.

#### F. Pollution Prevention/Good Housekeeping

The permittee shall continue implementing 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. Educational Program for Staff – An educational program shall continue to be implemented that provides training on proper waste disposal and maintenance for staff members and students working on operations that may discharge to the MS4.

The program shall be implemented for the duration of the permit.

2. Operation and Maintenance of MS4 – A program for inspecting, maintaining and cleaning components of the MS4 shall continue to be implemented. The MS4 shall be inspected at least once every five years and maintenance performed as appropriate.

The program shall be implemented for the duration of the permit.

3. Spill Response and Prevention Plan – A program to identify material handling procedures and storage requirements to reduce spill potential and impacts on storm water quality shall continue to be implemented. Individuals to be notified when spills occur shall be included.

The program shall be implemented for the duration of the permit.

### PART III. REPORTING REQUIREMENTS

#### Annual Report

The permittee shall prepare an annual report to be submitted to the Department no later than August 31 of each calendar year. The report shall be submitted to the appropriate Department field office and shall include the following:

1. The status of implementing the requirements of this permit. Any modifications developed by the permittee and approved by the Department or required by the Department shall also be addressed.
2. A summary of the data, including monitoring data if it exists, that is generated within the reporting period including a narrative description of storm water quality improvements or degradation. This is not to be construed as a requirement to conduct monitoring except in cases where an illicit discharge is suspected.



3. An estimate of the previous fiscal year's expenditures for implementation of the management plan and the budget for the current fiscal year.
4. A summary describing the number and nature of inspections, enforcement actions, illicit discharges discovered, policies adopted, public education programs conducted, components of the MS4 cleaned, stream restoration activities, meetings held and any other actions taken by the permittee required by this permit during the reporting period.

#### PART IV. 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. However, floor drains in parking ramps shall not be considered illicit discharges if only storm water and allowable non-storm are introduced to the MS4 through the floor drains.

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.

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 permittee may directly place snow, free of trash, into or onto a Water of the State.

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

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 the permittee of the responsibility to comply with all local, state and federal laws,

ordinances, regulations or other legal requirements applying to the operation of this 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. The permittee must also furnish to the Department, 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, regulations or permits.

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 VI. DEFINITIONS

1. 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.
2. 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.
3. CWA means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972).
4. Department means the Iowa Department of Natural Resources (IDNR) or an authorized representative.
5. 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.
6. Facility means any entity which discharges storm water.
7. 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 permittee.
8. Permittee means the University of Northern Iowa.
9. 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.
10. 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.
11. Storm water means storm water runoff, snow melt runoff, snow and surface runoff and drainage.
12. 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.

- (i) 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);
- (ii) 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;
- (iii) 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;
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of RCRA;
- (v) 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;
- (vi) 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;
- (vii) Steam electric power generating facilities, including coal handling sites;
- (viii) 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;

(ix) 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;

(x) Construction activity including clearing, grading and excavation activities that result in the disturbance of one acre or more of total land area or which result in the disturbance of less than one acre but are part of a larger common plan of development or sale of one acre or more;

(xi) 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)).

13. 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.