

NOTICE OF MEETING OF THE WOODBURY COUNTY ZONING COMMISSION



WOODBURY COUNTY ZONING COMMISSION

Monday, March 23, 2026 at 5:00 PM

You are hereby notified that a meeting of the Woodbury County Zoning Commission will be held on **Monday, March 23, 2026 at 5:00 PM** in the Board of Supervisors' meeting room in the Basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa, for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Commission. Please use the 7th St. entrance. Public access to the conversation of the meeting will also be made available during the meeting by telephone. Persons wanting to participate in the public meeting and public hearings on the agenda may attend in person or call: **(712) 454-1133** and enter the **Conference ID: 638 086 537#** during the meeting to listen or comment. It is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems.

AGENDA

1	CALL TO ORDER
2	ROLL CALL
3	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (INFORMATION ITEM)
4	APPROVAL OF MINUTES FROM PREVIOUS MEETING(S) (ACTION ITEM)
5	ITEM(S) OF BUSINESS (ACTION ITEMS)
»	REVIEW OF CONDITIONAL USE PERMIT APPLICATION: TEMPORARY BORROW PIT (BORROW SITE) FOR EXTRACTION AND SUPPLY OF EARTH MATERIALS FOR THE I-29 / 235TH STREET (SOUTHBRIDGE) INTERCHANGE PROJECT , INCLUDING APPROXIMATELY 400,000 CUBIC YARDS OF MATERIAL WITH OPERATIONS TENTATIVELY SCHEDULED FROM SPRING 2026 THROUGH FALL 2027 (AND SUBJECT TO CHANGES THROUGHOUT THE REVIEW PROCESS), ON PARCELS #874707200001 AND #874707200002. SUMMARY: Consideration of a conditional use permit application (for a recommendation to the Board of Adjustment) submitted by Peterson Contractors, Inc. (Applicant), on behalf of the property owners Kimmel Family Farms LLC, Kent W. Ivener Living Trust, and Maxys Family Farm LLC. The application requests approval for a temporary borrow site (borrow pit) to extract and supply soil material for the I-29 / 235th Street (Southbridge) Interchange Project. The applicant has indicated a need for approximately 400,000 cubic yards of material, with operations proposed to support construction tentatively scheduled from Spring 2026 through Fall 2027; however, the final volume, duration, and operational details remain subject to modification, conditions, or adjustments as determined through the review process and any approval granted by the Board of Adjustment. The affected property consists of Parcels 874707200001 (approximately 38.95 acres) and 874707200002 (approximately 21.27 acres), totaling approximately 60.22 acres, located at or near 2257 Port Neal Road, Sergeant Bluff, Iowa 51054 (no formal address assigned), in the General Industrial (GI) Zoning District, within Liberty Township (T87N R47W), Section 7 in the Northeast Quarter (NE ¼). The property is located west of Port Neal Road and north of 235th Street. The property is currently used for agriculture. The project is classified as a borrow pit for earth materials under Section 3.03.4 of the Woodbury County Zoning Ordinance. The applicant is Peterson Contractors, Inc., PO Box A, Reinbeck, IA 50669. The owners are Kimmel Family Farms LLC, Kent W. Ivener Living Trust, and Maxys Family Farm LLC, 111 Doral Ln, Dakota Dunes, SD 57049.
6	PUBLIC COMMENT ON MATTERS NOT ON THE AGENDA (INFORMATION ITEM)
7	STAFF UPDATE (INFORMATION ITEM)
8	COMMISSIONER COMMENT OR INQUIRY (INFORMATION ITEM)
9	ADJOURN

Subject to Additions/Deletions

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Woodbury County Zoning Commission Meeting Minutes

Date: February 23, 2026

Time: 5:00 PM

Location: Board of Supervisors' Meeting Room, Basement, Woodbury County Courthouse, 620 Douglas Street, Sioux City, IA

MEETING AUDIO:

For specific content of this meeting, refer to the recorded video on the Woodbury County Zoning Commission "Committee Page" on the Woodbury County website:

- County Website Link:
 - o https://www.woodburycountyiowa.gov/committees/zoning_commission/
- YouTube Direct Link:
 - o <https://www.youtube.com/watch?v=e2gHjWrlH9o>

Attendees

- **Commissioners Present:** Chris Zellmer Zant – Chair, Tom Bride – Vice Chair, Jeff Hanson, Corey Meister, Steve Corey (Remotely)
- **Board of Supervisors Liaison(s):** Kent Carper
- **Staff Present:** Dan Priestley – Zoning Coordinator
- **Public Attendees:** Amanda Goodenow (Remotely)

Call to Order

The Woodbury County Zoning Commission meeting was called to order by Chair Christine Zellmer Zant at approximately 5:00 PM on January 26, 2026. The Chair noted that the meeting would be audio taped, and minutes prepared for all parties. Attendees were asked to turn off cell phones or set them to vibrate and to complete the attendance sheet. The Chair reviewed the Commission's procedures for the meeting, including handling of agenda items, public hearings, staff reports, applicant presentations, public comments (requiring speakers to state name and address at the microphone, avoid repetitious comments, and remain respectful), closing statements, closing of hearings by motion and vote, deliberation, and disclosure of any ex parte communications prior to deliberation.

Roll Call

Chair Christine Zellmer Zant conducted a roll call. Each Commissioner introduced themselves.

Public Comment on Matters Not on the Agenda

No public comments were received on matters not listed on the agenda, either in person or via phone.

Approval of Previous Meeting Minutes

The Commission reviewed the minutes from the previous meetings on December 22, 2025, and January 26, 2026.

- For the December 22, 2025, minutes: Commissioner Jeff Hanson made a motion to approve the minutes as presented. The motion was seconded by Commissioner Tom Bride. The vote was taken, with all in favor saying "aye" (Commissioners Zellmer Zant, Bride, Hanson, and Corey). Commissioner Corey Meister abstained, as he was absent from that meeting. No one opposed. The motion passed with a vote of 4-0-1 (4 ayes, 0 nays, 1 abstention).
- For the January 26, 2026, minutes: Commissioner Corey Meister made a motion to approve the minutes as presented. The motion was seconded by Commissioner Jeff Hanson. The vote was taken, with all in favor saying "aye" (Commissioners Zellmer Zant, Meister, and Hanson). Commissioners Tom Bride and Steve Corey abstained, as they were absent from that meeting. No one opposed. The motion passed with a vote of 3-0-2 (3 ayes, 0 nays, 2 abstentions).

Review of Conditional Use Permit Application: City of Merville Water System Improvement Project, Including Construction of a Water Treatment Plant, a 400,000 Gallon Water Storage Tower

Approximately 70 Feet Above Grade (and Subject to Changes Throughout the Review Process), and Two New Wells on Parcel #894432400024.

Chair Christine Zellmer Zant commenced with the conditional use permit review.

Zoning Coordinator Daniel Priestley presented the staff report on the conditional use permit application for public use on city-owned property, as detailed in the agenda and meeting packet (pages 8-80). The application, submitted by Carleigh Noel (Development Services Coordinator) on behalf of the owner/applicant City of Merville (21 Main Street, P.O. Box 420, Merville, IA 51039; contact: Carleigh Noel at 1725 Storm Lake Avenue North, Storm Lake, IA 50588), requests approval for a water system improvement project including a modern water treatment plant, a 400,000-gallon elevated water storage tower approximately 70 feet above grade (subject to changes), and two new wells. The property consists of combined Lots 3, 4, 5, and 6 in Merville Heights Addition (combined into an approximately 8-acre zoning lot, Parcel #894432400024), located in the Agricultural Estates (AE) Zoning District in Arlington Township (T89N R44W), Section 32. It lies about 1,500 feet south of the City of Merville, on the north side of 160th Street, south of Highway 20, and west of Humboldt Avenue. The project aims to secure a long-term water supply for the community, supporting growth and prosperity. The site was selected for its 8-acre footprint to accommodate all assets, with the Woodbury County Assessor combining the lots into one zoning lot.

Priestley noted this is a Zoning Commission public review meeting (not a formal public hearing; that occurs at the Board of Adjustment on March 2, 2026), for recommending to the Board of Adjustment. Notification included mailed letters to neighbors (twice), legal postings, and Facebook outreach for public input. The property is outside city limits, hence county jurisdiction. Key concerns: Setback discrepancies (subdivision plat from 2004 shows 100-foot setbacks, but zoning ordinance permits based on the combined zoning lot, eliminating internal setbacks and applying AE district standards); historical practice includes disclaimers on permits noting potential stricter subdivision covenants (e.g., "The approval of this permit does not guarantee that your building project meets the requirements of your respective subdivision... It is imperative to abide by subdivision regulations, covenants, easements and planning requirements"). Priestley recommended including this disclaimer in proceedings. The original proprietor (Larry Etlar) provided a supportive statement in the packet, controlling most lots and endorsing the project despite original intent. Other requirements: Obtain all federal, state, and local permits (e.g., grading and right-of-way from County Engineer, who is aware and has coordinated on related pipe work); install and maintain security fencing for public/asset protection. The project fits conditional use criteria as necessary and desirable, located on the town's edge for potential growth, similar to other city water towers (e.g., in Sioux City). Minimal public input received to date; more expected at Board of Adjustment.

Amanda Goodnow of ISG (remote, assisting the City) elaborated on setbacks: The site layout includes 200-foot separation circles around wells from north/west property lines to comply with Iowa Code for public drinking water (avoiding no-spray agreements with farmers for chemical applications); 100-foot separation from wells to the treatment plant (for chemical storage); south edge of plant at exactly 75 feet from property line, optimizing for wellhead protection. No other additions beyond Priestley's report.

Commissioners had no questions. Priestley suggested conveying recommendations to the Board of Adjustment, such as required permits, fencing, and the disclaimer.

Tom Bride made a motion to receive a disclaimer into the record. Jeff Hanson seconded. All in favor voted "aye" (unanimous, 5-0). No opposition. Disclaimer Received: (*DISCLAIMER: Your subdivision community covenants, and plat map may be more restrictive than the local governing body. The approval of this permit does not guarantee that your building project meets the requirements of your subdivision. The issuance of a county building permit signals compliance with the county zoning ordinance but it does not verify compliance with plat conditions, subdivision regulations, easements, and community covenants that may be applicable. It is imperative to abide by the subdivision's regulations, covenants, easements, and platting requirements before proceeding with your building plans. Be sure to call IowaOneCall (811) before you begin your project to locate utilities.*)

Tom Bride made a motion to recommend approval to the Board of Adjustment with conditions: (1) Applicant must obtain all necessary federal, state, and local permits prior to construction, including but not limited to grading and right-of-way permits from Woodbury County if applicable; (2) Security fencing as shown on the site plan must be installed and maintained for the life of the facility; (3) Include the disclaimer provided and received into the record. Corey Meister seconded. No further discussion. All in favor voted "aye" (unanimous, 5-0, including Steve Corey). No oppositions. Priestley noted the Board of Adjustment hearing on March 2, 2026, at 5:00 PM in the same room. The Commissioner Christine Zellmer Zant thanked Goodnow for attending.

No public hearing was opened or closed for this item, as it was a review (not a formal hearing).

Public Comment on Matters Not on the Agenda

No additional public comments were received on matters not listed on the agenda, either in person or via phone.

Staff Update

Dan Priestley provided updates:

- **Open Meetings Law Training:** The legislature passed new training requirements for board members. While existing members are "grandfathered in," Priestley developed an internal training course that he submitted to the IPIB. He is also evaluating Iowa State Extension training opportunities.

Commissioner Comment or Inquiry

No Commissioners offered additional comments or inquiries.

Adjournment

Commissioner Corey Meister moved to adjourn the meeting, seconded by Commissioner Steve Corey. The motion passed unanimously with all Commissioners present voting "aye." (3-0) The meeting adjourned at approximately 5:29 PM.

Woodbury County Planning and Zoning

Conditional Use Permit Application

Application Details

Date: February 18, 2026

Applicant Information

Peterson Contractors, Inc.
PO Box A
Reinbeck, IA 50669

Owner Information

Kimmel Family Farms LLC
Kent W. Ivener Living Trust
Maxys Family Farm LLC
111 Doral Ln
Dakota Dunes, SD 57049

Property Information

Address: No address. Approximately 2257 Port Neal Road
City: Sergeant Bluff
State: Iowa
Zip: 54054
Parcel Number(s): 874707200001 and 874707200002
Township and Range: T87N R47W (Liberty)
Section: 7
Total Acres: 60.22
Current Use: Agriculture
Proposed Use: Temporary Borrow Source
Current Zoning: General Industrial (GI)

Pre-application Meeting

Date: February 9, 2026
Staff present: Dan Priestley

Purpose of Conditional Use Permit Application

The Woodbury County Board of Adjustment will hold a public hearing, pursuant to Section 335 of the Code of Iowa, to consider a conditional use permit application submitted by Peterson Contractors, Inc. (Applicant), on behalf of the property owners Kimmel Family Farms LLC, Kent W. Ivener Living Trust, and Maxys Family Farm LLC. The application requests approval for a temporary borrow site (borrow pit) to extract and supply soil material for the I-29 / 235th Street (Southbridge) Interchange Project. The applicant has indicated a need for approximately 400,000 cubic yards of material, with operations proposed to support construction tentatively scheduled from Spring 2026 through Fall 2027; however, the final volume, duration, and operational details remain subject to modification, conditions, or adjustments as determined through the review process and any approval granted by the Board of Adjustment. The affected property consists of Parcels 874707200001 (approximately 38.95 acres) and 874707200002 (approximately 21.27 acres), totaling approximately 60.22 acres,

located at or near 2257 Port Neal Road, Sergeant Bluff, Iowa 51054 (no formal address assigned), in the General Industrial (GI) Zoning District, within Liberty Township (T87N R47W), Section 7 in the Northeast Quarter (NE ¼). The property is located west of Port Neal Road and north of 235th Street. The property is currently used for agriculture. The project is classified as a borrow pit for earth materials under Section 3.03.4 of the Woodbury County Zoning Ordinance. The applicant is Peterson Contractors, Inc., PO Box A, Reinbeck, IA 50669. The owners are Kimmel Family Farms LLC, Kent W. Ivener Living Trust, and Maxys Family Farm LLC, 111 Doral Ln, Dakota Dunes, SD 57049.

Requirements for Conditional Uses

Standards

In order to grant a conditional use, the Board of Adjustment must determine that:

- The conditional use requested is authorized as a conditional use in the zoning district within which the property is located, and any specific conditions or standards described as part of that authorization have been or will be satisfied.
- The proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives, and standards of the general plan.
- The proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, or other factors affecting public health, safety, and general welfare.
- The proposed use and development will be located, designed, constructed, and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development, and improvement of surrounding property.
- Essential public facilities and services will adequately serve the proposed use or development.
- The proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic, or historic features of the subject property or adjacent properties.

Other Considerations

In its review of conditional use requests, the Board of Adjustment shall consider whether, and to what extent:

- The proposed use or development, at the particular location, is necessary or desirable to provide a service or facility that is in the public interest or will contribute to the general welfare of the neighborhood or community.
- All possible efforts—including building and site design, landscaping, and screening—have been undertaken to minimize any adverse effects of the proposed use or development.

Staff Recommendation

Contingent upon further information that may be received/obtained from the public at the upcoming Board of Adjustment public hearing on April 6, 2026, staff recommends **APPROVAL** of the Conditional Use Permit, subject to the conditions listed below.

Basis for Recommendation The application meets can meet the review standards set forth in Section 2.02-9 of the Woodbury County Zoning Ordinance. Staff has evaluated the proposal against the required findings and other considerations as follows:

1. **Authorized Conditional Use** Borrow/excavation pits are authorized as a conditional use in the GI – General Industrial District (Land Use Summary Table). The applicant has provided a Grading Plan, Storm Water Pollution Prevention Plan (SWPPP), NPDES General Permit No. 2 coverage, and archaeological clearance from the University of Iowa Office of the State Archaeologist. All specific standards referenced in the authorization can be satisfied.
2. **Harmony with Ordinance Purpose and Comprehensive Plan** The temporary borrow operation directly supports a public infrastructure project (I-29 interchange reconstruction) that promotes safety, reduces

congestion, and facilitates economic development—core purposes articulated in Section 1.02 of the Zoning Ordinance. The use is temporary (approximately 18–24 months), located in an industrial-zoned area.

3. **No Substantial or Undue Adverse Effects** With the proposed mitigation measures, the operation can minimally impact adjacent properties, neighborhood character, traffic, utilities, or public welfare. The site is buffered by existing highways and topography; a haul route has been submitted, dust, erosion, and noise controls are referenced in the SWPPP and Grading Plan; and no permanent structures are proposed.
4. **Compatibility with Neighborhood and Orderly Development** The location within the GI Zoning District is acceptable for this type of land use.
5. **Adequate Public Facilities and Services** Access is via approved haul routes on Port Neal Road; no new public utilities are required.
6. **No Unnecessary Adverse Effects on Natural, Scenic, or Historic Features** The site contains no known significant natural or historic features (archaeological clearance obtained). Floodplain mapping has been reviewed; the borrow area avoids flood-prone zones.

Other Considerations

- The borrow source is **necessary and in the public interest** to supply approximately 400,000 cubic yards of embankment material for a critical regional transportation project.
- The applicant has incorporated management practices for dust suppression, erosion control, stormwater management to minimize all adverse effects.

Recommended Conditions of Approval The Conditional Use Permit should be subject to the following conditions:

1. **Permit Expiration** The permit shall expire on **December 31, 2028** or a date to be determined in conjunction with the applicant/property owners, or upon written confirmation from the Iowa DOT that the I-29 / 235th Street Interchange Project is complete and all borrow operations have ceased, whichever occurs first. Any extension requires a new application and public hearing.
2. **Hours of Operation** Operations (including excavation, hauling, and equipment use) are limited to **6:00 a.m. to 8:00 p.m., Monday through Sunday.**
3. **Compliance with All Local, State, and Federal Requirements** The applicant shall obtain and maintain in good standing all required permits, including (but not limited to) Iowa DNR NPDES General Permit No. 2, SWPPP, Grading Permit, Iowa DOT haul-route approval, and any other local, state, or federal approvals. Copies of all permits and annual compliance reports shall be filed with the Planning & Zoning Department. Failure to maintain compliance shall constitute grounds for revocation.
4. **Dust, Erosion, and Stormwater Control** Dust suppression (watering, chemical stabilizers, or equivalent) and erosion-control BMPs shall be implemented as outlined in the SWPPP.
5. **Site Reclamation and Restoration** The site shall be returned to a stable, non-eroding condition suitable for agricultural use or another appropriate General Industrial (GI) use. Final grading, seeding, and mulching shall be completed within 30 days of cessation of borrow operations.
6. **Traffic and Haul-Route Maintenance** Hauling shall follow the routes shown on the submitted Haul Route Plan.
7. **Noise, Security, and Screening** Noise must be kept to a minimum. The site shall be secured with temporary fencing and signage as shown on the Grading Plan. No materials shall be stockpiled outside the approved borrow area.
8. **Monitoring and Reporting** The applicant shall provide progress reports to the Zoning Coordinator documenting volumes excavated, reclamation status, and compliance with all conditions. The County reserves the right to conduct on-site inspections at reasonable times.
9. **Additional Standard Condition** This permit runs with the land for the benefit of the named applicant and property owners only and is non-transferable without Zoning Director approval.

Conclusion. Staff finds that the proposed temporary borrow site can satisfy the conditional-use criteria of the Woodbury County Zoning Ordinance with reasonable conditions. Therefore, staff respectfully recommends **APPROVAL** with conditions.

Potential Motion: *"I move that the Woodbury County Zoning Commission, having reviewed the Conditional Use Permit application for the proposed temporary borrow/excavation pit in the GI – General Industrial District,*

and having considered the staff report and recommendation in full, hereby recommends APPROVAL of the Conditional Use Permit to the Board of Adjustment, subject to the following conditions of approval....”

Planning and Zoning Commission Recommendation

The planning and zoning commission shall review the application for a conditional use and report its findings and recommendations to the Board of Adjustment before their public hearing on the application. In their review, the planning commission shall consider each of the standards and other considerations for review of conditional uses. The Zoning Commission is scheduled to make recommendation to the Board of Adjustment on March 23, 2026 at their regular scheduled public meeting. The review session is not a public hearing but is open to the public

Board of Adjustment Action

Hearing required. After receiving the report of the planning and zoning commission, the Board of Adjustment shall conduct a public hearing on the variance request in accordance with subsection 2.02-1. B.

Notification. Public notification of the Board of Adjustment hearing on the conditional use request shall be as required by subsection 2.02-1. B(1). Such notices shall provide information on the time, date and location of the hearing and a brief description of the requested conditional use.

Decision. Within 35 days after the public hearing, the Board of Adjustment shall approve, approve with conditions or limitations, or deny the requested conditional use. The Board of Adjustment shall set forth findings of fact addressing the points enumerated in subsection 2.02-9. F.

The public hearing is scheduled for Monday, April 6 at 5:00 PM. A follow-up meeting, if necessary, is available on Monday, May 4, 2026 at 5:00 PM

Comments from Owners of Real Property Lying within 500 feet from the Subject Property

Jeffrey W. Jackson	4101 Seger Ave.	Sioux City	IA	51106
City of Sioux City Real Estate Department	PO Box 447	Sioux City	IA	51102
City of Sioux City Real Estate Department	405 6th Street	Sioux City	IA	51101
LG Everist Inc.	350 S. Main Ave., Ste. 400	Sioux Falls	SD	57104
Union Pacific RR, Tax Department	1400 Douglas St, STOP 1640	Omaha	NE	68179-1640
Marcia Kay Nance Trust	550 Faifax Ave.	Davie	FL	33325
Leonard D. & Patricia J. Jorgensen Joint Revocable Trust	515 Kingston Circle	Sergeant Bluff	IA	51054
Kimmel Family Farms LLC; Maxys Family Farm LLC; Kent W. Ivener Living Trust	111 Doral Lane	Dakota Dunes	SD	57049
Kimmel Family Farms LLC & Kent W. Ivener; Thomas Kimmel	111 Doral Lane	Dakota Dunes	SD	57049
Lane M. & Lucinda L. Jorgensen	2354 Port Neal Road	Sergeant Bluff	IA	51054
Mark S. Godfredson	2359 Barker Ave.	Sergeant Bluff	IA	51054
Brian & Amiee Krogh	2381 Port Neal Rd.	Sergeant Bluff	IA	51054
Douglas Wood	2224 Banner Ave.	Sergeant Bluff	IA	51054
Better Homes Nursery and Gardens Co, a corp.	3800 Stone Park Blvd.	Sioux City	IA	51104

Total Property Owners: 13

Total Properties: 21

Stakeholder Comments

911 COMMUNICATIONS CENTER: No comments.

CITY OF SIOUX CITY: I do not see any issues with this. – Alvin Lorenzo, Airport Manager, 3/5/26.

FIBERCOMM: No comments.

IOWA DEPARTMENT OF NATURAL RESOURCES (IDNR): No comments.

IOWA DEPARTMENT OF TRANSPORTATION (IDOT): No comments.

LOESS HILLS NATIONAL SCENIC BYWAY: No comments.

LOESS HILLS PROGRAM: No comments.

LONGLINES: No comments.

LUMEN: No comments.

MAGELLAN PIPELINE: No comments.

MIDAMERICAN ENERGY COMPANY (Electrical Division): I have reviewed the attached conditional use permit for MEC electric distribution. We have no conflicts; the petitioner should be made aware that we do have facilities adjacent to the location and any requested extension or relocation of distribution facilities is subject to a customer contribution. Let me know if you have any questions or concerns. – Casey Meinen, 3/4/26.

MIDAMERICAN ENERGY COMPANY (Gas Division): No comments.

NATURAL RESOURCES CONSERVATION SERVICES (NRCS): No comments.

NORTHERN NATURAL GAS: No comments.

NORTHWEST IOWA POWER COOPERATIVE (NIPCO): Have reviewed this application for a conditional use permit from Woodbury County for a temporary borrow pit. NIPCO has no issues with this temporary borrow pit. – Jeff Zettel, 3/10/26.

NUSTAR PIPELINE: No comments.

SIUXLAND DISTRICT HEALTH DEPARTMENT: No comments.

WIATEL: No comments.

WOODBURY COUNTY ASSESSOR: No comments.

WOODBURY COUNTY CONSERVATION: No comments.

WOODBURY COUNTY EMERGENCY MANAGEMENT: No comments.

WOODBURY COUNTY EMERGENCY SERVICES: No comments.

WOODBURY COUNTY ENGINEER: No comments.

WOODBURY COUNTY RECORDER: No comments. – Diane Swoboda Peterson, 3/4/26.

WOODBURY COUNTY RURAL ELECTRIC COOPERATIVE (REC): No comments.

WOODBURY COUNTY SOIL AND WATER CONSERVATION DISTRICT: The WCSWCD has no comments regarding this application. – Neil Stockfleth, 3/4/26

WOODBURY COUNTY TREASURER: No comments.



OFFICIAL AD PROOF

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Dan Priestley dpriestley@woodburycountyiowa.gov (712) 279-6609	Sioux City Journal

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Total Column Inches:	14.48	
Number of Lines:	172	

03/19/2026: General Legal Notice	113.86
<hr/>	
Subtotal	\$113.86
Tax	\$0.00
Processing Fee	\$0.00
Total	\$113.86

**NOTICE OF PUBLIC HEARINGS
BEFORE THE WOODBURY
COUNTY BOARD OF
ADJUSTMENT**

The Woodbury County Board of Adjustment will hold public hearings on the following items, hereafter described in detail, on Monday, April 6, 2026, at 5:00 PM or as soon thereafter as the matters may be considered during the public meeting. Said hearings will be held in the Board of Supervisors' meeting room in the basement of the Woodbury County Courthouse, 620 Douglas Street, Sioux City, Iowa. Copies of said items may now be examined at the office of the Woodbury County Community and Economic Development on the 6th Floor of the courthouse by any interested persons. All persons who wish to be heard in respect to the matters should appear at the aforesaid hearings in person or call 712-454-1133 and enter the Conference ID: 742 346 1234 during the meeting to listen or comment. However, it is recommended to attend in person as there is the possibility for technical difficulties with phone and computer systems. You may forward your written comments by mail or email to: Woodbury County Community and Economic Development, 6th Floor, Woodbury County Courthouse, 620 Douglas St., Sioux City, IA 51101. Emails should be sent to Daniel Priestley at dpristley@woodburycountyia.gov. Only signed comments will be considered and should be received no later than 10:00 AM on Friday, April 3, 2026.

Item One (1)

The Woodbury County Board of Adjustment will hold a public hearing, pursuant to Section 335 of the Code of Iowa, to consider a conditional use permit application submitted by Peterson Contractors, Inc. (Applicant), on behalf of the property owners Kimmel Family Farms LLC, Kent W. Ivener Living Trust, and Maxys Family Farm LLC. The application requests approval for a temporary borrow site (borrow pit) to extract and supply soil material for the I-29 / 235th Street (Southbridge) Interchange Project. The applicant has indicated a need for approximately 400,000 cubic yards of material, with operations proposed to support construction tentatively scheduled from April 2026 through Fall 2027; however, the final volume, duration, and operational details remain subject to modification, conditions, or adjustments as determined through the review process and any approval granted by the Board of Adjustment. The affected property consists of Parcels 8470720001 (approximately 38.95 acres) and 8747020002 (approximately 21.27 acres), totaling approximately 60.22 acres, located at or near 2257 Port Neal Road, Sergeant Bluff, Iowa 51064 (no formal address assigned), in the General Industrial (GI) Zoning District, within Liberty Township (T87N R47W), Section 7, Northeast Quarter (NE ¼). The property is located west of Port Neal Road and north of 235th Street. The property is currently used for agriculture. The project is classified as a borrow pit for earth materials under Section 3.03.4 of the Woodbury County Zoning Ordinance. The applicant is Peterson Contractors, Inc., PO Box A, Reinbeck, IA 50069. The owners are Kimmel Family Farms LLC, Kent W. Ivener Living Trust, and Maxys Family Farm LLC, 111 Doral Ln, Dakota Dunes, SD 57049.

Item Two (2)

The Woodbury County Board of Adjustment will hold a public hearing under Section 335 of the Code of Iowa to consider a variance application submitted by the property owners, Tracy C. Kamradt and Jason M. Kamradt. The application pertains to their parcel numbered 86471230007, which consists of 5.81 acres and is situated at 3007 Cass Avenue, Salix, Iowa 51052. The applicants seek approval to construct an accessory building/structure, specifically a shed measuring approximately 40 x 33 x 12'4" (subject to possible adjustments/changes to dimensions during and throughout the review process), on their property located in the Agricultural Estates (AE) Zoning District. To do so, they request relief from two provisions of the Woodbury County Zoning Ordinance. First, they seek a variance from Section 4.12.3 concerning accessory buildings, which prohibits such structures from being located closer to the front lot line than the front edge of the principal dwelling or twice the required front yard setback, whichever is shorter. Second, they request a reduction of the front yard setback mandated by Section 3.04 for the AE Zoning District, which requires a minimum of 75 feet from the front right-of-way line or lot line. The applicants propose placing the shed

placing the shed closer to the front lot line than the existing principal dwelling and establishing a front yard setback of 20 feet or less. A substantial portion of the property falls within the Special Flood Hazard Area designated as both Flood Zone X (0.2 PCT) and Zone AE, which significantly constrains the available buildable area. The property is located in Lakeport Township (T86N R47W), Section 12, southeast quarter of the southwest quarter (SE ¼ SW ¼), encompassing portions of Government Lot 1 and Lot A of Sand Hill Lake. It lies east of Interstate 29 and west of Cass Avenue, approximately two miles south of Salix and three miles north of Sloan. The owners and applicants are Tracy C. Kamradt and Jason M. Kamradt, 3007 Cass Avenue, Salix, Iowa 51052.

Item Three (3)

The Woodbury County Board of Adjustment will hold a public hearing under Section 335 of the Code of Iowa to consider a variance application submitted by the property owners, Shaughn M. Benson and Shawna M. Benson. The application pertains to their parcel numbered 89431830001, consisting of 11.85 acres at 1246 Lenox Ave., Pierson, Iowa 51048. The applicants seek to construct an accessory building/machine shed measuring 40 x 63' x 28' total height (subject to possible adjustments/changes to dimensions during and throughout the review process) on property in the Agricultural Preservation (AP) Zoning District. They request relief from: (1) Section 4.12.3 of the Woodbury County Zoning Ordinance, prohibiting accessory structures closer to the front lot line than the front edge of the principal dwelling or twice the required front yard setback (whichever is shorter), and (2) Section 3.04, requiring a 100-foot front yard setback in the AP Zoning District. The proposal places the shed closer to the front lot line than the house and at a setback of 50 feet or less. Property constraints (rolling hills/elevation changes, wooded grove, fruit trees, septo/leach field, existing buildings, and creeks) limit placement options. The property lies in Rutland Township (T89N R43W), Section 13, southwest quarter of the southwest quarter (SW ¼ SW ¼) and northwest quarter of the southwest quarter (NW ¼ SW ¼). Owners/applicants: Shaughn M. Benson and Shawna M. Benson, 1246 Lenox Ave., Pierson, Iowa 51048.

The preliminary agenda for the Woodbury County Board of Adjustment meeting, scheduled for Monday, April 6, 2026, at 5:00 PM will be posted on the Woodbury County website on the Board of Adjustment committee page at least 24 hours prior to the meeting. To access it, visit www.woodbury-countyia.gov, navigate to the "Committees" section, and select "Board of Adjustment" (listed under the Iowa Code category). The direct link is https://www.woodburycountyia.gov/committees/board_of_adjustment/. For inquiries, call 712-279-6609 or email dpristley@woodburycountyia.gov.
COL-IA-502969

Supporting Documentation

Letter of Application Submission

PETERSON CONTRACTORS, INC.

ADDRESS REPLY TO:
104 BLACKHAWK STREET
P.O. BOX A
REINBECK, IOWA 50669

HEAVY & HIGHWAY CONTRACTORS



PHONE: (319) 345-2713

FAX: (319) 345-2991

February 19, 2026

Daniel J. Priestley, MPA
Woodbury County Zoning Coordinator
620 Douglas Street #609
Sioux City, IA 51101

Re: Woodbury County Parcels 767775 & 767760
Conditional Use Permit Application

Mr. Priestly,

Attached is our Conditional Use Permit application, plans, and required materials for the above property.

Included you will find:

- CUP Application for Proposed Borrow
- Proposed grading plan
- Proposed haul routes
- Storm Water Pollution Prevention plan
- Beacon Property Information
- Radius Search Results
- Office of State Archaeologist site search clearance letter for the subject property

We trust this meets your satisfaction based on our review meeting and our review of the ordinances. We will gladly provide you with any further information you require.

Please contact me any time if you have questions or concerns.

Sincerely,

Jaime Thomas
Senior Project Manager
Peterson Contractors, Inc,
Mobile – 319-415-5210
Email – jthomas@pci.us.com

Conditional Use Permit Application



WOODBURY COUNTY COMMUNITY AND ECONOMIC DEVELOPMENT

RECEIVED
Zoning Ordinance
Section 2.02(9)

FEB 25 2026 Page 6 of 6

CONDITIONAL USE PERMIT APPLICATION

WOODBURY COUNTY
PLANNING & ZONING

Owner Information: Kimmel Family Farms LLC, Ivener Kent W Living Trust, Maxys Family Farm Owner _____ Address <u>111 Doral Ln</u> <u>Dakota Dunes, SD 57049</u> Phone <u>712-251-9967</u>	Applicant Information: Applicant <u>Peterson Contractors, Inc.</u> Address <u>PO Box A</u> <u>Reinbeck, IA 50669</u> Phone <u>319-345-2713</u>
---	---

We, the undersigned, hereby apply to the Woodbury County Board of Adjustment for permission to:

Property Information:

Property Address or Address Range Approximately 2257 Port Neal Rd, Sergeant Bluff

Quarter/Quarter NE 1/4 Sec 7 Twnshp/Range T-87N/R47W

Parcel ID # 767775 & 767760 GIS # 87470720001&87470720002 Total Acres 60.22

Current Use AGRICULTURE Proposed Use TEMPORARY BORROW SOURCE

Current Zoning GI

The filing of this application is required to be accompanied with all items and information required pursuant to section 2.02(9)(C)(2) through (C)(4) of Woodbury County's zoning ordinances (see attached pages of this application for a list of those items and information).

A formal pre-application meeting is recommended prior to submitting this application.

Pre-app mtg. date 2-9-26 Staff present DANIEL PRIESTLY

The undersigned is/are the owners(s) of the described property on this application, located in the unincorporated area of Woodbury County, Iowa, assuring that the information provided herein is true and correct. I hereby give my consent for the Woodbury County Community and Economic Development staff, Zoning Commission and Board of Adjustment members to conduct site visits and photograph the subject property.

This Conditional Use Permit Application is subject to and shall be required, as a condition of final approval, to comply with all applicable Woodbury County ordinances, policies, requirements and standards that are in effect at the time of final approval. **KIMMEL FAMILY FARMS LLC**

Owner <u><i>[Signature]</i></u>	Applicant <u><i>[Signature]</i></u>
Date <u>2-11-26</u>	Date <u>2-11-26</u>

Fee: \$300* Case #: 7142

Check #: 2216

Receipt #: _____

Date Received

IVENER KENT W LIVING TRUST

Owner *[Signature]*

Date 2/11/26

MAXYS FAMILY FARM, LLC

Owner *[Signature]*

Date 2/11/26

PER SECTION 2.02(9)(C)(2 (d) PROVIDE A SPECIFIC DESCRIPTION OF THE PROPOSED CONDITIONAL USE: (Tab at the end of each line to continue)

This site will be a temporary borrow source for the I-29 / 235th Street (Southbridge) Interchange project.

This project will Start in Spring of 2026 and end in the late fall of 2027. With the bulk of the material being hauled in the summer of 2026

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A MAP DRAWN TO SCALE, SHOWING THE SUBJECT PROPERTY, ALL STRUCTURES AND OTHER IMPROVEMENTS, WITH THE PROPOSED CONDITIONAL USE IDENTIFIED PER STRUCTURE OR IMPROVEMENT . PROVIDE BY ATTACHMENT.

PER SECTION 2.02(9) (C)(2)(e) PROVIDE A STATEMENT IN RESPONSE TO EACH OF SIX BELOW CRITEREA AND STANDARDS FOR APPROVAL OF CONDITIONAL USES AS LISTED IN SECTION 2.02(9)F OF THE ORDINANCES. (Tab at the end of each line to continue)

- (a) Provide a statement to why you feel the conditional use requested is authorized as a conditional use in the zoning district within which the property is located and that any specific conditions or standards described as part of that authorization have been or will be satisfied.

Temporary borrow sources are considered conditional use according to the ordinances. Grading, erosion, and sedimentation control will comply with all applicable local and state regulations. The property is zoned for General Industrial. As such, its our understanding that Heavy Construction services and borrow pits for earth materials are acceptable. This site is currently used for agriculture and the site will return to agricultural use at the completion of the project.

- (b) Provide a statement to why the proposed use and development will be in harmony with the general purpose and intent of this ordinance and the goals, objectives and standards of the general plan. (Tab at the end of each line to continue)

The property is located on a hard surfaced road with an entrance already in place with excellent access to local and state highways. This property is located in the center of what will already need to be used for haul routes for the project. As such, no additional haul routes will need to be added for this borrow in addition to what what would already be needed for the project.

The proposed property is currently used as, and will be returned to agriculture use at the end of the project.

- (c) Provide a statement to why the proposed use and development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other factors affecting the public health, safety and general welfare. (Tab at the end of each line to continue)

The borrow source has been designed so that there will be no adverse affects to adjacent property. The borrow source is designed so that all storm water will be contained on site. We also have developed a SWPPP and will monitor the site to insure no adjacent properties will be affected.

Additionally the borrow is designed to stay at least 80 feet from adjacent properties at the closest point. With the majority of the disturbed area being substantially further away from adjacent properties to help ensure no other properties area affected.

- (d) Provide a statement to why the proposed use and development will be located, designed, constructed and operated in such a manner that it will be compatible with the immediate neighborhood and will not interfere with the orderly use, development and improvement of surrounding property. (Tab at the end of each line to continue)

The property owners and the contractor are committed to not adversely affecting neighboring properties. Securing a borrow source along what will already need to be used as a haul route will ensure that there will not be further interference with the orderly use of the surrounding properties and infrastructure. The property will be returned to agriculture as it is currently being used and will stay consistent and compatible with the neighborhood. The overall project will be an improvement and a benefit to the neighborhood by providing additional access to the neighborhood via I-29.

(e) Provide a statement to why essential public facilities and services will adequately serve the proposed use or development. (Tab at the end of each line to continue)

Public facilities and services will generally not be needed by the contractor for the borrow area.

We will provide portable bathrooms at the site for our use.

The proposed borrow is located away from anywhere that it would affect essential public facilities and services from being served at the property or neighboring properties.

(f) Provide a statement to why the proposed use or development will not result in unnecessary adverse effects upon any significant natural, scenic or historic features of the subject property or adjacent properties. (Tab at the end of each line to continue)

No known significant scenic or historical features are present at the property or adjacent properties to our knowledge.

We have had the Office of the State Archaeologist (OSA) review the property and they found no cultural resources suspected to be at the property and require no additional testing at the site.

Additionally there has been substantial grading completed previously at the property and no significant or historic features were found.

RECEIVED

GRADING PERMIT APPLICATION
WOODBURY COUNTY PLANNING & ZONING
6TH FLOOR COURT HOUSE
620 DOUGLAS STREET
SIOUX CITY, IOWA 51102

FEB 25 2026

WOODBURY COUNTY PLANNING & ZONING

Applicant's Information: Property Owners: Kimmel Family Farms LLC, Ivener Kent W Living Trust, Maxys Family Farm
Property Owner(s) Name:

Mailing Address: 111 Doral Ln, Dakota Dunes, SD 57049

Phone No. 712-251-9967 E-mail Address: dolfivener@gmail.com

Grading Contractor's Information:

Property Owner(s) name: Grading Contractor/Applicant: Peterson Contractors, Inc.

Mailing Address: PO Box A. Reinbeck, IA 50669

Phone No. 319-345-2713 E-mail Address: jthomas@pci.us.com

Property and location Information:

Property Address: Approximately 2257 Port Neal Rd, Sergeant Bluff

GIS Parcel Number: 87470720001& 874707200002 Quarter: NE 1/4 Section 7 Township T-87N/R47W

Purpose for Grading Permit Application: TEMPORARY BORROW SOURCE for I-29/235th St. Interchange

Will Earthen Material be removed from the parcel? Yes x No No. of Cubic Yards 400,000

Will Earthen Material be brought to the parcel? Yes No x No. of Cubic Yards

Anticipated Start Date of Grading: 4-6-26 Anticipated End Date of Grading: 12-1-27 or sooner

Any Other Information:

Kimmel Family Farms LLC Thomas Kimmel Ivener Kent W Living Trust Kent Ivener

Maxys Family Farm [Signature] PROPERTY OWNER(S) SIGNATURE

[Signature] CONTRACTOR'S SIGNATURE

APPROVED: PLANNING AND ZONING DIRECTOR DATE:

AFTER THE APPLICATION HAS BEEN APPROVED AND THE PERMIT ISSUED, THIS PERMIT BECOMES NULL AND VOID IF GRADING HAS NOT COMMENCED WITHIN 120 DAYS. THE PERMIT EXPIRES TWELVE (12) MONTHS FROM ISSUANCE AND MUST BE RENEWED IF GRADING IS TO CONTINUE.

Below -Office Use Only:

Application Number: 7143 Date: Feb. 25, 2026

Parcel's Zoning: GI Parcel's Flood Zone: Map Panel No: 213E

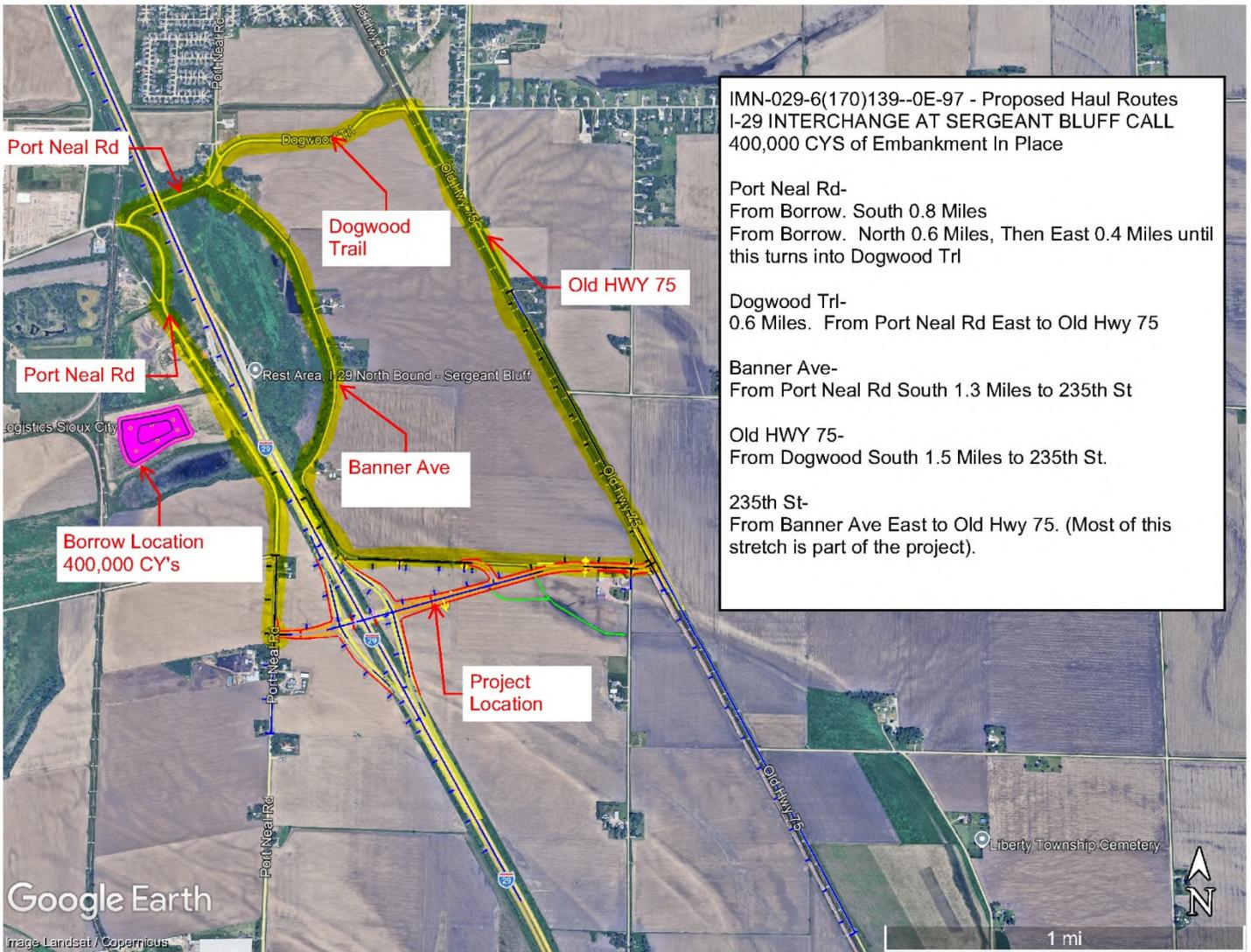
Permit Issue Date: Expiration Date:

Approved: Denied:

Grading Plan



Proposed Haul Routes



Storm Water Pollution Prevention Plan (SWPPP)

SWPPP PLAN

Address:
2257 Port Neal Rd
Sergeant Bluff, IA

NPDES Applicant:
Peterson Contractors,
Inc.
PO Box A
Reinbeck, IA

NPDES Permit:
47023-46597

POLLUTANT STORAGE AREAS:

Pollutants at site:
DEF Fuel Additive, Motor Oil, Hydraulic Oil,
Antifreeze, Grease, Gasoline, and diesel
Fuel.

Spill Kits located at all fuel tanker locations.
Ensure Spill kits are present at all times.

Dumpster Location.
Dumpster must
remain covered

Pollutant Storage
Area

STABILIZED
CONSTRUCTION
ENTRANCE

Maintain Vegetative
Buffer During
Construction.
Alternatively construct
Topsoil Earthen berm
and / or silt fence to
prevent run off if
needed. Site is
designed to keep
runoff within
pond/borrow pit

ARROWS
REPRESENT FLOW
OF WATER RUNOFF

Legend

-  Contours
-  Design Lines
-  Design Perimeter

EROSION CONTROL NOTES

1. ALL CONTRACTORS SHALL SUBMIT A CONTRACTORS CERTIFICATION PRIOR TO BEGINNING WORK ON SITE. ALL CERTIFICATIONS SHALL BE INCLUDED IN SWPPP
2. ALL DISTURBED AREAS SHALL BE SEED, FERTILIZED AND MULCHED AS SOON AS POSSIBLE AFTER CONSTRUCTION IS COMPLETE. MULCH IS REQUIRED ON SLOPES EXCEEDING 4:1.
3. EROSION CONTROL MEASURES AS SHOWN SHALL BE INSTALLED PRIOR TO WORK BEGINNING. ADDITIONAL MEASURES TO MEET THE REQUIREMENTS OF SWPPP MAY BE NEEDED AS SITE CONDITIONS CHANGE. INSPECTOR UPDATE THIS MAP WITH ANY ADDITIONAL MEASURES THAT ARE INSTALLED.
4. INSTALLATION PROCEDURES AND PRACTICE SPECIFICATIONS SHOULD BE IN ACCORDANCE WITH IDOT SPECIFICATIONS. <http://www.iowadot.gov/erl/index.html>

Google Earth

Image © 2025 Airbus

National Pollutant Discharge Elimination System (NPDES) Notice of General Permit Coverage Under General Permit No. 2



GOVERNOR KIM REYNOLDS
 LT. GOVERNOR CHRIS COURNOYER
 DIRECTOR KAYLA LYON

DEPARTMENT OF NATURAL RESOURCES
 NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
 NOTICE OF GENERAL PERMIT COVERAGE UNDER
 GENERAL PERMIT NO. 2

STORM WATER DISCHARGE ASSOCIATED WITH CONSTRUCTION ACTIVITY

This notice of general permit coverage for a storm water discharge associated with construction activity is issued pursuant to the authority of section 402 (b) of the Clean Water Act (U.S.C. 1342(b)), Iowa Code 455B.174, and subrule 567--64.4(2), Iowa Administrative Code. A Notice of Intent has been filed with the Iowa Department of Natural Resources that this storm water discharge complies with the terms and conditions of NPDES General Permit No. 2. Authorization is hereby issued to discharge storm water associated with industrial activity as defined in Part VIII of the Iowa Department of Natural Resources NPDES General Permit No. 2 in accordance with the terms and conditions set forth in the permit.

Owner:

**KIMMEL FAMILY FARMS LLC, IVENER KENT W
 LIVING TRUST, MAXYS FAMILY FARM LLC
 111 DORAL LANE
 DAKOTA DUNES IA 57049
 (319)415-5210**

Contact:

**JAIME THOMAS
 PETERSON CONTRACTORS INC
 PO BOX A
 REINBECK IA 50669
 (341)345-2713**

Permit Coverage Issued To:

**I-29 INTERCHANGE BORROW SITE
 2257 PORT NEAL RD
 in SERGEANT BLUFF, WOODBURY COUNTY
 located at**

1/4 Section	Section	Township	Range
NE	7	87	47W

Coverage Provided Through: 3/9/2029
NPDES Permit Discharge Authorization Number: 47023 - 46597
Discharge Authorization Date: 3/9/2026
Acres Disturbed: 40.1

Project Description : OTHER :

Storm Water Site Inspection

Form 830214
07-14

STORM WATER SITE INSPECTION Inspections Made At Least Once Every Seven Calendar Days

Inspection Date and Time: _____
Project Number: J26041 I-29 Interchange Borrow Site County: WOODBURY
DNR Authorization Number: IA 47023 - 46597
Inspection Made By: _____ Title: _____

Comments and Observations:

Has each Offsite drainage point been observed and in clear of erosion? _____

Any other comments or observations? _____

Deficiencies Found and Additions Required (Include Specific Locations):

Are all Sediment control devices in good condition? _____

Any other deficiencies found or additional BMP's required? _____

Contractor Notification (Name, Notification Date, and Time of Notification):

Date of Corrective Action (Within 3 Days of Inspection) and Corrective Action Performed:

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.

Inspector's Signature: _____ Date: _____

IOWA DEPARTMENT OF NATURAL RESOURCES
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES)
GENERAL PERMIT NO. 2

EFFECTIVE DATES

MARCH 1, 2023 THROUGH FEBRUARY 29, 2028

FOR

STORM WATER DISCHARGE ASSOCIATED WITH
CONSTRUCTION ACTIVITIES

NPDES GENERAL PERMIT NO. 2
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PART I. COVERAGE UNDER THIS PERMIT

A. PERMIT AREA

This permit covers all areas of the State of Iowa.

B. ELIGIBILITY

1. **Authorizations.**

- a. Except for discharges identified under Parts I.B.2. and I.B.3., this permit may authorize the discharge of storm water associated with industrial activity from construction sites, (those sites or common plans of development or sale that will result in the disturbance of one or more acres total land area, including the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one acre or more), (hereafter referred to as storm water discharge associated with industrial activity for construction activities), occurring after the effective date of this permit (including discharges occurring after the effective date of this permit where the construction activity was initiated before the effective date of this permit), including storm water discharge associated with industrial activity from areas that are dedicated to producing earthen materials, such as soils, sand and gravel, for use at a single construction site. This permit may also authorize areas where soil is placed permanently or temporarily, also known as fill sites.
- b. This permit may authorize storm water discharge from a construction site that is mixed with storm water discharge associated with industrial activity from sources other than construction activities provided that the storm water discharge from the industrial (non-construction) source is in compliance with the terms of a NPDES general permit, other than this general permit, or an individual permit authorizing such discharge. In addition, the storm water other than from construction shall be in compliance with Part IV.D.6. of this permit.

2. **Limitations on Coverage.** The following discharges associated with industrial activity for construction activities are NOT authorized by this permit:

- a. storm water discharges that are mixed with sources of non-storm water other than discharges identified in Part III.A.2. of this permit;
- b. storm water discharges associated with industrial activity for construction activities which are covered by an existing individual NPDES permit or which are issued a permit in accordance with Part I.C. of this permit. Storm water discharges authorized by an existing individual NPDES permit will be eligible to apply for coverage under this general permit as the existing individual permit expires;
- c. storm water discharges associated with industrial activity for construction activities that the Iowa Department of Natural Resources has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard;
- d. new or expanded storm water discharge associated with industrial activity that discharges to Outstanding Iowa Waters or to Outstanding National Resource Waters; and
- e. discharges from concrete washout activities and from wet sawing of concrete. Waste from concrete washout and wet sawing of concrete is not allowed to be discharged to surface waters and is not allowed to adversely affect a water of the state.

3. **Exclusions.** The following storm water discharges associated with industrial activity from construction activities do not require a NPDES permit: discharges from soil disturbing activities from sites where less than 5 acres is disturbed and the soil disturbing activities are due to routine maintenance that is performed to maintain the original line and grade, hydraulic capacity or original purpose of the site and discharges from agricultural and silvicultural activities including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands, but not discharges from concentrated animal feeding operations as defined in 40 CFR Section 122.23, concentrated aquatic production facilities as defined in 40 CFR Section 122.24, discharges to aquaculture projects as defined in 40 CFR Section 122.25, and discharges from silvicultural point sources as defined in 40 CFR Section 122.27.

C. REQUIRING AN INDIVIDUAL PERMIT

1. The Department may require any person authorized by this permit to apply for and obtain an individual NPDES permit. The Department may require any owner or operator authorized to discharge under this permit to apply for an individual NPDES permit only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a deadline for the owner or operator to file the application, and a statement that on the effective date of the individual NPDES permit, coverage under this general permit shall automatically terminate. If an owner or operator fails to submit an individual NPDES permit application required by the Department under this paragraph, coverage of this general permit automatically is terminated at the end of the day specified for submittal of the individual NPDES application.
2. Any person authorized to discharge under this permit may apply for an individual NPDES permit. In such cases, the discharger shall submit the following in accordance with the requirements of subrule 567 IAC 64.3(4):
 - a. an individual application, using industrial application Form 1, Form 2F, and Form 5; and
 - b. all applicable fees identified in rule 567 IAC 64.16.
3. When an individual NPDES permit is issued to a discharger covered under this general permit, the applicability of this general permit to the individual NPDES permittee is automatically terminated on the effective date of the individual NPDES permit. When an individual NPDES permit is denied to a discharger otherwise subject to this permit, the applicability of this permit to the individual NPDES permittee is automatically terminated on the date of such denial, unless otherwise specified by the Department.

D. AUTHORIZATION

A discharger must submit a Notice of Intent (NOI) in accordance with the requirements of Part II of this permit in order for storm water discharge associated with industrial activity for construction activities pursuant to Part I.B. of this permit to be authorized to discharge under this general permit.

PART II. NOTICE OF INTENT (NOI) REQUIREMENTS

A. DEADLINES FOR NOTIFICATION

For storm water discharge associated with industrial activity for construction activities, such activities shall not commence until an authorization has been issued for the project by the Department.

B. FAILURE TO NOTIFY

Dischargers who fail to notify the Department of their intent to be covered, and discharge pollutants to water of the United States within Iowa, without an NPDES permit, are in violation of the CWA and the Code of Iowa.

C. CONTENTS OF AN NOI

A complete NOI shall include the items described in Parts II.C.1., II.C.2., and II.C.3. of this permit.

1. A completed NOI form, DNR Form 542-1415, signed in accordance with Parts VI.H. and VI.I of this permit. The information on the form shall include all of the following:
 - a. Name, address, and location of the construction site for which this notification is submitted. The location shall be provided as the 1/4 section (NE, SE, SW, NW), township, range, and county where the storm water discharge is located;
 - b. The owner's name, address, telephone number, and status (federal, state, private, public or other entity);
 - c. The name, address and telephone number of any operator (contractor) that has been identified as having a role in the storm water pollution prevention plan (SWPPP) for the site required under Part IV.D.7. of this permit. Contractors (operators) identified after the submittal of the completed NOI shall be identified in the SWPPP;
 - d. The type of discharge (new or existing as related to October 1, 1992); whether or not the discharge is to a municipal separate storm sewer system; the date the discharge is to commence; the permit status of the discharge; and, the name of the receiving water(s);

- e. An indication if any existing quantitative data is available describing the concentration of pollutants in storm water discharges. Existing data should not be included as part of the NOI, it should be retained as part of the SWPPP;
 - f. A brief description of the project; an estimated timetable for major activities; and, an estimate of the number of acres of the site on which soil will be disturbed; and
 - g. A certification that compliance with g.(1). through g.(4). are met:
 - g.(1). the SWPPP has been developed before the NOI is submitted to the Department;
 - g.(2). the SWPPP will be implemented on October 1, 1992 for any existing storm water discharge associated with industrial activity for construction activities. For a storm water discharge associated with industrial activity for construction activities that commence after October 1, 1992, the SWPPP shall be implemented with the start of construction activities;
 - g.(3). the NOI will be included and incorporated into the SWPPP and will be updated as required; and,
 - g.(4). the SWPPP provides compliance with Iowa Code section 161A.64 and local sediment and erosion plans and are consistent with the requirements of Part IV of this general permit.
2. **Applicable Fees.** The applicable fees specified in 567 IAC 64.16.
3. **Public Notification.** A demonstration that the public notice specified in 567 IAC 64.6(1)“c”(1) was published at least one day in one newspaper with the largest circulation in the area in which the facility is located or the activity will occur.

D. WHERE TO SUBMIT

Facilities which discharge storm water associated with industrial activity for construction activities must submit items described in Part II.C. of this permit to the Department online at: <https://programs.iowadnr.gov/stormwater/pages/home.aspx> or by mail to the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E 9th St., Des Moines IA 50319-0034.

E. RENOTIFICATION

Prior to the expiration of an authorization issued under this general permit, the permittee is required to resubmit an NOI (no additional public notice is required) with the Department for coverage under the new general permit. If a new general permit has not been reissued prior to the expiration of the current permit, the provisions and coverage of the current permit are extended until replaced by the adoption of a new general permit.

F. TRANSFER OF COVERAGE UNDER THIS PERMIT

For storm water discharge associated with industrial activity for construction activities where the ownership changes, the Department must be notified of the title transfer within 30 days. Both the previous owner(s) and the new owner(s) are responsible for notifying the Department of the transfer and the new owner's name and contact information. This requirement shall be satisfied upon the Department's receipt of the notification of this information by either the previous owner(s) or the new owner(s).

If a storm water discharge associated with industrial activity for construction activities is covered by this general permit, the new owner(s) shall be subject to all terms and conditions of this general permit. A copy of the notice of transfer that was sent to the Department shall be included in the SWPPP.

For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, if a permittee transfers ownership of all or any part of property subject to this permit, both the permittee and transferee shall be responsible for compliance with the provisions of this permit for that portion of the project which has been transferred including when the transferred property is less than one acre in area. If the new owner(s) agree in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred, then the existing permittee(s) shall be relieved of responsibility for compliance with this permit for the transferred property, from and after the date the transfer of responsibility is signed. A copy of the notice of transfer of responsibility shall be included in the SWPPP.

G. NOTICE OF DISCONTINUATION (NOD)

1. Within 30 days after final stabilization at a construction site (as defined in Part VIII of this permit), the operator or owner of the facility shall submit a Notice of Discontinuation (NOD) to the Department.
2. A NOD shall include the following information:
 - a. the name of the owner/operator to which the permit was issued;
 - b. the general permit number and permit authorization number;
 - c. the date the construction site reached final stabilization; and,
 - d. the following certification signed in accordance with Part VI.H. of this permit:

I certify under penalty of law that disturbed soils at the identified facility have been finally stabilized and temporary erosion and sediment control measures have been removed or will be removed at an appropriate time. I understand that by submitting this Notice of Discontinuation, that I am no longer authorized to discharge storm water associated with industrial activity for construction activities by Iowa Department of Natural Resources General NPDES Permit No. 2. and that discharging pollutants from storm water associated with industrial activity to waters of the United States is unlawful under the Clean Water Act where the discharge is not authorized by a NPDES permit.

PART III. SPECIAL CONDITIONS, MANAGEMENT PRACTICES, AND OTHER NON-NUMERIC LIMITATIONS

A. PROHIBITION ON NON-STORM WATER DISCHARGES

1. All discharges authorized by this permit shall be composed entirely of storm water except for non-storm discharges listed in Part III.A.2 of this permit.
2. Discharges from firefighting activities; fire hydrant flushings; waters used to wash vehicles in accordance with Part III.C. and Part IV.D.2.C.(2). of this permit; potable water sources including waterline flushings; irrigation drainage; routine external building washdown which does not use detergents; pavement washwaters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used; air conditioning condensate; springs; uncontaminated groundwater; and foundation or footing drains where flows are not contaminated with process materials such as solvents; may be authorized by this permit provided the non-storm water component of the discharge is in compliance with Part IV.D.5. of this permit.

B. RELEASES IN EXCESS OF REPORTABLE QUANTITIES

Any owner or operator identified in the SWPPP is subject to the spill notification requirements as specified in Iowa Code 455B.386. Iowa law requires that as soon as possible but not more than six hours after the onset of a hazardous condition¹ the Department and local sheriff's office or the office of the sheriff of the affected county be notified.

The SWPPP described in Part IV of this permit must be modified within 7 calendar days of knowledge of the release to provide a description of the release and the circumstances leading to the release and to identify and provide for the implementation of steps to prevent the reoccurrence of such releases and to respond to such releases.

C. FEDERAL CONSTRUCTION AND DEVELOPMENT EFFLUENT GUIDELINES

In addition to all other requirements in this permit, all sites and activities required to be authorized under this permit shall comply with the following federal effluent guidelines as applicable to each site and activity.

1. **Erosion and Sediment Controls.** Design, install and maintain effective erosion controls and sediment controls to minimize the discharge of pollutants. At a minimum, such controls must be designed, installed and maintained to:
 - a. Control storm water volume and velocity to minimize soil erosion in order to minimize pollutant discharges;
 - b. Control storm water discharges, including both peak flow rates and total storm water volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points;
 - c. Minimize the amount of soil exposed during construction activity;

¹ see Definitions, Part VIII

- d. Minimize the disturbance of steep slopes;
 - e. Minimize sediment discharges from the site. The design, installation and maintenance of erosion and sediment controls must address factors such as the amount, frequency, intensity and duration of precipitation, the nature of resulting storm water runoff and soil characteristics including the range of soil particle sizes expected to be present on the site; and
 - f. Provide and maintain natural buffers around waters of the United States, direct storm water to vegetated areas and maximize storm water infiltration to reduce pollutant discharges, unless infeasible.
2. **Soil Compaction and Topsoil Preservation.** Practices to minimize soil compaction and preserve topsoil shall be implemented as described in Part IV.D.2.a.(2).iii. of this permit.
 3. **Soil Stabilization.** Stabilization of disturbed areas must, at a minimum, be initiated immediately whenever any clearing, grading, excavating or other earth disturbing activities have permanently ceased on any portion of the site or temporarily ceased on any portion of the site and will not resume for a period exceeding 14 calendar days. In drought-stricken areas and areas that have recently received such high amounts of rain that seeding with field equipment is impossible and initiating vegetative stabilization immediately is infeasible, alternative stabilization measures must be employed as specified by the Department. In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed.
 4. **Dewatering.** Discharges from dewatering activities, including discharges from dewatering of trenches and excavations, are prohibited unless managed by appropriate controls.
 5. **Pollution Prevention Measures.** Design, install, implement and maintain effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented and maintained to:
 - a. Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;
 - b. Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste and other materials present on the site to precipitation and storm water. Minimization of exposure is not required in cases where the exposure to precipitation and to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended for outdoor use); and
 - c. Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.
 6. **Prohibited Discharges.** The following discharges are prohibited:
 - a. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;
 - b. Fuels, oils or other pollutants used in vehicle and equipment operation and maintenance; and
 - c. Soaps or solvents used in vehicle and equipment washing.
 7. **Surface Outlets.** When discharging from basins and impoundments, utilize outlet structures that withdraw water from the surface, unless infeasible.

PART IV. STORM WATER POLLUTION PREVENTION PLANS (SWPPP)

A storm water pollution prevention plan (SWPPP) shall be developed for each construction site covered by this permit. SWPPPs shall be prepared in accordance with good engineering practices. The SWPPP shall identify potential sources of pollution which may reasonably be expected to affect the quality of the storm water discharge from the construction activities. In addition, the SWPPP shall describe and ensure the implementation of practices which will be used to reduce the pollutants in storm water discharge associated with industrial activity for construction activities at the construction site and to assure compliance with the terms and conditions of this permit. Facilities must implement the provisions of the SWPPP required under this part as a condition of this permit.

A. DEADLINES FOR SWPPP PREPARATION AND COMPLIANCE

1. **SWPPP Preparation Deadline.** The SWPPP shall be completed prior to the submittal of a NOI to the Department to be covered under this permit and shall be updated as appropriate.
2. **SWPPP Compliance Deadline.** The SWPPP shall provide for compliance with the terms and schedule of the SWPPP prior to the initiation of construction activities.

B. SIGNATURE AND SWPPP REVIEW

1. The SWPPP shall be signed in accordance with Part VI.H. of this permit.
2. The permittee shall make SWPPPs available to the Department upon request; or in the case of a storm water discharge associated with industrial activity for construction activities that discharges through a municipal separate storm sewer system with an NPDES permit, shall make the SWPPP available to the municipal operator of the system.
3. The Department may notify the permittee at any time that the SWPPP does not meet one or more of the minimum requirements of this Part. After such notification from the Department, the permittee shall make changes to the SWPPP and shall submit to the Department a written certification that the requested changes have been made. Unless otherwise provided by the Department, the permittee shall have 3 business days after such notification to make the necessary changes.
4. All SWPPPs received by the Department from the permittee are considered reports that shall be available to the public under Section 308(b) of the CWA and Iowa Code Chapter 22. However, the permittee may claim any portion of a SWPPP as confidential in accordance with Iowa Code Chapter 22 and 561 IAC 2.5.

C. KEEPING SWPPPS CURRENT

The permittee shall amend the SWPPP whenever any of the following occurs: (1) there is a change in design, construction, operation, or maintenance, that has a significant effect on the potential for the discharge of pollutants to the waters of the U.S. and which has not been addressed in the SWPPP; or (2) if the SWPPP proves to be ineffective in eliminating or significantly minimizing pollutants from sources identified in Part IV.D.2. of this permit, or (3) the SWPPP fails to otherwise achieve the general objectives of controlling pollutants in storm water discharge associated with industrial activity for construction activities. In addition, the SWPPP shall be updated to: expeditiously change the site map to include changes at the site, including contractors identified after the submittal of the NOI as Co-permittees, described in Part IV.D.7. of this permit; identify any change in ownership or transference of the permit and permit responsibilities; or, if required, by the occurrence of a hazardous condition (as defined in Part VIII of this permit). Amendments to the SWPPP may be reviewed by the Department in the same manner as Part IV.B.2 of this permit.

D. CONTENTS OF THE SWPPP

The SWPPP shall include the following items:

1. **Site Description.** Each SWPPP shall provide a description of the following:
 - a. a description of the nature of the construction activity;
 - b. estimates of the total area of the site and the area of the site that is expected to be disturbed by excavation, grading, or other activities;
 - c. an estimate of the runoff coefficient of the site after construction activities are completed and existing data describing the soil or the quality of any discharge from the site;
 - d. a site map indicating drainage patterns and approximate slopes anticipated after major grading activities, areas of soil disturbance, the location of structural and nonstructural controls identified in the SWPPP, the location of areas where stabilization practices are expected to occur, surface waters (including wetlands), and locations where storm water is discharged to a surface water; and
 - e. the name of the receiving water(s) and the ultimate receiving water(s).
2. **Controls.** Each SWPPP shall include a description of controls that will be implemented at the construction site. The SWPPP will clearly describe the intended sequence of major activities and for each activity, the appropriate control measures and the timing during the construction process that the measures will be implemented. (For example, perimeter controls for one portion of the site will be installed after the clearing and grubbing

necessary for installation of the measure, but before the clearing and grubbing for the remaining portions of the site. Perimeter controls will be actively maintained until final stabilization of those portions of the site upward of the perimeter control. Temporary perimeter controls will be removed after final stabilization). The description of controls shall address the following minimum components:

a. Erosion and Sediment Controls

- a.(1). Stabilization Practices.** A description of temporary and permanent stabilization practices, including site-specific scheduling of the implementation of the practices. Stabilization practices may include: temporary or permanent seeding after germination and establishment of vegetative cover of sufficient density and height to preclude erosion has been achieved, as well as mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Temporary or continued stabilization must be implemented and maintained when necessary to prevent erosion of seeded areas prior to the establishment of vegetative cover of sufficient density and height to preclude erosion.
- a.(2). Structural Practices.** A description of structural practices to the degree attainable, to divert flows from exposed soils, store flows or otherwise limit runoff from exposed areas of the site. Such practices may include silt fences, earth dikes, brush barriers, drainage swales, sediment traps, check dams, subsurface drains, pipe slope drains, level spreaders, storm drain inlet protection, rock outlet protection, reinforced soil retaining systems, gabions and temporary or permanent sediment basins. Structural practices should be placed on upland soils to the degree attainable. The installation of these devices may be subject to Section 404 of the CWA.
- a.(2).i** For common drainage locations that serve an area with more than 10 disturbed acres at one time, a temporary or permanent sediment basin providing 3,600 cubic feet of storage per acre drained shall be provided where attainable until final stabilization of the site has been achieved. The 3,600 cubic feet of storage area per acre drained does not apply to flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around the sediment basin. For drainage locations which serve more than 10 disturbed acres at one time and where a temporary sediment basin providing 3,600 cubic feet of storage per acre drained is not attainable, sediment traps, silt fences, or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area.
- a.(2).ii** For drainage locations serving 10 or fewer acres, sediment traps, silt fences or equivalent sediment controls are required for all sideslope and downslope boundaries of the construction area or a sediment basin providing for 3,600 cubic feet of storage per acre drained.
- a.(2).iii** Unless infeasible, the following measures shall be implemented at all sites: utilize outlet structures that withdraw water from the surface when discharging from basins, provide and maintain natural buffers around surface waters and direct storm water to vegetated areas to both increase sediment removal and maximize storm water infiltration.

The permittee(s) shall minimize soil compaction and, unless infeasible, preserve topsoil. "Infeasible" shall mean not technologically possible, or not economically practicable and achievable in light of the best industry practices. "Unless infeasible, preserve topsoil" shall mean that, unless infeasible, topsoil from any areas of the site where the surface of the ground for the permitted construction activities is disturbed shall remain within the area covered by the applicable General Permit No. 2 authorization. Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted. Preserving topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. The permittee(s) shall control storm water volume and velocity to minimize soil erosion in order to minimize pollutant discharges and shall control storm water discharges, including both peak flowrates and total storm water volume, to minimize channel and stream bank erosion

and scour in the immediate vicinity of discharge points. An affidavit signed by the permittee(s) may be submitted to demonstrate compliance.

For construction activity which is part of a larger common plan of development, such as a housing or commercial development project, in which a new owner agrees in writing to be solely responsible for compliance with the provisions of this permit for the property which has been transferred or in which the new owner has obtained authorization under this permit for a lot or lots (as specified in subrule 567 IAC 64.6(6)), the topsoil preservation requirements described above must be met no later than at the time the lot or lots have reached final stabilization as described in this permit.

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

- b. Storm Water Management.** A description of measures that will be installed during construction to control pollutants in storm water discharges that will occur after construction operations have been completed. The installation of these devices may be subject to Section 404 of the CWA. This permit only addresses the installation of storm water management measures and not the ultimate operation and maintenance of such structures after the construction activities have been completed and the site has undergone final stabilization. Permittees are only responsible for the installation and maintenance of storm water management measures prior to final stabilization of the site and are not responsible for maintenance after storm water discharges associated with industrial activity have been eliminated from the site.
- b.(1).** Such practices may include: storm water detention structures (including wet ponds); storm water retention structures; flow attenuation by use of open vegetated swales and natural depressions; and infiltration of runoff onsite; and sequential systems (which combine several practices). A goal of 80 percent removal of total suspended solids from those flows which exceed predevelopment levels should be used in designing and installing storm water management controls (where practicable). Where this goal is not met, the permittee shall provide justification for rejecting each practice based on site conditions.
- b.(2).** Velocity dissipation devices shall be placed at discharge locations and along the length of any outfall channel as necessary to provide a non-erosive velocity flow from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g. maintenance of hydrologic conditions present prior to the initiation of construction activities).
- c. Other Controls.**
- c.(1). Waste Disposal.** All wastes composed of building materials must be removed from the site for disposal in permitted disposal facilities. No building material wastes or unused building materials shall be buried, dumped, or discharged at the site.
- c.(2).** Off-site vehicle tracking of sediments shall be minimized.
- c.(3).** The SWPPP shall ensure and demonstrate compliance with applicable State or local waste disposal, sanitary sewer or septic system regulations.

- d. **Approved State or Local Plans.** A SWPPP that is submitted by a facility that discharges storm water associated with industrial activity for construction activities must include the procedures and requirements specified in any applicable sediment and erosion site plans or storm water management plans approved by State or local officials. Any requirements specified in sediment and erosion plans, site permits, or storm water management plans approved by State or local officials that are applicable to protecting surface water resources are, upon submittal of an NOI, incorporated by reference and are enforceable under this permit even if they are not specifically included in the SWPPP.

Operators of facilities seeking alternative permit requirements shall submit an individual permit application in accordance with Part I.C.2. of this permit along with a description of why the requirements in approved State or local plans should not be applicable as a condition of an NPDES permit.

3. **Maintenance.** A description of procedures to maintain in good and effective operating conditions vegetation, erosion and sediment control measures and other protective measures identified in the site plan.
4. **Inspections.** Qualified personnel (provided by the discharger) shall inspect disturbed areas of the construction site that have not been stabilized with a perennial, vegetative cover of sufficient density to preclude erosion at least once every seven calendar days. Unless erosion is evident or other conditions warrant them, regular inspections are not required on areas that have been stabilized with a perennial, vegetative cover of sufficient density to preclude erosion.
- a. Disturbed areas and areas used for storage of materials that are exposed to precipitation shall be inspected for evidence of, or the potential for, pollutants entering the drainage system. Erosion and sediment control measures identified in the SWPPP shall be observed to ensure that they are operating correctly. When discharge locations or points are accessible, they shall be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to receiving waters. Locations where vehicles enter or exit the site shall be inspected for evidence of offsite sediment tracking.
- b. Based on the results of the inspection, the storm water pollution prevention measures identified in the SWPPP shall be revised at the construction site as appropriate as soon as practicable after the inspection and added to the SWPPP within 7 calendar days of the inspection. If the permittee determines that making these changes at the construction site within 72 hours of the inspection is impracticable, the permittee shall document in the SWPPP why it is impracticable and indicate an estimated date by which the changes will be made.
- c. A report shall be made and retained as part of the SWPPP for at least three years after final stabilization has been achieved and a NOD has been submitted to the Department. The report shall be signed in accordance with Part VI.H. of this permit. The report shall contain the following: a summary of the inspection, name(s) and qualifications of personnel making the inspection, the date(s) of the inspection, major observations relating to the implementation of the SWPPP and actions taken in accordance with Part IV.D.4.b. of this permit.
5. **Non-Storm Water Discharges.** Sources of non-storm water listed in Part III.A.2. of this permit that are combined with storm water discharges associated with industrial activity from construction activities must be identified in the SWPPP. Flows from firefighting activities are exempt from this requirement. The SWPPP shall identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.
6. **Additional Requirements for Storm Water Discharge from Industrial Activities Other than Construction, Including Dedicated Asphalt Plants and Dedicated Cement Plants.** This permit may only authorize a storm water discharge associated with industrial activity from a construction site that is mixed with a storm water discharge from an industrial source other than construction, where all of the following conditions are met:
- a. the industrial source other than construction is located on the same site as the construction activity;
- b. storm water discharges associated with industrial activity from the areas of the site where construction activities are occurring are in compliance with the terms of this permit; and,
- c. storm water discharges associated with industrial activity from the areas of the site where industrial activity other than construction are occurring (including storm water discharges from dedicated asphalt plants and dedicated cement plants) are in compliance with the terms and conditions, including applicable NOI or

application requirements, of a different NPDES general permit or individual permit authorizing such discharges.

7. Contractors.

a. The SWPPP must clearly identify, for each measure in the SWPPP, the contractor(s) and/or subcontractor(s) that will implement the measure. All contractors and subcontractors identified in the SWPPP must sign a copy of the certification statement in Part IV.D.7.b. of this permit in accordance with Part VI.H. of this permit. Upon signing the certification, the contractor or sub-contractor is a co-permittee with the owner and other co-permittee contractors. All certifications must be included in the SWPPP.

b. **Certification Statement.** All contractors and subcontractors identified in a SWPPP in accordance with Part IV.D.7.a. of this permit shall sign a copy of the following certification statement before conducting any professional service at the site identified in the SWPPP:

I certify under penalty of law that I understand the terms and conditions of the general National Pollutant Discharge Elimination System (NPDES) permit that authorizes the storm water discharges associated with industrial activity from the construction site as part of this certification. Further, by my signature, I understand that I am a co-permittee, along with the owner(s) and other contractors and subcontractors signing such certifications, to the Iowa Department of Natural Resources NPDES General Permit No. 2 for Storm Water Discharge Associated with Industrial Activity for Construction Activities at the identified site. As a co-permittee, I understand that I, and my company, are legally required under the Clean Water Act and the Code of Iowa, to ensure compliance with the terms and conditions of the storm water pollution prevention plan (SWPPP) developed under this NPDES permit and the terms of this NPDES permit.

The certification must include the following:

- b.(1). The name and title of the person providing the signature;
- b.(2). The name, address and telephone number of the contracting firm;
- b.(3). The address (or other identifying description) of the site; and
- b.(4). The date the certification is made.

PART V. RETENTION OF RECORDS

- A. For a period of at least three years from the date of the document or the date the site is finally stabilized and a NOD has been submitted, the permittee shall retain copies of SWPPPs, all reports required by this permit, and all records used to complete the NOI.
- B. If there is a construction trailer, shed or other covered structure located on the property, the permittee shall retain a copy of the SWPPP required by this permit at the construction site from the date of project initiation to the date of final stabilization. If there is no construction trailer, shed or other covered structure located on the property, the permittee shall retain a copy of the SWPPP from the date of project initiation to the date of final stabilization at a readily available alternative site approved by the Department and provide it for inspection upon request. If the SWPPP is maintained at an off-site location such as a corporate office, it shall be provided for inspection no later than three hours after being requested.

C. ADDRESSES

All written correspondence to the Department shall be emailed to npdes.mail@dnr.iowa.gov or mailed to the following address: Storm Water Coordinator, Iowa Department of Natural Resources, 502 E 9th St., Des Moines IA 50319-0034.

PART VI. STANDARD CONDITIONS

A. ADMINISTRATIVE RULES

Rules of the Department that govern the operation of a facility in connection with this permit are published in volumes 561 and 567 of the IAC. Reference to the term "rule" in this permit means the designated provision of volume 561 or 567.

B. DUTY TO COMPLY

1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Iowa Code and the CWA and is grounds for enforcement action; for termination of coverage under this general permit; or, for denial of a request for coverage under a reissued general permit. Coverage under this general permit does not relieve the permittee of the responsibility to comply with all local, state and federal laws, ordinances, regulations or other legal requirements.
2. **Toxic Pollutants.** The permittee shall comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this permit has not yet been modified to incorporate the requirement.

C. CONTINUATION OF THE EXPIRED GENERAL PERMIT

This permit expires on February 29, 2028. An expired general permit continues in force until replaced by adoption of a new general permit.

D. 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.

E. DUTY TO MITIGATE

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

F. DUTY TO PROVIDE INFORMATION

The permittee shall furnish to the Department, within three hours, any information which the Department may request to determine compliance with this permit. The permittee shall also furnish to the Department upon request copies of records required to be kept by this permit.

G. OTHER INFORMATION

When the permittee becomes aware that he or she failed to submit any relevant facts or submitted incorrect information in the NOI or in any other report to the Department, he or she shall promptly submit such facts or information.

H. SIGNATORY REQUIREMENTS

All NOIs, NODs, SWPPPs, reports, certifications, or information either submitted to the Department or the operator of a municipal separate storm sewer system, or that this permit requires be maintained by the permittee, shall be signed in accordance with subrule 567 IAC 64.3(8) as follows:

64.3(8) *Identity of signatories of operation permit applications.* The person who signs the application for an operation permit shall be:

- a. *Corporations.* In the case of corporations, a responsible corporate officer. A responsible corporate officer means: (1) A president, secretary, treasurer, or vice-president in charge of a principal business function or any other person who performs similar policy or decision-making functions; or (2) The manager of manufacturing, production, or operating facilities if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- b. *Partnerships.* In the case of a partnership, a general partner.
- c. *Sole proprietorships.* In the case of a sole proprietorship, the proprietor.
- d. *Municipal, state, federal, or other public agency.* In the case of a municipal, state, or other public facility, either the principal executive officer or the ranking elected official. A principal executive officer of a public

agency includes: (1) The chief executive officer of the agency; or (2) A senior executive officer having responsibility for the overall operations of a unit of the agency.

- e. *Storm water discharge associated with industrial activity from construction activities.* In the case of a storm water discharge associated with construction activity, either the owner of the site or the general contractor.

The person who signs NPDES reports shall be the same, except that in the case of a corporation or a public body, monitoring reports required under the terms of the permit may be submitted by the person who is responsible for the overall operation of the facility from which the discharge originated.

I. CERTIFICATION

Any person signing documents required by this permit 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 gather and evaluate 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 known violations.

J. OIL AND HAZARDOUS SUBSTANCE LIABILITY

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 to which the permittee is or may be subject under section 311 of the CWA.

K. 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.

L. SEVERABILITY

The provisions of this permit are severable. If any provision of this permit is found to be invalid by this Department or a court of law, such a determination shall not affect validity or enforceability of any other permit term or part. Additionally, if the application of any provision to a particular circumstance is found to be invalid by the Department or a court of law, such a determination shall not affect the validity or enforceability of said provision to other circumstances.

M. TRANSFERS

This permit is not transferable to any person except after notice to the Department. The Department may require the discharger to apply for and obtain an individual NPDES permit as stated in Part I.C of this permit.

N. 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) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of SWPPPs. Adequate laboratory controls and appropriate quality assurance procedures shall be provided to maintain compliance with the conditions of this permit.

O. INSPECTION AND ENTRY

The permittee shall allow the Department or an authorized representative of EPA, the State, or, in the case of a facility which discharges through a municipal separate storm sewer, an authorized representative of the municipal operator or the separate storm sewer receiving the discharge, upon the presentation of credentials and other documents as may be required by law, to:

1. 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;
2. Provide access to and copy at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities or equipment (including monitoring and control equipment), and
4. Sample or monitor, at reasonable times, to assure compliance or as otherwise authorized by the CWA.

P. PERMIT ACTIONS

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

Q. ENVIRONMENTAL LAWS

No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

PART VII. REOPENER CLAUSE

If there is evidence indicating potential or realized impacts or water quality due to any storm water discharge associated with industrial activity for construction activities covered by this permit, the owner or operator of such discharge may be required to obtain individual permit in accordance with Part I.C of this permit.

PART VIII. DEFINITIONS

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

"Construction site" means a site or common plan of development or sale on which construction activity, including clearing, grading and excavating, results in soil disturbance. A construction site is considered one site if all areas of the site are contiguous with one another and one entity owns all areas of the site.

"CFR" means the Code of Federal Regulations.

"CWA" or "Clean Water Act" means the Federal Water Pollution Control Act.

"Dedicated portable asphalt plant" means a portable asphalt plant that is located on or contiguous to a construction site and that provides asphalt only to the construction site that the plant is located on or adjacent to.

"Dedicated portable concrete plant" means a portable concrete plant that is located on or contiguous to a construction site and that provides concrete only to the construction site that the plant is located on or adjacent to.

"Dedicated sand or gravel operation" means an operation that produces sand and/or gravel for a single construction project.

"Department" means the Iowa Department of Natural Resources.

"Final Stabilization" means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of 70%, sufficient to preclude erosion, for the entire disturbed area of the permitted project has been established or equivalent stabilization measures have been employed, or which is

covered by a permanent structure that ensures the ground surface will not be eroded or otherwise impacted by precipitation or runoff, or which has been returned to agricultural production.

“Hazardous condition” means any situation involving the actual, imminent, or probable spillage, leakage, or release of a hazardous substance onto the land, into a water of the state, or into the atmosphere, which creates an immediate or potential danger to the public health or safety or to the environment. *Iowa Code § 455B.381(4)*

“Hazardous substance” means any substance or mixture of substances that presents a danger to the public health or safety and includes but is not limited to a substance that is toxic, corrosive, or flammable, or that is an irritant or that generates pressure through decomposition, heat, or other means. “Hazardous substance” may include any hazardous waste identified or listed by the administrator of the United State Environmental Protection Agency under the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, or any toxic pollutant listed under section 307 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous substance designated under section 311 of the federal Water Pollution Control Act as amended to January 1, 1977, or any hazardous material designated by the secretary of transportation under the Hazardous Materials Transportation Act. *Iowa Code § 455B.381(5)*

“IAC” means the Iowa Administrative Code.

“Infeasible” means not technologically possible, or not economically practicable and achievable in light of best industry practices.

“Municipality” means a city, town, borough, county, parish, district, association, or other public body created by or under State law.

“NOD” means Notice of Discontinuation (see Part II.G. of this permit.)

“NOI” means Notice of Intent to be covered by this permit (see Part II of this permit.)

“Outstanding Iowa Waters” means those waters which constitute an outstanding state resource such as waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Outstanding National Resource Waters” means those waters which constitute an outstanding national resource such as waters of national and state parks and wildlife refuges and waters of exceptional recreational or ecological significance. These waters are identified in Appendix B of the Iowa Antidegradation Implementation Procedure manual.

“Permittee” means the owner of the facility or site.

“Qualified personnel” means those individuals capable enough and knowledgeable enough to perform the required functions adequately well to ensure compliance with the relevant permit conditions and requirements of the Iowa Administrative Code.

“Runoff coefficient” means the fraction of total rainfall that will appear at the conveyance as runoff.

“Stabilization” or “Soil Stabilization” means the prevention of soil particles from being dislodged and moving therefore preventing erosion from initiating or continuing.

“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 which is used for collecting and conveying storm water and which 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 under 40 CFR Part 122. 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 purposes of this definition, material handling activities include the storage, loading and unloading, transportation, or conveyance of any raw material, intermediate product, final 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 these paragraphs (i) to (xi) of this definition) include those facilities designated under 40 CFR Section 122.26(a)(1)(v). The following categories of facilities are considered to be engaging in “industrial activity” for purposes of this definition:

- (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 which are exempted under paragraph (xi) of this definition);
- (ii) Facilities classified within Standard Industrial Classification 24, Industry Group 241 that are rock crushing, gravel washing, log sorting, or log storage facilities operated in connection with silvicultural activities defined in 40 CFR Sections 122.27(b)(2)-(3) and Industry Groups 242 through 249; 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373; (not included are all other types of silviculture facilities);
- (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 Section 40 CFR 434.11(1) 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 which 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, by-products or waste products located on the site of such operations; (inactive mining operations are mining sites that are not being actively mined, but which have an identifiable owner/operator; inactive mining sites do not include sites where mining claims are being maintained prior to disturbances associated with the extraction, beneficiation, or processing of mined materials, nor sites where minimal activities are undertaken for the sole purpose of maintaining a mining claim);
- (iv) Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under Subtitle C of the Resource Conservation and Recovery Act (RCRA);
- (v) Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this definition) 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 not limited to, those classified as Standard Industrial Classifications 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 4221-4225), 43, 44, 45 and 5171 which 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 which are otherwise identified under paragraphs (i) to (vii) or (ix) to (xi) of this definition 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 which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the CWA;
- (x) Construction activity including clearing, grading and excavation, except operations that result in the disturbance of less than one acre of total land area. Construction activity also includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb 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, and 4221-4225.

“Storm water discharge associated with industrial activity for construction activities” means activities that fall under subparagraph (x) in the definition of storm water discharge associated with industrial activity.

“SWPPP” means storm water pollution prevention plan.

“Topsoil” means the fertile, uppermost part of the soil containing significant organic matter largely devoid of debris and rocks and often disturbed in cultivation.

“Uncontaminated groundwater” means water that is potable for humans, meets the narrative water quality standards in subrule 567 IAC 61.3(2), contains no more than half the listed concentration of any pollutants in subrule 567 IAC 61.3(3), has a pH of 6.5-9.0 and is located in soil or rock strata.

“Water(s) of the State” means any 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 of Iowa or any portion thereof.

Parcel Report - 874707200001

Woodbury County, IA / Sioux City

Summary

Parcel ID 874707200001
Alternate ID 767775
Property Address N/A
Sec/Twp/Rng 7-87-47
Brief Tax Description EX RR R/W NWNE 7-87-47
 (Note: Not to be used on legal documents)
Deed Book/Page 2023-11566 (12/5/2023)
Gross Acres 38.95
Net Acres 38.95
Adjusted CSR Pts 809.61
Zoning GI - GENERAL INDUSTRIAL
District 0038 LIBERTY/SB/L
School District SGT BLUFF LUTON
Neighborhood N/A

Owner

Deed Holder
[KIMMEL FAMILY FARMS LLC](#)
[111 DORAL LN](#)
 DAKOTA DUNES SD 57049

[IVENER KENT W LIVING TRUST](#)
[3701 CHEYENNE BLVD](#)
 SIOUX CITY IA 51104

[MAXYS FAMILY FARM LLC](#)
[3400 TALBOT RD](#)
 SIOUX CITY IA 51103-1168
Contract Holder
Mailing Address
 KIMMEL FAMILY FARMS LLC
 111 DORAL LN
 DAKOTA DUNES SD 57049



Parcel ID 874707200001 Alternate ID 767775 Owner Address KIMMEL FAMILY FARMS LLC
 Sec/Twp/Rng 7-87-47 Class A 111 DORAL LN
 Property Address Acreage 38.95 DAKOTA DUNES SD 57049
 District 0038
 Brief Tax Description EX RR R/W NWNE 7-87-47
 (Note: Not to be used on legal documents)

Land

Lot Area 38.95 Acres ; 1,696,662 SF

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
12/4/2023	HOLLAND BROS CONSTRUCTION CO INC	KIMMEL FAMILY FARMS LLC	2023-11566	Normal	Deed	Y	\$325,000.00
8/16/2016	KIMMEL FAMILY FARMS LLC &	HOLLAND BROS. CONSTRUCTION CO, INC	749-1197	Normal	Deed		\$1,543,500.00
12/20/2011	CHRISTENSEN ERMA REV TRUST ,%TERRANCE JOHNSTON, SUCCESSOR	KIMMEL THOMAS A & KENT W IVENER	720/4082	Normal	Deed		\$0.00

Show There are other parcels involved in one or more of the above sales:

Valuation

	2025	2024	2023	2022	2021
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$31,130	\$26,390	\$26,390	\$20,500	\$20,500
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$31,130	\$26,390	\$26,390	\$20,500	\$20,500
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$31,130	\$26,390	\$26,390	\$20,500	\$20,500

Sioux City Special Assessments and Fees

[Click here to view special assessment information for this parcel.](#)

Woodbury County Tax Credit Applications

Apply for Homestead or Military Tax Credit

No data available for the following modules: Residential Dwellings, Commercial Buildings, Agricultural Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications, Sioux City Board of Review Petition, Photos, Sketches.

Parcel Report - 874707200002

Woodbury County, IA / Sioux City

Summary

Parcel ID 874707200002
Alternate ID 767760
Property Address N/A
Sec/Twp/Rng 7-87-47
Brief Tax Description EX PT TO STATE NENE 7-87-47
 (Note: Not to be used on legal documents)
Deed Book/Page 2023-11566 (12/5/2023)
Gross Acres 21.27
Net Acres 21.27
Adjusted CSR Pts 329.77
Zoning GI - GENERAL INDUSTRIAL
District 0038 LIBERTY/SB/L
School District SGT BLUFF LUTON
Neighborhood N/A

Owner

Deed Holder
KIMMEL FAMILY FARMS LLC
111 DORAL LN
DAKOTA DUNES SD 57049

IVENER KENT W LIVING TRUST
3701 CHEYENNE BLVD
SIOUX CITY IA 51104

MAXYS FAMILY FARM LLC
3400 TALBOT RD
SIOUX CITY IA 51103-1168
Contract Holder
Mailing Address
KIMMEL FAMILY FARMS LLC
111 DORAL LN
DAKOTA DUNES SD 57049



Land

Lot Area 21.27 Acres ;926,521 SF

Sales

Date	Seller	Buyer	Recording	Sale Condition - NUTC	Type	Multi Parcel	Amount
12/4/2023	HOLLAND BROS CONSTRUCTION INC	KIMMEL FAMILY FARMS LLC	2023-11566	NO LONGER USED (formerly Sale of two of more separately assessed parcels)	Deed	Y	\$0.00
8/16/2016	KIMMEL FAMILY FARMS LLC &	HOLLAND BROS CONSTRUCTION CO, INC	749-1197	NO LONGER USED (formerly Sale of two of more separately assessed parcels)	Deed		\$0.00
12/20/2011	CHRISTENSEN ERMA REV TRUST, %TERRANCE JOHNSTON, SUCCESSOR	KIMMEL THOMAS A & KENT W IVENER	720/4082	Normal	Deed		\$0.00

☐ Show There are other parcels involved in one or more of the above sales:

Valuation

	2025	2024	2023	2022	2021
Classification	Agriculture	Agriculture	Agriculture	Agriculture	Agriculture
+ Assessed Land Value	\$12,670	\$10,740	\$10,740	\$8,350	\$8,350
+ Assessed Building Value	\$0	\$0	\$0	\$0	\$0
+ Assessed Dwelling Value	\$0	\$0	\$0	\$0	\$0
= Gross Assessed Value	\$12,670	\$10,740	\$10,740	\$8,350	\$8,350
- Exempt Value	\$0	\$0	\$0	\$0	\$0
= Net Assessed Value	\$12,670	\$10,740	\$10,740	\$8,350	\$8,350

Sioux City Special Assessments and Fees

[Click here to view special assessment information for this parcel.](#)

Woodbury County Tax Credit Applications

Apply for Homestead or Military Tax Credit

No data available for the following modules: Residential Dwellings, Commercial Buildings, Agricultural Buildings, Yard Extras, Permits, Sioux City Tax Credit Applications, Sioux City Board of Review Petition, Photos, Sketches.



Office of the State Archaeologist

University of Iowa
700 Clinton Street Building
Iowa City, Iowa 52242
319-384-0732
archaeology.uiowa.edu

Wednesday, February 11, 2026

Jaime Thomas
Peterson Contractors, Inc.
P.O. Box A
Reinbeck, IA 50669

Ref: WD Woodbury **Iowa Site File Search No.** 2026093

Dear Jaime:

I have conducted a search of the Iowa Site File for archaeological sites recorded within a one-mile radius of the area described in your request for search on 2/10/2026. This area is within 87N-47W Sec 7. Our records indicate that no archaeological sites have been reported to the OSA within 100 m of the project location. Four other sites were recorded within one mile of that location at the time of the records search. Other sites may be present at or near the project location but have not been discovered or reported to the OSA.

State Archaeologist John Doershuk and Bioarchaeology Director Lara Noldner have reviewed this Site Search from the standpoint of the Iowa Code sections concerning protection of burials. As you may know, the OSA specifically has authority regarding ancient burials (those 150 years or more in age). Careful review of the data available through the University of Iowa Office of the State Archaeologist (OSA), including known archaeological site locations, locations of previously conducted archaeological surveys, soils, General Land Office mapping, and historical and modern aerial photographs (including lidar) revealed no cultural resources previously documented in the project area and that a substantial lake covered most of the project area prior to development and farming. We concur that prior modification of the landform has been substantial; aeriels and lidar suggest the presence of intact soils is unlikely. Therefore, no archaeological testing is required for this project area. If in the course of project activities evidence of archaeological deposits of potential significance are uncovered including but not limited to human remains; burned earth, charcoal, or ash; large concentrations of stones; or artifacts such as pottery or projectile points, then work must stop in the vicinity, the finds protected, and consultation with OSA initiated to resolve the significance of the finds.

If applicable, a map including the HILD locations (Historic Indian Location Database) and Notable Locations (database of locations with potential historical or archaeological value) is included with this search. Historic documentation indicates an archaeological site may be present at these locations. Your project should take into consideration these potential areas of archaeological interest.

Several caveats are in order. First, this scope will likely not fulfill the requirements of Section 106 of the National Historic Preservation Act but is specifically targeted at identifying burial mounds and/or obvious human remains. No field method short of 100 percent excavation using archaeological techniques will eliminate all possibility of human remains at a location. Therefore, should human remains be exposed as part of proposed activities at any stage of the project, the Iowa burial law [Code of Iowa, Sections 263B, 523I.316(6), and 716.5; IAC 685, Ch.11.1] requires that all work in the vicinity of the finding be halted, the remains protected, local law enforcement officials notified, and the Bioarchaeology Program Director at the OSA contacted immediately (319-384-0740 or 319-384-0732).

Sincerely,

A handwritten signature in cursive script that reads "Colleen Randolph".

Colleen Randolph
Site Records Coordinator

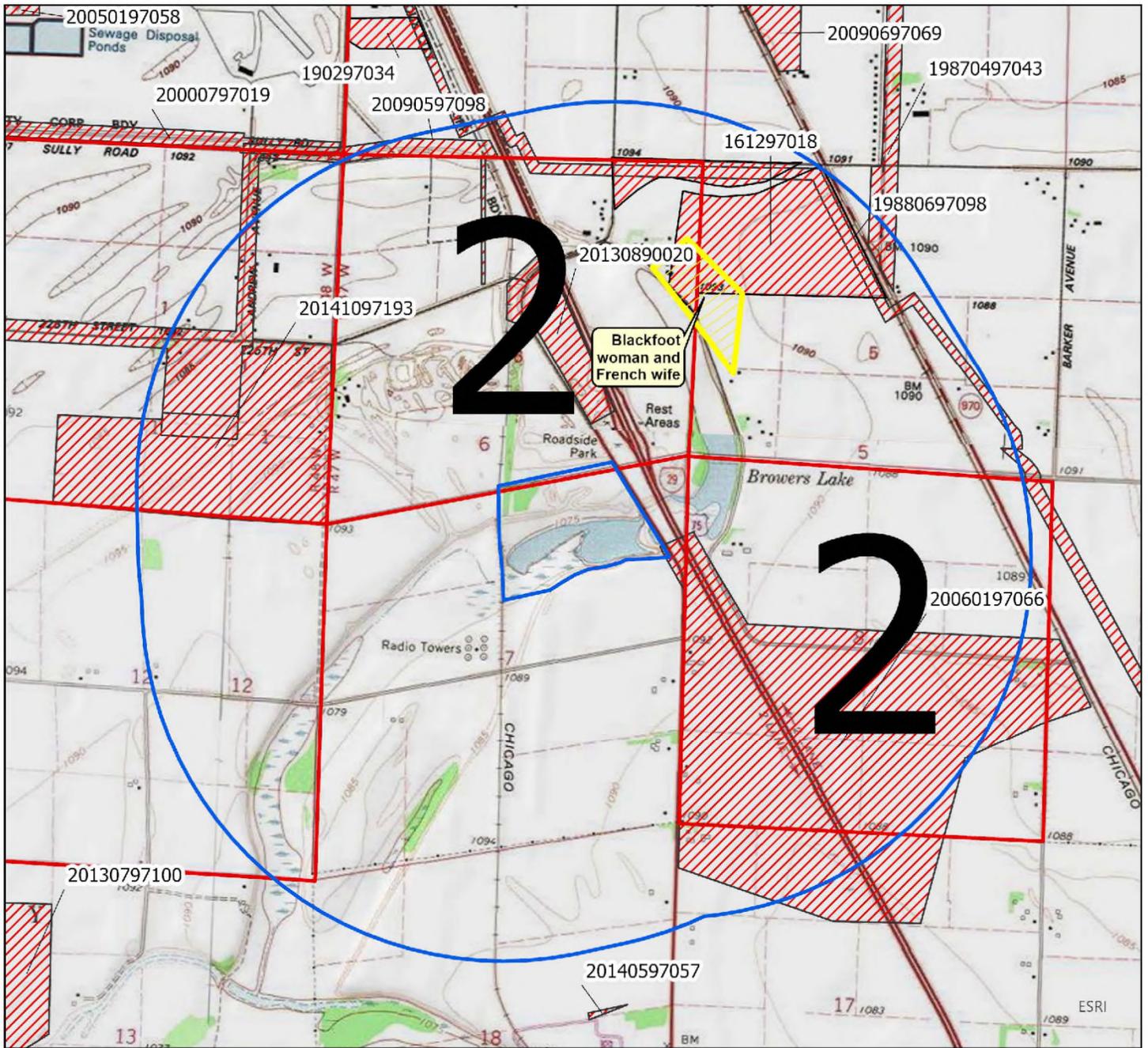
SITE	Cultural Affiliation	Site Type	SITEAREA	DTYPE
13WD150	Historic Euro-American	Historic scatter	1962.8156	polygon
13WD213	Historic Euro-American	Historic farm/residence	35351.8446	polygon
13WD214	Historic Euro-American	Historic scatter	630.3981	polygon
13WD240	Historic Euro-American	Historic scatter	295.4820	polygon

Dtype definitions

Polygon:	Boundaries and location known
Triangle:	Location and boundaries not certain
Inverted Triangle:	Location known, boundaries unknown
Dot: (10 m radius)	Location known, area < 20 m in any direction
Circle:	Location and site area known, exact boundaries not known

Historic Indian Locations Database:

Hild	Name	Reference	Descr
1048	Blackfoot woman and French wife	Past and present of Sioux City and Woodbury 1904 p. 765	Blackfoot woman and French husband at north end of Brower's Lake, she was murdered by Dakota late 1850s



OSA Search 2026093
 Woodbury County
 Search Date: 2/11/2025 CR

2 Number of sites per section which occur within 1 mile buffer



0 0.25 0.5 0.75 1 Miles

0 0.25 0.5 0.75 1 Kilometers

- Iowa_HILD
- Project area
- 1-mile buffer
- Previously surveyed area, "intense" labeled with SHPO R&C number

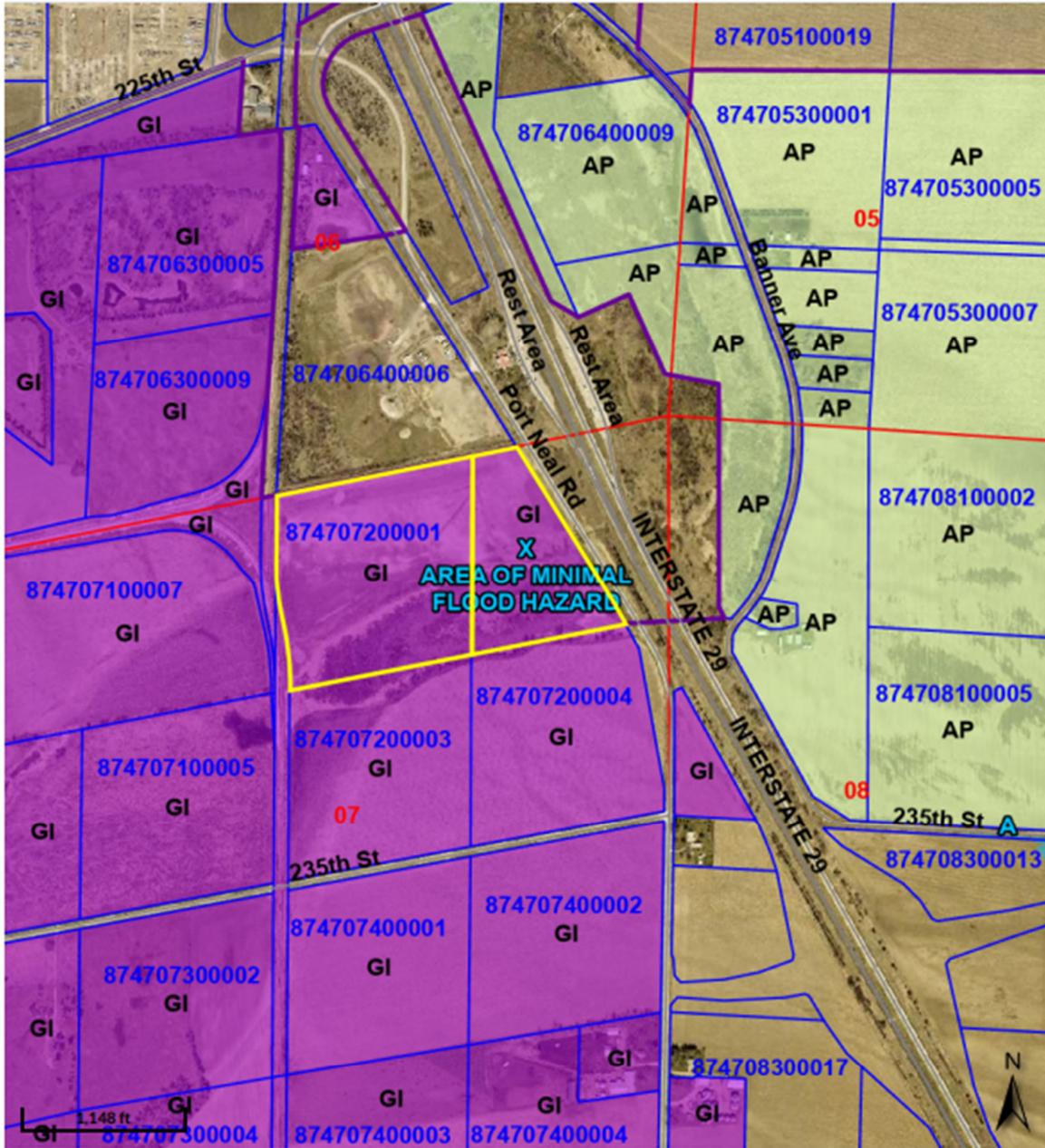
This map contains confidential site location information. Neither the map nor the associated data may be reproduced or distributed without the consent of the Office of the State Archaeologist.

Precise locations outside of the project area may be withheld pursuant to Iowa Code section 22.7 subsection 20

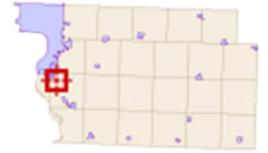
Data displayed on this map are current as of the date of this search, but are subject to additions and revisions without notice.

Zoning District and Floodplain Map

Beacon™ Woodbury County, IA / Sioux City



Overview



Legend

- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Parcels
- County Zoning
 - AE
 - AP
 - GC
 - GC-PD
 - GI
 - LI
 - LI-PD
 - SR
 - WR

Date created: 3/4/2026
Last Data Uploaded: 3/3/2026 10:05:23 PM

Developed by  SCHNEIDER
GEOSPATIAL

Iowa Corn Suitability Rating CSR2

Iowa Corn Suitability Rating CSR2 (IA)—Woodbury County, Iowa
(874707200001 & 874707200002)



USDA Natural Resources Conservation Service

Web Soil Survey National Cooperative Soil Survey

3/2/2026 Page 1 of 4

<h3 style="text-align: center; margin: 0;">MAP LEGEND</h3> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 45%;"> <p>Area of Interest (AOI)</p> <p> Area of Interest (AOI)</p> </div> <div style="width: 45%;"> <p>Background</p> <p> Aerial Photography</p> </div> </div> <p>Soils</p> <p>Soil Rating Polygons</p> <ul style="list-style-type: none"> ≤ 5 > 5 and ≤ 18 > 18 and ≤ 58 Not rated or not available <p>Soil Rating Lines</p> <ul style="list-style-type: none"> ≤ 5 > 5 and ≤ 18 > 18 and ≤ 58 Not rated or not available <p>Soil Rating Points</p> <ul style="list-style-type: none"> ≤ 5 > 5 and ≤ 18 > 18 and ≤ 58 Not rated or not available <p>Water Features</p> <ul style="list-style-type: none"> Streams and Canals <p>Transportation</p> <ul style="list-style-type: none"> Rails Interstate Highways US Routes Major Roads Local Roads 	<h3 style="text-align: center; margin: 0;">MAP INFORMATION</h3> <p>The soil surveys that comprise your AOI were mapped at 1:12,000.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Warning: Soil Map may not be valid at this scale.</p> <p>Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.</p> </div> <p>Please rely on the bar scale on each map sheet for map measurements.</p> <p>Source of Map: Natural Resources Conservation Service Web Soil Survey URL: Coordinate System: Web Mercator (EPSG:3857)</p> <p>Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.</p> <p>This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.</p> <p>Soil Survey Area: Woodbury County, Iowa Survey Area Data: Version 35, Sep 9, 2025</p> <p>Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.</p> <p>Date(s) aerial images were photographed: Sep 19, 2022—Sep 20, 2022</p> <p>The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.</p>
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Iowa Corn Suitability Rating CSR2 (IA)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
156	Albaton silty clay, 0 to 2 percent slopes, rarely flooded	58	17.3	28.9%
237B	Sarpy loamy fine sand, 2 to 5 percent slopes, rarely flooded	18	19.9	33.0%
5010	Pits, sand and gravel		0.9	1.6%
5044	Fluvaquents, 0 to 2 percent slopes, frequently flooded	5	21.9	36.5%
Totals for Area of Interest			60.1	100.0%

Description

This attribute is only applicable to soils in the state of Iowa. Corn suitability ratings (CSR2) provide a relative ranking of all soils mapped in the State of Iowa according to their potential for the intensive production of row crops. The CSR2 is an index that can be used to rate the potential yield of one soil against that of another over a period of time. Considered in the ratings are average weather conditions and frequency of use of the soil for row crops. Ratings range from 100 for soils that have no physical limitations, occur on minimal slopes, and can be continuously row cropped to as low as 5 for soils that are severely limited for the production of row crops.

When the soils are rated, the following assumptions are made: a) adequate management, b) natural weather conditions (no irrigation), c) artificial drainage where required, d) no frequent flooding on the lower lying soils, and e) no land leveling or terracing. The weighted CSR2 for a given field can be modified by the occurrence of sandy spots, local deposits, rock and gravel outcrops, field boundaries, and noncrossable drainageways. Even though predicted average yields will change with time, the CSR2 values are expected to remain relatively constant in relation to one another over time.

Rating Options

Aggregation Method: No Aggregation Necessary

Aggregation is the process by which a set of component attribute values is reduced to a single value that represents the map unit as a whole.

A map unit is typically composed of one or more "components". A component is either some type of soil or some nonsoil entity, e.g., rock outcrop. For the attribute being aggregated, the first step of the aggregation process is to derive one attribute value for each of a map unit's components. From this set of component attributes, the next step of the aggregation process derives a single value that represents the map unit as a whole. Once a single value for each map unit is derived, a thematic map for soil map units can be rendered. Aggregation must be done because, on any soil map, map units are delineated but components are not.

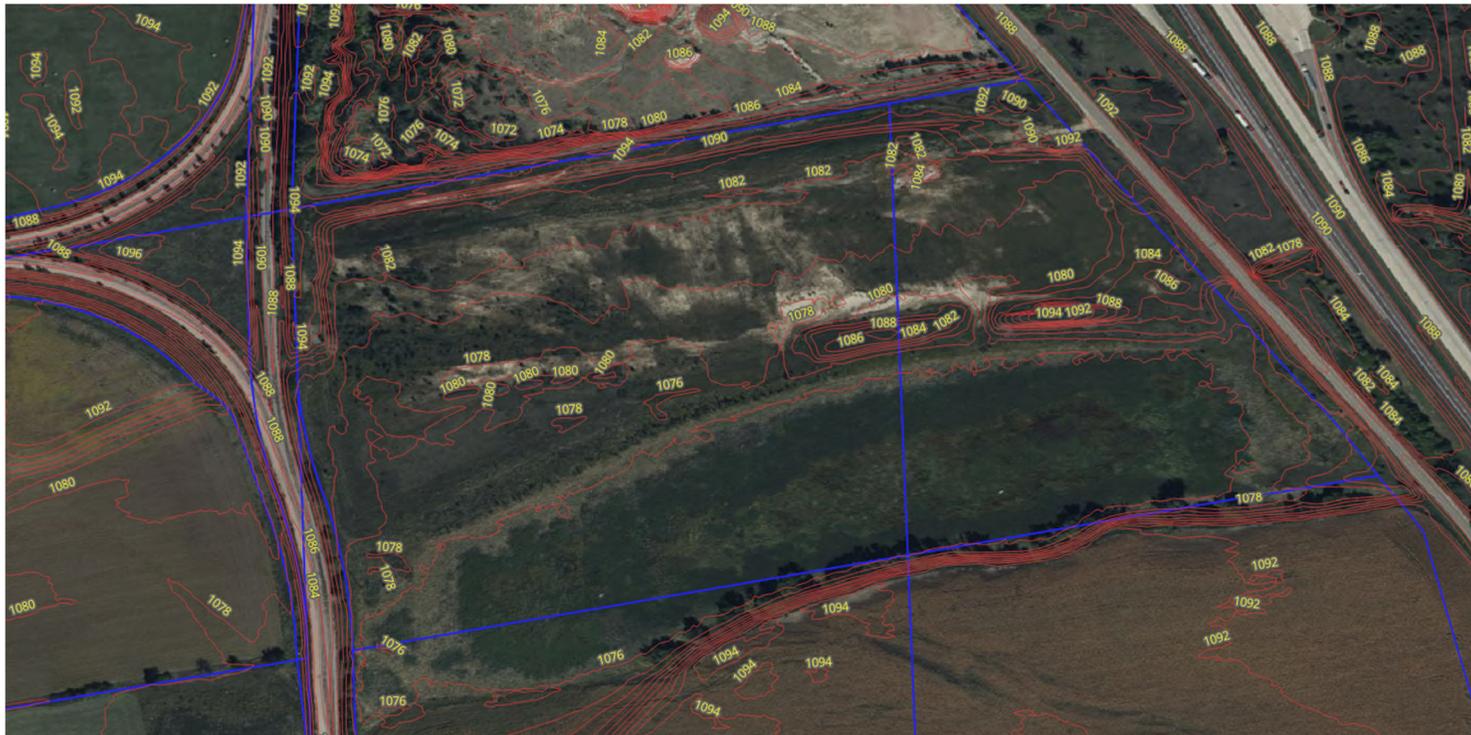
For each of a map unit's components, a corresponding percent composition is recorded. A percent composition of 60 indicates that the corresponding component typically makes up approximately 60% of the map unit. Percent composition is a critical factor in some, but not all, aggregation methods.

The majority of soil attributes are associated with a component of a map unit, and such an attribute has to be aggregated to the map unit level before a thematic map can be rendered. Map units, however, also have their own attributes. An attribute of a map unit does not have to be aggregated in order to render a corresponding thematic map. Therefore, the "aggregation method" for any attribute of a map unit is referred to as "No Aggregation Necessary".

Tie-break Rule: Higher

The tie-break rule indicates which value should be selected from a set of multiple candidate values, or which value should be selected in the event of a percent composition tie.

Elevation Map



Long Description

- **Subject:** A topographic map of a rural or semi-rural development site.
- **Boundaries:** The site is framed by a highway interchange to the west, a straight highway section to the east, and a road to the north.
- **Topography:** * The **red contour lines** indicate elevation changes. Lower elevations (around **1076**) are concentrated in the dark green, potentially marshy or low-lying area in the lower center of the plot.
 - Higher elevations (reaching **1094** and **1096**) are located along the embankments of the surrounding highways and in the bottom right corner of the image.
 - A small ridge or mound is visible in the center-right of the plot, indicated by concentric contour loops labeled **1082** through **1094**.
- **Visual Overlays:**
 - **Blue lines** form a large rectangular grid or boundary across the center.
 - **Yellow text** provides specific elevation values along the red contour lines.
- **Land Cover:** The terrain consists of dark green vegetation, patches of exposed light-colored soil, and cultivated brown fields in the bottom right.