

Idaho's Pollutant Discharge Elimination System (IPDES)

New Sources & New Dischargers,
General Permits, Pretreatment
Standards, Sewage Sludge,
Enforcement, Data Management &
Reporting

April 17, 2015



IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY



IPDES RULEMAKING OBJECTIVES

- Develop IPDES rules that are:
 - Consistent with federal regulations
 - Not more stringent or broader in scope than the Clean Water Act and federal regulations (Idaho Statute 39-175C)
- Develop IPDES rules by:
 - Coalescing and adapting CFR requirements into an IPDES user-friendly format



TODAY'S OBJECTIVES

- Present IPDES rules “Draft 4.0”
- Discuss and comment on proposed rules
- Revise to make rules more user-friendly



TODAY'S IPDES RULE SECTIONS

- 120. New Sources and New Dischargers
- 130. General Permits
- 370. Pretreatment Standards
- 380. Sewage Sludge
- 500. Enforcement
- 600. Data Management and Reporting



120. NEW SOURCES AND NEW DISCHARGERS

- **Section 120**
 - 40 CFR 122.29(b)
 - Not required under 40 CFR 123.25
 - Included to distinguish New Sources and New Dischargers
- **120.01 – Criteria for New Source Determination (40 CFR 122.29(b))**
 - **Changes from CFR**
 - 40 CFR 122.29(a) – in definitions, section 010
 - 40 CFR 122.29(c) not included – EIS for EPA-issued permits
 - 40 CFR 122.29(d) – Incorporation by Reference, section 003
 - Grammatical and formatting



120. NEW SOURCES AND NEW DISCHARGERS

- **120.02 – New Source vs. New Discharger (40 CFR122.29(b)(2))**
 - **Changes from CFR**
 - Grammatical and formatting
- **120.03 – Modification vs. New Source/Discharger (40 CFR122.29(b)(3))**
 - **Changes from CFR**
 - Grammatical and formatting
- **120.04 – New Source Construction (40 CFR122.29(b)(4))**
 - **Changes from CFR**
 - Grammatical and formatting



130. GENERAL PERMITS

- **Section 130**
 - 40 CFR 122.28, 40 CFR 124.52(b) – (c)
- **130.01 – Coverage (40 CFR 122.28(a))**
 - **Changes from CFR**
 - Grammatical and formatting
- **130.02 – Administration (40 CFR 122.28(b))**
 - **Changes from CFR**
 - Not include:
 - 40 CFR 122.28(c); Off shore facilities (oil & gas)
 - Reference to 40 CFR 123.44;
 - » Addresses EPA review of & comments on draft permits
 - » Section 130.02 deals with obtaining coverage under already issued GPs



130. GENERAL PERMITS

- **130.02 – Administration (40 CFR 122.28(b))**

- **Changes from CFR**

- Grammatical and formatting, with an exception
- Proposed change from CFR
 - IDAPA 58.01.25.130.02.c.
 - From:

The Department may require any discharger authorized by a general permit to apply for and obtain an individual IPDES permit. ...

- To:

The Department may terminate, revoke, or deny coverage under a general permit, and require any the discharger or applicant ~~authorized by a general permit~~ to apply for and obtain an individual IPDES permit. ...



130. GENERAL PERMITS

- **130.03 – Case-by-Case Requirements for Individual Permits (40 CFR 124.52(b) – (c))**
 - **Changes from CFR**
 - Not required by 40 CFR 123.25
 - Not include 40 CFR 124.52(a)
 - References to other CFR sections
 - Grammatical and formatting



370. PRETREATMENT STANDARDS

- **Section 370**
 - 40 CFR 403
- **370.01 – Purpose and Applicability (40 CFR 403.1(b))**
 - **Changes from CFR**
 - Grammatical and formatting
- **370.02 – Objectives of General Pretreatment Regulations (40 CFR 403.2)**
 - **Changes from CFR**
 - Grammatical and formatting



370. PRETREATMENT STANDARDS

- **370.03 – Definitions (40 CFR 403.3)**
 - **Changes from CFR**
 - Grammatical and formatting
 - Partial, Balance IBR
 - Administrator or Regional Administrator = EPA R10 Administrator
 - Approval Authority = DEQ
 - Approved POTW Pretreatment Program or Program or POTW Pretreatment Program = POTW w/approved Pretreatment Program
 - Control Authority = POTW or DEQ
 - Director = DEQ
 - Water Management Division Director = EPA R10 Water Management Division Director (or equivalent)



370. PRETREATMENT STANDARDS

- **370.04 – Exceptions to IBR**
 - **Sections of 40 CFR 403 not IBR'd**
 - 40 CFR 403.4, State or Local Law
 - 40 CFR 403.10, Development and Submission of NPDES State Pretreatment Program
 - 40 CFR 403.19, Provisions of Specific Applicability to the Owatonna WWTF
 - 40 CFR 403.20, Pretreatment Program Reinvention Pilot Projects Under Project XL



380. SEWAGE SLUDGE

- **Section 380**
 - 40 CFR 503
- **380.01 – Purpose (40 CFR 503.1(a))**
 - **Changes from CFR**
 - Grammatical and formatting
- **380.02 – Applicability (40 CFR 503.1(b))**
 - **Changes from CFR**
 - Grammatical and formatting



380. SEWAGE SLUDGE

- **380.03 – Definitions (40 CFR 503.9)**
 - **Changes from CFR**
 - Grammatical and formatting
 - Partial, Balance IBR
 - Administrator or Regional Administrator = EPA R10 Administrator
 - Director or State Program Director = DEQ
 - Permitting Authority = DEQ



380. SEWAGE SLUDGE

- **380.04 – Exceptions to IBR**
 - **Sections of 40 CFR 503 not IBR'd**
 - 40 CFR 503.1, Purpose and Applicability
 - 40 CFR 503.1(a), Purpose = IDAPA 58.01.25.380.01
 - 40 CFR 503.1(b), Applicability = IDAPA 58.01.25.380.02



500. ENFORCEMENT

- **Section 500**
 - 40 CFR 122.41(a)(2) – (a)(3), (j)(5), (k)(2)
 - 40 CFR 123.27(d) and (d)(2)(i) – (d)(2)(iii)
- **500.01 – General Enforcement and Penalties (40 CFR 122.41(a)(2) – (a)(3))**
 - **Changes from CFR**
 - Not required by 40 CFR 123.25
 - Idaho specific statute to address civil and criminal penalties



500. ENFORCEMENT

- **500.02 – Truth in Reporting (40 CFR 122.41(j)(5))**
 - **Changes from CFR**
 - Idaho specific statute to address civil and criminal penalties
- **500.03 – False Statements (40 CFR 122.41(k)(2))**
 - **Changes from CFR**
 - Idaho specific statute to address civil and criminal penalties
- **500.04 – Public Participation in Enforcement (40 CFR 123.27(d) and (d)(2)(i) – (d)(2)(iii))**
 - **Changes from CFR**
 - Not required by 40 CFR 123.25
 - Proposed to document citizen complaints
 - Grammatical and formatting



600. DATA MANAGEMENT AND REPORTING

- **Section 600**
 - 40 CFR 124.18
- **600.01 – Administrative Record (40 CFR 124.18)**
 - **Change from CFR**
 - Not required by 40 CFR 123.25
 - Subsection 600.01.b.iii is Idaho-specific to include notices in Administrative Record
 - 40 CFR 124.18(b)(5) and parts of (d) not included
 - EIS associated with EPA-issued permits
 - RCRA, UIC, and PSD permits



NEXT STEPS

- Comments due to DEQ by COB, May 1st
- Next IPDES rulemaking meeting, May 15th



THANK YOU!

Troy Smith

IPDES Rules and Guidance Coordinator
Idaho Department of Environmental Quality

208-373-0488

Troy.Smith@deq.idaho.gov

A.J. Maupin, P.E.

IPDES Permit Lead

Idaho Department of Environmental Quality

208-373-0167

AJ.Maupin@deq.idaho.gov