

Idaho's Pollutant Discharge Elimination System (IPDES)

Permitting Process, Application Requirements And Public Notification & Comment

February 20, 2015



IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY



GOAL

- IPDES permitting program rule structure
 - DEQ must have permitting provisions that are as stringent as federal laws and regulations
 - IPDES Rules attempt to coalesce the CFR requirements into a useable format
 - Format will follow the permitting process as closely as possible



CONTENT OF TODAY'S DISCUSSION

- Today we will discuss
 - Permit Application Process
 - Addressed in IDAPA 58.01.25 Sections
 - 100 – 104, &
 - 106-108
 - Application Requirements
 - Addressed in IDAPA 58.01.25.105
 - Public Notification and Comment
 - Addressed in IDAPA 58.01.25.109



IPDES PROGRAM RULES (IDAPA 58.01.25)

100. EFFECT OF A PERMIT – PURPOSE

Permit:

Does not convey

Property rights or
Exclusive privileges

Permit Compliance

Authorizes discharge of pollutants to surface waters
without violating

State Rules or Standards, & CWA

IDAPA 58.01.25.100



IPDES PROGRAM RULES (IDAPA 58.01.25)

101. DURATION

01. Permit Terms—maximum 5 years

01.a. Permit term may be shorter

01.b. Permit extension by simple modification not allowed

02. Continuation of Expiring Permits.

02.a. Submit complete renewal application on time

02.b. The Department hasn't generated new permit prior to expiration date of existing permit



IPDES PROGRAM RULES (IDAPA 58.01.25)

IDAPA 58.01.25.101



IPDES PROGRAM RULES (IDAPA 58.01.25)

102. Obligation to Obtain an IPDES Permit

01. Persons Who Must Obtain a Permit

- a. Dischargers or proposing to discharge,
unless
 - i. Covered under a General Permit
 - ii. Is excluded under subsection 102.02
 - iii. Is by a “user” of a privately owned TW,
unless otherwise specified in Section 470



IPDES PROGRAM RULES (IDAPA 58.01.25)

102. Obligation to Obtain an IPDES Permit

01. Persons Who Must Obtain a Permit

- b. Existing permit reapplication 180 days before expiration
 - i. Permission to submit application in less than 180 days prior to permit expiration must be pre-approved
 - ii. Applications submitted after permit expiration will be considered as new sources or new discharges



IPDES PROGRAM RULES (IDAPA 58.01.25)

102. Obligation to Obtain an IPDES Permit

02. Exclusions from Permit

- DEQ removed the exclusions for seafood processing, facilities secured to the ocean bed, contiguous zone, or waters of the State used for mineral or oil exploration
- DEQ proposes to change 102.02.a.ii.(1) & (2)
 - (1) Used as an energy or mining facility;
 - (2) a storage facility; or

c. Added “will serve letter”

IDAPA 58.01.25.102



IPDES PROGRAM RULES (IDAPA 58.01.25)

103. Permit Prohibitions

Provided here for convenience

Removed 40 CFR 122.4(h) because it was not applicable to Idaho

IDAPA 58.01.25.103



IPDES PROGRAM RULES (IDAPA 58.01.25)

104. Pre-Application Process

DEQ encourages potential applicants to meet and discuss IPDES permitting needs prior to generating an IPDES permit application

IDAPA 58.01.25.104



IPDES PROGRAM RULES (IDAPA 58.01.25)

106. Permit Application Review

01. Completeness Criteria

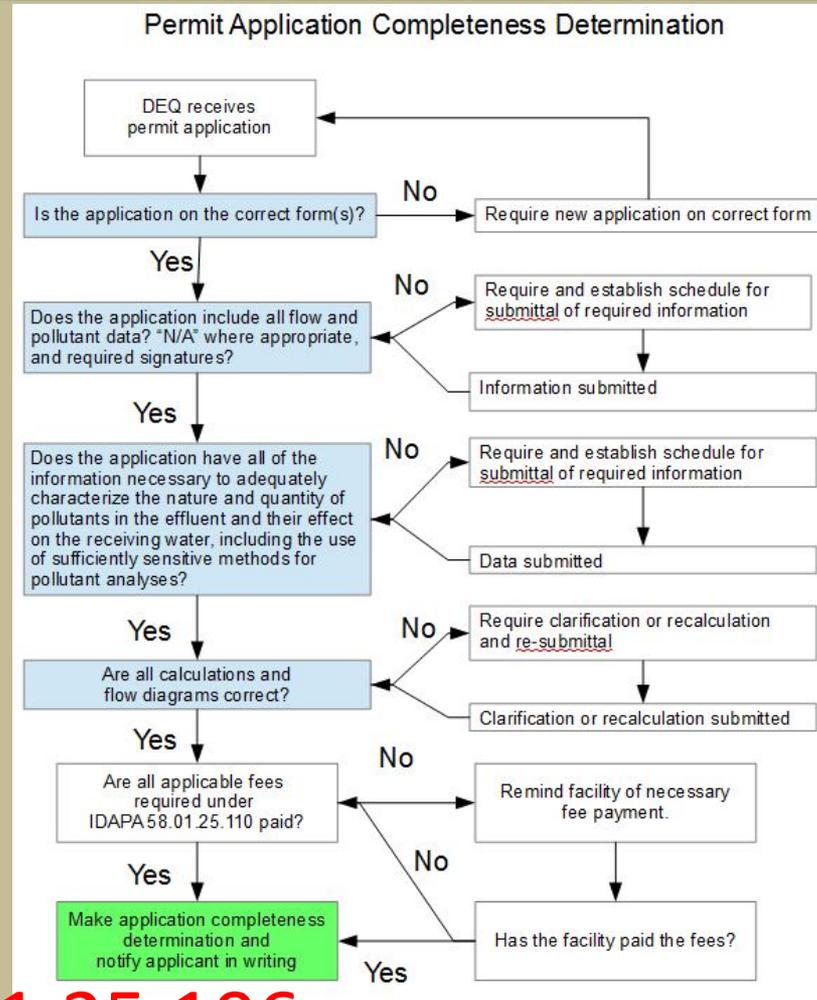
b. Application fees due prior to permit processing

04. Additional Information

c. Refusal to supply requested information is ground for permit denial



IPDES PROGRAM RULES (IDAPA 58.01.25)



IDAPA 58.01.25.106



IPDES PROGRAM RULES (IDAPA 58.01.25)

107. Decision Process

01. Application Denial

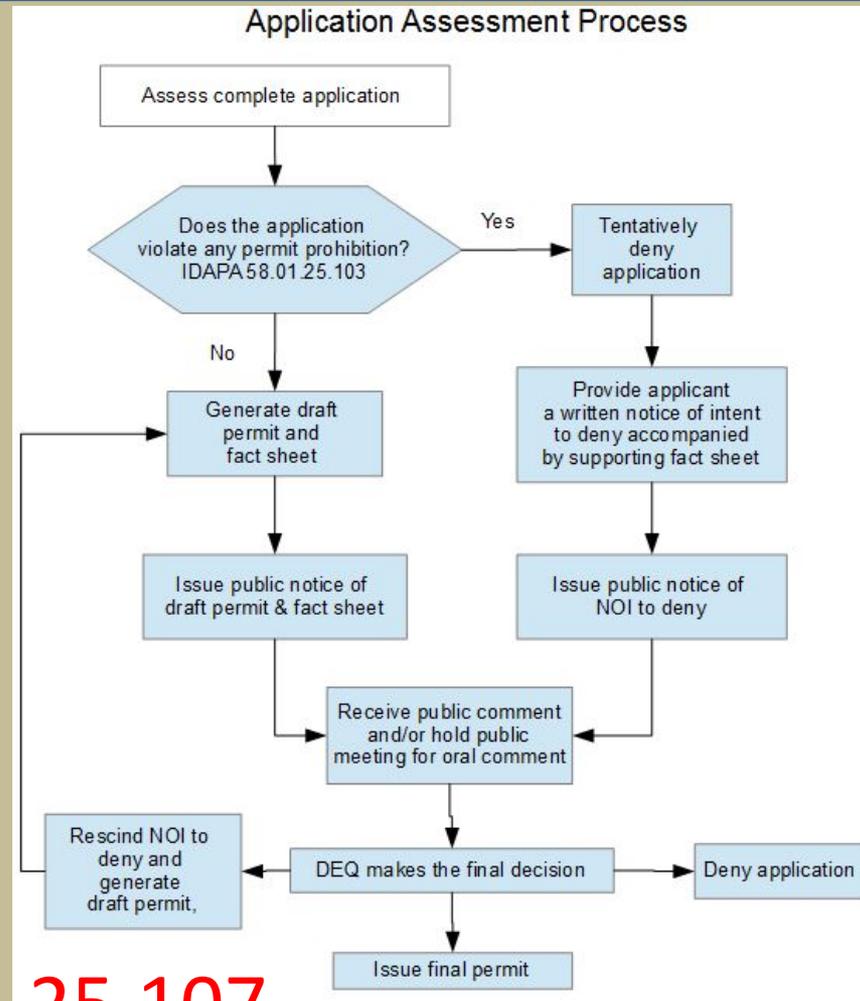
02. Draft Permit

03. Final Permit

b.ii.(2) DEQ proposes to change a typing error; is  in. 107.03.b.ii.(2) should state: “The petition shall” ... “a showing that the condition **in** question is based on:”



IPDES PROGRAM RULES (IDAPA 58.01.25)



IDAPA 58.01.25.107



IPDES PROGRAM RULES (IDAPA 58.01.25)

108. Draft Permit and Fact Sheet

01. Draft Permit

a.i. 58.01.25.300 = Applicable Permit

Conditions

a.ii. 58.01.25.301 = Establishing permit provisions

a.iii. 58.01.25.303 = Monitoring requirements

a.iv. 58.01.25.304 = Compliance schedules



108. Draft Permit and Fact Sheet

01. Draft Permit

DEQ proposes to add:

a.v. 58.01.25.302. = Calculating permit provisions

a.vi. 58.01.25.305. = Conditions for Specific Categories



IPDES PROGRAM RULES (IDAPA 58.01.25)

108. Draft Permit and Fact Sheet

02. Fact Sheets

a. Will be prepared for all

a.i. Major facilities or activities

a.ii. General permits

a.iii. Permits with variances

c. “Preliminary” draft – DEQ proposes to remove 108.02.c.

IDAPA 58.01.25.108



IPDES PROGRAM RULES (IDAPA 58.01.25)

105. Application for an IPDES Permit

01. Electronic Submittals
02. Application retention schedule
03. Time to Apply
04. Signature requirements
05. Permit Application Forms

a.i.(7) DEQ proposes to remove this
sludge-only facility application requirement



IPDES PROGRAM RULES (IDAPA 58.01.25)

105. Application for an IPDES Permit

06. Required Permit Application Information for Treatment Works Treating Domestic Sewage Other than a POTW

07. Required Permit Application Information for Existing Manufacturing, Commercial, Mining, and Silviculture Dischargers

d. Sampling & data collection



IPDES PROGRAM RULES (IDAPA 58.01.25)

105. Application for an IPDES Permit

07.d. Sampling & data collection

DEQ altered to allow submittal of continuous sampling & monitoring data from appropriately calibrated & properly operating monitors for:

- Flow
- Temperature
- pH
- Residual Chlorine



IPDES PROGRAM RULES (IDAPA 58.01.25)

105. Application for an IPDES Permit

08. Required Permit Application Information for existing manufacturing, commercial, mining, and silviculture facilities that discharge only non-process wastewater

09. Permit Application Requirements for new and existing CAFOs

10. Permit Application Requirements for new and existing CAAPs



IPDES PROGRAM RULES (IDAPA 58.01.25)

105. Application for an IPDES Permit

11. Permit Application Requirements for new and existing POTWs and other dischargers designated by the Department

DEQ added “and other dischargers designated by the Department”

DEQ proposes to replace “borough” with “county” in 105.11.e.i.(2) & in 105.15.a.iii.(2)



IPDES PROGRAM RULES (IDAPA 58.01.25)

105. Application for an IPDES Permit

11.c.iii. DEQ changed all federal code and agency references to the appropriate state departments and rules

11.e.ii. DEQ proposes to reduce the application data requirements by removing USGS & US NRCS stream information. DEQ has this information in GIS, it will reduce applicant effort, & yield higher quality applications



IPDES PROGRAM RULES (IDAPA 58.01.25)

105. Application for an IPDES Permit

12. WET Monitoring for POTWs and other designated dischargers

b.iii.(4) DEQ proposes changing final “and” to “or” to comply with CFR requirement

13. Information Requirements for POTWs Receiving Industrial discharges



IPDES PROGRAM RULES (IDAPA 58.01.25)

105. Application for an IPDES Permit

14. Information Requirements for a POTW Receiving Hazardous or Corrective Action Wastes

a.ii.(2) DEQ proposes to add “and” at the end, in addition to adding “in IDAPA 58.01.05” following “incorporated by reference”



IPDES PROGRAM RULES (IDAPA 58.01.25)

105. Application for an IPDES Permit

15. Information Requirements for a POTW with CSOs and Overflows

16. Permit Application Requirements for new sources and new discharges

DEQ proposes to remove the USGS and US NRCS stream code information

17. Permit Application Requirements for facilities with cooling water intake structures

IDAPA 58.01.25.105



IPDES PROGRAM RULES (IDAPA 58.01.25)

109. Public Notification and Comment

01. Public Notification

Throughout this section any reference to “hearing” in the CFR has been change to “meeting” in IDAPA 58.01.25

01.d. changed citations from federal statutes and agencies to Idaho rules and departments



IPDES PROGRAM RULES (IDAPA 58.01.25)

109. Public Notification and Comment

02. Public Comment

d. If during public comment the US F&W service, NMFS, or a state agency comments, DEQ “may include the specified conditions in the permit to the extent the Department determines they are necessary to comply with the provisions of applicable federal laws.”



IPDES PROGRAM RULES (IDAPA 58.01.25)

109. Public Notification and Comment

02. Public Comment

e. DEQ “may consult with one or more of the agencies referred to in Subsections 109.02.c. and 109.02.d. before issuing a draft permit and may set out an agency’s view in the fact sheet or the draft permit.”

IDAPA 58.01.25.109



THANK YOU!

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