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February 15, 2016

Paula Wilson
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706 (filed by email to paula.wilson@deq.idaho.gov)

RE: Association of Idaho Cities Comments on Idaho Pollutant Discharge Elimination System (IPDES) Guidance
Docket No. 58-0125-1401

Dear Ms. Wilson,

The Association of Idaho Cities (AIC) was founded in 1947 and is a nonpartisan, nonprofit corporation owned, organized, and operated by Idaho's city governments. The organization serves to advance the interests of the cities of Idaho through legislative advocacy, technical assistance, training and research. AIC is actively engaged in water quality issues through the work of our Environment Committee, chaired by Boise City Councilmember Elaine Clegg.

Idaho cities play an important role as the primary implementers of the Clean Water Act and have a significant interest in the development and implementation of the IPDES program and associated guidance documents.

During the February 5, 2016 IPDES Guidance Negotiated Workgroup meeting, IDEQ requested input concerning the revisions to the first two chapters of the Guidance, Clean Water Act History and Small Municipal Separate Storm Sewer Systems, and on the new chapter discussed at the meeting. Please find the attached AIC comments on the requested portions of the Guidance.

AIC appreciates the opportunity to participate and comment on this important IPDES Guidance document and looks forward to working with our state and federal partners and other stakeholders to develop and implement a complete and rigorous IPDES program to implement the NPDES permit program at the state level and protect aquatic life, human health, and the environment. Should you have questions concerning our comments, please feel free to contact me.

Sincerely,

Seth Grigg
Executive Director

Cc: Elaine Clegg, AIC Environment Committee Chair

Association of Idaho Cities (AIC) Comments on February 5, 2016

IPDES Guidance Meeting Discussion and Materials

1. Designation Criteria and Selection Process for Small MS4s and Associated Flowchart

a. Is the Municipality an MS4 Owner or Operator

AIC provided oral comments during the January and February IPDES meetings on the January draft "Designation Criteria and Selection Process for Small MS4s" and associated flowchart on p. 5, including recommendations that the initial question of "Does the small municipality own and operate a MS4", if yes, continue, if no, then go to "entity is not a candidate for regulation" be added to the text and flowchart.

AIC recommends the definition of MS4 from 40 CFR 122.2[1] be included in this section and that additional language and change in the flowchart on page 5 of the draft January 2016 "*Designation Criteria and Selection Process for Small MS4*" document be added to the text and an initial logic decision box be added to the flowchart that asks:

"Is the entity a MS4?"

If yes, then on to question 2, "Is the entity a significant contributor?";

if no, then go to "Entity is not a candidate for regulation" box.

b. Other Effective Controls, Adjacency, Population Growth Rate

AIC provided oral comments at the February 5, 2016 meeting on the Small MS4 Designation and Flowchart. AIC remains concerned that steps 2, 3, and 5 of the flowchart, "Other Effective Controls; Adjacency, population growth" are not defined in the Users Guidance document and not terms used in the Phase I or Phase II MS4 Rule; 40 CFR 122.2 definition of MS4s, or MS4 Guidance documents to our knowledge.

Adjacency, for example, was discussed in the February 5, 2016 meeting. The example was an unnamed Ada County municipalities that clearly is "adjacent" to the Boise/Garden City MS4, but does not own or operate a MS4 system as defined at 40 CFR 122.2. What "adjacency" element or portion of the Phase I or Phase II rule or element in the Federal Register definition of MS4 requires inclusion of municipalities that do not own or operate a MS4 based on adjacency, or population growth rate?

AIC appreciates the intent of adequate regulation of areas developing adjacent or maybe not even adjacent to a MS4 that one day might be annexed because it is in the current or future urban service

[1] "Municipal separate storm sewer system" is specifically defined in the federal rules (Title 40 Code of Federal Regulations Part 122.2). A "separate storm sewer system" includes ditches, curbs, gutters, storm sewers, and similar means of collecting or conveying runoff that do not connect with a wastewater collection system or treatment plant. And to be a "municipal separate storm sewer system" (MS4), the system must be owned or operated by a public agency—for example: a city or town; a municipal utility district, flood control district, or other special district; a county; or a state or federal agency.

planning area of a municipality. AIC appreciates the public health and Clean Water Act benefits of development of adjacent and non-adjacent areas with appropriate MS4 retain on site design requirements, proper post construction operation and maintenance, and similar MS4 requirements so areas that may be annexed in the future have appropriate and adequate MS4 infrastructure and maintenance. However, it seems that this is a matter that needs to be handled at the County level, as it is the Counties that authorize development outside MS4 boundaries, by the IPDES program instead of through the IPDES Small MS4 permitting program that appears not to have the appropriate jurisdiction or authority to ensure adequate MS4 implementation in these areas.

AIC has similar concerns for the "other effective controls" and "population/growth rate" elements of the definition of small MS4s and requests that IDEQ either provide the existing regulatory authority for inclusion of these elements from the federal rules or remove these items from this section of the Users Guide and flowchart.

c. Candidate for Regulation

AIC expressed concern in the February 5 meeting that the flowchart suggests "candidate for regulation" was in fact not a "candidate" that would be further evaluated to determine if permitting was necessary, but selection or designation of a "regulated entity" (see Figue 1 text, "Once a small MS4 has been identified as a candidate for regulation, DEQ will work with the MS4 to determine the appropriate programmatic outcomes."

AIC recommends that IDEQ clarify the text and flowchart concerning precisely what criteria trigger MS4 obligations for a small municipal users and that the IPDES program strictly adhere to the MS4 definition at 40 CFR 122.2.

2. **Statewide Laboratory Accreditation Program**

During rulemaking discussion on January 5th, DEQ indicated that it was considering instituting a Statewide accreditation program for laboratories. AIC notes that many well run state NPDES programs have laboratory accreditation or certification requirements (Oregon, California, Florida, Washington, Wisconsin, Virginia, North Carolina…).[2] Municipalities across the state were polled concerning their support for a statewide laboratory certification programs as part of the IPDES program.
Response was limited to a handful of municipalities given the time constraints and both support and opposition (e.g. duplication, additional cost…) for a statewide laboratory certification program were provided.

AIC recommends that the IPDES program more clearly define the type of statewide program it intends to pursue and discuss that with the permittees and other stakeholders to ensure that most or all affected stakeholders are supportive of the laboratory accreditation program prior to incorporation of one as an IPDES program element.

[2] State Laboratory Accreditation Programs; OR:https://public.health.oregon.gov/LaboratoryServices/EnvironmentalLaboratoryAccreditation/Pages/index.aspx; WA: http://www.ecy.wa.gov/programs/eap/labs/; WI: http://dnr.wi.gov/regulations/labcert/lablists.html; Virginia: http://www.dgs.state.va.us/DivisionofConsolidatedLaboratoryServices/Services/EnvironmentalLaboratoryCertification2/tabid/1503/Default.aspx; Florida: https://fldeploc.dep.state.fl.us/aams/index.asp; N Carolina: http://slph.ncpublichealth.com/environmentalsciences/certification/default.asp; California: http://www.waterboards.ca.gov/drinking_water/certlic/labs/index.shtml)

The easiest path to consensus on this issue appears to be a laboratory accreditation program that is: "SDWA like"; does not impose additional regulations above the Federal minimum; does not add significant annual cost; and is constructed such that it supports the combined in-house and contract laboratory approach used by essentially all Water Resource Recovery Facilities (WRRFs) statewide (e.g. certification program cannot require IBOL certification for all labs, as our understanding is that commercial laboratory staff are unable to obtain IBOL certification because they are not employed by a WRRF).

3. **Web Based Reporting**

Section 1.2 of Volume 1 of the User's Guide refers to Web-Based Access to Information.[3] The document is unclear concerning the IPDES application and monthly reporting of Discharge Monitoring Reports (DMRs) will occur on only through the IPDES system or whether permittees will need to dual report and to submit duplicate DMRs to EPA's NetDMR system.

AIC's hope and understanding is that upon EPA authorization of the IPDES program, including web based applications and reporting, that submission of applications and DMRs will only occur within the IPDES web based system.

AIC recommends that the document be clarified regarding the application and reporting requirements for the IPDES and federal systems.

4. **Time Necessary for Application or Reapplication of an IPDES Permit**

AIC appreciates IDEQ modification of *Section 4.3 Time to Apply*, of the User Guidance to reflect an appropriate amount of time for the permittee and Agency to work together to ensure a timely and complete application is received and an administrative extension of the permit is available to the WRRF should the State be unable to timely reissue the permit. AIC believes this is an essential element as historically there has been a significant permit backlog and it is clear that the IPDES program will inherit a permit backlog from EPA upon EPA approval of the IPDES program.

AIC suggests that this section be augmented with a recommended application date (e.g. 270 days prior to expiration of the permit) or range of applications dates (e.g. 270-300 days prior to expiration of the permit for complex applications) to be clear what timeframe the IPDES program believes is necessary associated with "complex" IPDES applications.

5. **IPDES Permit Application Completeness Determination**

Section 4.3 of Volume 1 of the User's Guide (Time to Apply) provides guidelines for Individual Permits and includes a discussion of IPDES permit application "completeness" determinations.[4]

[3] IPDES Users Guide to Permitting and Compliance, Vol. 1 – General Information (Sections 1-4) (posted review document on the IDEQ website, page 1, section 1.2)
[4] IPDES Users Guide to Permitting and Compliance, Vol. 1 – General Information (Sections 1-4) (posted review document on the IDEQ website, pp. 36-37, section 4.3, 4.4)

In an effort to assist IPDES permittees and IPDES staff, AIC recommends that a bullet list of items necessary for review to successfully achieve an affirmative or positive "Completeness Determination" would be very helpful. AIC anticipates that due to the large range of WRRF size and complexity, that various classes of facilities will have different data and information requirements to achieve a "completeness determination".

This sort of tool will provide permittees and IDEQ IPDES staff some certainty for development and submission of a permit application that will meet the expectations and requirements of the IPDES program and minimize the potential for submission of incomplete permit applications.

AIC recommends that the final Users Guidance Document include a series of checklists (e.g. three in an appendix) for various size, type, and complexity of WRRFs that specify the elements of a "complete" application.

6. Clean Water Act History: Typos, Suggested Additions/Deletions, and Minor Comments

AIC has attached a PDF with comments, some of which were discussed at the February 5, 2016 IPDES meeting and some that were not for IDEQ consideration.

AIC participants agreed to provide additional text on some CWA history items to IPDES staff informed by Dr. David Sedlak's 2014 book titled "Water 4.0: The Past, Present, and Future of the World's Most Vital Resource." The book is the winner of the 2015 PROSE Award for engineering and technology and the author is the Malozemoff Professor in the Department of Civil and Environmental Engineering at the University of California, Berkeley, co-director of the Berkeley Water Center, and deputy director of the National Science Foundation's engineering research center for Reinventing the Nation's Urban Water Infrastructure (ReNUWIt). He is the 2014 recipient of the National Water Research Institute Clarke Prize.

Idaho Pollutant Discharge Elimination System

User's Guide to Permitting and Compliance
Volume 1—General Information

State of Idaho
Department of Environmental Quality

January 2016

Printed on recycled paper, DEQ January 2016, PID IPGF, CA code 82988. Costs associated with this publication are available from the State of Idaho Department of Environmental Quality in accordance with Section 60-202, Idaho Code.

Idaho Pollutant Discharge Elimination System

User's Guide to Permitting and Compliance

Volume 1—General Information

January 2016

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1 Introduction

The Idaho Pollutant Discharge Elimination System (IPDES) Program, in the Idaho Department of Environmental Quality (DEQ), has developed this guidance to help the regulated community and other public users easily understand and follow the IPDES permitting and compliance process. This User's Guide to IPDES Permitting and Compliance (Guide) provides assistance to Idaho's municipalities, industries, and citizens on complying with the statutory and regulatory requirements of the IPDES program, which governs the discharge of pollutants to waters of the United States (U.S.) in Idaho.

1.1 Purpose and Scope

This guide is meant to serve as a reference for successfully navigating the IPDES permitting and compliance process, and is primarily designed to:

- Assist the regulated community (permittees) to select and apply for the proper IPDES or other permit(s) to address discharges to waters of the U.S. in Idaho;
- Explain technical considerations for developing IPDES permits;
- Assist users to fully understand and comply with all processes, protocols, and requirements of IPDES permits.

The foundation for this guide is based on Idaho Code, federal regulations, as well as state and national policies and standards. Some sections of this guide have been newly developed to address rules, regulations, and conditions specific to Idaho, while other sections represent a revised adaptation of existing state and federal guidance documents, including:

- The U.S. Environmental Protection Agency *NPDES Permit Writer's Manual* (EPA 2010a): *http://water.epa.gov/polwaste/npdes/basics/upload/pwm_2010.pdf, and the 2004 EPA's NPDES;* and
- *The Compliance Inspection Manual* (EPA 2004a): *http://www.epa.gov/sites/production/files/2013-09/documents/npdesinspect_0.pdf.*

This guide is not intended to be a standalone reference document. Rather, it describes the framework for the IPDES Program, and presents broad aspects of the permit application, development, and compliance processes. This guide will be supplemented with the development of more detailed IPDES guidance to address specific circumstances and topics, as well as referencing and adopting existing state and federal guidance, as appropriate.

While this guide is meant to provide direction in many cases, DEQ may have to adjust permit-specific aspects in order to address site-specific concerns and conditions. These concerns and considerations may include compliance with Idaho's Water Quality Standards (IDAPA 58.01.02), Wastewater Rules (IDAPA 58.01.16), the Rules Regulating the IPDES Program (IDAPA 58.01.25), as well as additional state and federal guidance. Further, nothing in this guide supplants or changes any requirements state or federal rules and regulations. To that end, this manual identifies and references relevant regulations, policy, and other guidance documents throughout the text.

1.2 Web-Based Access to Information

IPDES webpages, accessible through DEQ's website, contain information and publications to assist the regulated community in applying for and complying with individual and general permits. These webpages and posted information will be updated periodically as new guidance is available: *http://www.deq.idaho.gov/water-quality/ipdes/*.

DEQ is developing additional web-based tools to assist the regulated community with specific aspects of permit application and compliance and are discussed in pertinent sections throughout this guide. These tools will be available for most aspects of IPDES permitting and compliance and will serve as valuable resources for the regulated community, public users, permit writers, and compliance, inspection, and enforcement (CIE) personnel. For example, the IPDES web-based tools will allow applicants, permittees, and the general public to comply with federal electronic reporting requirements by providing a single location for electronically submitting:

- Applications for individual permits (IP);
- Notices of intent (NOI) to obtain coverage under general permits (GP);
- Notices of termination (NOT) of discharge to waters of the U.S. in Idaho;
- Certificates of no exposure (CNEs) and low erosivity waiver (LEW) requests;
- Annual reports;
- Other required documentation (e.g., Discharge Monitoring Reports (DMRs), non-compliance reports);
- Corrections to erroneously recorded/reported data; and
- To search and view permit, compliance, inspection, and enforcement documents.

Many of the IPDES web-based tools are affiliated with the IPDES Compliance, Reporting, Inspection, and Permitting System (CRIPS) database. Additional information pertaining to the web-based tools and CRIPS database is provided in appropriate sections throughout this guide, as well as subsequent guidance.

1.3 Legislative and Regulatory Citations

Different conventions are used to cite legislation and regulations in this manual. The following conventions are used:

- Idaho Code—Title of the code follow by the code citation: "Approval of State NPDES Program" (Idaho Code §39-175C). After initial use, the code is then referred to by the citation (e.g., Idaho Code §39-175C).
- Idaho Administrative Rules—Title of the rule is followed by the rule citation: "Rules Regulating the Idaho Pollutant Discharge Elimination System Program" (IDAPA 58.01.25). After initial use, the rule is then referred to by the rule citation (e.g., IDAPA 58.01.25).
- Code of Federal Regulations—Initial and subsequent references to CFRs use the regulation citation (e.g., 40 CFR 136).
- U.S. Code—Initial and subsequent references to U.S. code use the code citation (e.g., 16 USC §1531 et seq. or 33 USC §§1251–1387).

- Clean Water Act (CWA)—Title of the act is followed by the act citation: Clean Water Act Section 402 (e.g., CWA §402). After initial use, the act is then referred to by the act citation (e.g., CWA §402).

Most regulatory citations in this guide are from the "Rules Regulating the IPDES Program" (IDAPA 58.01.25) and CFR Title 40. Other rules and regulations are explicitly referenced in full citation when used for the first time in this guide.

1.4 Hyperlinks

Where a website provides supplementary information or is referenced in this manual, the website address appears in blue italics so that readers can reference the address in printed and electronic versions of this document. In the electronic version, the website address is hyperlinked to the site. Correct website addresses and hyperlinks are provided; however, these references may change or become outdated after this manual's publication.

2 Clean Water Act, NPDES Program, and IPDES Program

This section presents an overview of the history of water pollution control in the U.S., the evolution and accomplishments of the NPDES Program, and the development of the IPDES Program.

2.1 History of Water Pollution Control in the U.S.

Major water pollution control legislation in the U.S. dates back to the end of the 19th century. A summary of key legislative and executive actions in the history of developing the clean water program in the U.S. is provided below:

- 1899 Rivers and Harbors Act
- 1948 Federal Water Pollution Control Act (FWPCA)
- 1965 Water Quality Act
- 1970 Executive Order—EPA established
- 1970 Refuse Act Permit Program (RAPP)
- 1972 FWPCA Amendments
- 1977 Clean Water Act (CWA)
- 1987 Water Quality Act

The first major water pollution control statute was the **1899 Rivers and Harbors Act**, which established permit requirements to prevent unauthorized obstruction or alteration of any navigable water of the U.S. The act focused on navigation rather than water quality.

The **1948 Federal Water Pollution Control Act (FWPCA)** initiated the federal government's involvement in water pollution control for public health protection. The act allotted funds to state and local governments for water pollution control and emphasized the states' role in controlling and protecting water resources with few federal limitations or guidelines. The act, however, did

charge the U.S. Surgeon General with developing comprehensive programs to eliminate or reduce the pollution of interstate waters.

Over the next two decades, Congress became increasingly interested in the problem of water quality degradation. From 1956 through 1966, it enacted four major laws to strengthen the federal role in water pollution control, including the 1956 FWPCA Amendments and the 1961 FWPCA Amendments. Those statutes focused primarily on providing funding to municipalities to construct wastewater treatment plants.

Just a few years later, Congress further strengthened federal water pollution control laws by enacting the **1965 Water Quality Act**. This law created the Federal Water Pollution Control Administration and represented a major regulatory advancement in water pollution control by requiring states to develop water quality standards for interstate waters by 1967. The Water Quality Act also called for states to quantify the amount of pollutants that each discharger could release without exceeding the water quality standards (i.e., pollutant loadings). Despite escalating public concern and increased public spending, only about half of the states developed water quality standards by 1971. Furthermore, enforcement of the federal statute was minimal because the regulatory agencies had to demonstrate a direct link between a discharge and a health or water quality problem, and the scientific data to make such demonstrations were often lacking. Finally, there were no criminal or civil penalties for violations of statutory requirements.

Growing concern about the environment prompted President Nixon to form the EPA in 1970 to enforce environmental compliance and consolidate federal pollution control activities. That year, the President also created the **Refuse Act Permit Program (RAPP)** through Executive Order 11574 and under the authority of section 13 of the 1899 Rivers and Harbors Act (a section also known as the Refuse Act). This new permitting program was focused on controlling industrial water pollution. EPA and the U.S. Army Corps of Engineers (USACE) would prepare the program requirements and the USACE would administer the program. EPA was tasked with developing *guidelines on effluent quality* for 22 different categories of sources. A discharger would apply for a permit, and the USACE would ask EPA if the proposed effluent levels were consonant with state water quality standards and with the newly developed guidelines on effluent quality. States would be asked to examine permit applications and advise EPA whether existing or proposed treatment processes would ensure that established water quality standards would be met. EPA would review the state's response for interstate waters and instruct USACE whether to issue the permit. However, the U.S. District Court for the District of Columbia struck down RAPP (*Kalur v. Resor*, Civ. Action No. 1331-71 [DDC Dec. 21, 1971]) because the program would allow the issuance of permits to discharge refuse to non-navigable tributaries of navigable waterways, which the Court said exceeded the authority given in the Act, and because the regulations implementing the program did not require compliance with certain procedural requirements of the National Environmental Policy Act.

Because of the perceived need for a discharge permit program, and to rectify the problems encountered in earlier water pollution control legislation, Congress enacted the 1972 **FWPCA Amendments**. This legislation, which was passed over a Presidential veto in November 1972, provided a comprehensive recodification and revision of past federal water pollution control law. The 1972 amendments marked a distinct change in the philosophy of water pollution control in the U.S. and marked the beginning of the present water programs, including the NPDES permit program. Under those amendments, the federal government assumed a major role in directing

and defining water pollution control programs. In establishing the basis for clean water programs, Congress sought a balance between economics (considering both the costs and benefits of cleanup) and ecology (setting deadlines and ambitious requirements for reducing discharges and restoring water quality).

The 1972 FWPCA Amendments established a series of goals in section 101. Perhaps the most notable goal was that the discharge of pollutants into navigable waters be eliminated by 1985. Although that goal remains unmet, it underlies the CWA approach to establishing the technology standards that are implemented through technology-based effluent limitations (TBELs) in NPDES permits. The1972 FWPCA Amendments also set an interim goal of achieving, "water quality [that] provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water" by July 1, 1983. The goal is commonly referred to as the *fishable, swimmable* goal of the act and is one of the factors that states must consider in developing their water quality standards. The water quality standards are implemented in NPDES permits through water quality-based effluent limitations (WQBELs). By prohibiting the discharge of a pollutant or pollutants from a point source to waters of the U.S.—except as in compliance with the statute—the 1972 FWPCA Amendments also established the important principle that the discharge of pollutants to navigable waters is not a right.

Since 1972, the FWPCA has been further amended on several occasions, including the **1977 CWA**, which is now the name for the statute, and the **1987 Water Quality Act** (WQA). Both of these statutes are discussed further in section 2.2 below with regard to their impact on the evolution of the NPDES Program.

2.2 Evolution of the NPDES Program

FWPCA, Section 402 of Title IV, Permits and Licenses Certification, created the federal system for permitting wastewater discharges, known as the NPDES Program. Under the requirements of the program, a point source may be authorized to discharge pollutants into waters of the U.S. by obtaining a permit. Section 2.4 discusses this basic statutory framework in detail. A permit provides two types of control: technology-based limitations (based on the technological and economic ability of dischargers in the same category to control the discharge of pollutants in wastewater) and water quality-based limitations (to protect the quality of the specific waterbody receiving the discharge).

The 1972 FWPCA Amendments established several important requirements and deadlines. Municipal facilities were required to meet secondary treatment standards by July 1, 1977. Industrial facilities were required to meet two levels of technology standards: *Best Practicable Control Technology Currently Available* (BPT) and *Best Available Technology Economically Achievable* (BAT), which would bring them further toward the goal of eliminating the discharge of all pollutants. [CWA §301(b)(2)(A)]. Compliance deadlines for BPT and BAT were established as of July 1, 1977, and July 1, 1983, respectively.

In addition to BPT and BAT requirements for industrial categories, the 1972 FWPCA Amendments established *new source performance standards* (NSPS) or best available demonstrated control technology including where practicable a standard permitting no discharge of pollutants [CWA §306(a)]. The legislative history indicates that Congress believed that

technologies would be more affordable for new dischargers who could plan control technologies at the design phase. The standards represent state-of-the-art control technologies for new sources because the permittees have the opportunity to install the most efficient production processes and the latest in treatment technologies during construction. NSPS are effective on the date the facility begins operation, and the facility must demonstrate compliance within 90 days of start-up.

EPA tried to set national, uniform effluent limitations guidelines and standards (effluent guidelines) as a basis for technology-based limitations; however, most effluent guidelines were not in place when the first set of permits was issued between 1973 and 1976. About 75% of the first round permits were issued under a section of the act that allows a permit writer to use best professional judgment to establish case-by-case limitations. Using that approach, a single permit writer developed effluent limitations for a specific facility using knowledge of the industry and the specific discharge, rather than using a set of national standards and limitations developed by EPA for the entire industry.

This first round of permitting focused on *conventional pollutants*, which generally are found in sanitary waste from households, businesses, and industries. CWA §304(a)(4) and 40 CFR 401.16 designate the conventional pollutants with oil and grease added to 40 CFR 401.16 in 1979. The following are formally designated as conventional pollutants:

- Five-day biochemical oxygen demand (BOD_5)
- Total suspended solids (TSS)
- pH
- Fecal coliform
- Oil and grease

The 1972 FWPCA Amendments, however, also required that EPA publish a list of toxic pollutants within 90 days and propose effluent standards for those pollutants 6 months later. EPA was not able to meet those requirements because of the lack of information on treatability. The Natural Resources Defense Council (NRDC) sued EPA, resulting in a court supervised *consent decree* (*NRDC et al. v. Train, 8 E.R.C. 2120*, DDC 1976) that identified the following:

- Toxic (priority) pollutants to be controlled.
- Primary industries for technology-based control.
- Methods for regulating toxic discharges through the authorities of the FWPCA Amendments.

The provisions of the consent decree were incorporated into the framework of the 1977 FWPCA Amendments, formally known as the CWA. This statute shifted the emphasis of the NPDES Program from controlling conventional pollutants to controlling toxic pollutant discharges. CWA §307(a)(1) required EPA to publish a list of toxic pollutants or combination of pollutants. Those pollutants often are called the priority pollutants and are listed in 40 CFR 401.15. The terms *toxic pollutant* and *priority pollutant* will be used interchangeably throughout this document.

CWA §307(a) originally identified 65 toxic pollutants and classes of pollutants for 21 major categories of industries (known as *primary industries*). The list was later further defined as the current list of 126 toxic pollutants. The priority pollutants are listed in Appendix A of

40 CFR 423. Note that the list goes up to 129; however, there are only 126 priority pollutants because 017, 049, and 050 were deleted.

The 1977 CWA adjusted technology standards to reflect the shift toward control of toxics, clarified and expanded the concept of BAT controls, created a new level of control for conventional pollutants, and made changes to strengthen the industrial pretreatment program. The 1977 law created a new pollutant category, nonconventional pollutants, that included pollutants (such as chlorine and ammonia) not specifically categorized as conventional or toxic. The CWA clarified that BAT covers both toxic and nonconventional pollutants, extended the compliance deadline for BAT for toxic pollutants to July 1, 1984, established a three-year deadline for compliance with BAT for newly listed toxics, and gave industries until as late as July 1, 1987 to meet BAT requirements for nonconventional pollutants. In addition, conventional pollutants, controlled by BPT and BAT in the first round of permitting, were now subject to a new level of control termed *Best Conventional Pollutant Control Technology* (BCT). The CWA established a compliance deadline for BCT of July 1, 1984. BCT was not an additional performance standard, but replaced BAT for the control of conventional pollutants. Finally, among other changes, the 1977 CWA authorized EPA to approve local pretreatment programs and required authorized states to modify their programs to provide for local pretreatment program oversight.

The 1977 CWA recognized that the technology-based limitations were not able to prevent the discharge of toxic substances in toxic amounts in all waterways. To complement its work on technology-based limitations, EPA initiated a national policy in February 1984 to control toxics using a water quality approach. On February 4, 1987, Congress amended the CWA with the 1987 Water Quality Act (WQA) that outlined a strategy to accomplish the goal of meeting state water quality standards. The 1987 WQA required all states to identify waters that were not expected to meet water quality standards after technology-based controls on point source were imposed. Each state then had to prepare individual control strategies to reduce toxics from point and nonpoint sources to meet the water quality standards. Among other measures, those plans were expected to address control of pollutants beyond technology-based levels.

The 1987 WQA further extended the compliance deadline for BAT- and BCT-based effluent limitations, this time to a new deadline of March 31, 1989. The 1987 WQA also established new schedules for issuing NPDES permits to industrial and municipal stormwater dischargers. In addition to meeting water quality-based standards, industrial stormwater discharges must meet the equivalent of BAT and BCT effluent quality standards. *Municipal separate storm sewer systems* (MS4s) were required to have controls to reduce pollutant discharges to the *maximum extent practicable* (MEP), including management practices, control techniques and system design and engineering methods, and such other provisions as the Administrator deems appropriate for the control of such pollutants (CWA §402(p)(3)(B)). The 1987 WQA also required EPA to identify toxics in sewage sludge and establish numeric limitations to control such toxics. A statutory *antibacksliding* requirement in the WQA specified the circumstances under which an existing permit can be modified or reissued with less stringent effluent limitations, standards, or conditions than those already imposed.

Since 1987, there have been minor revisions to the CWA (e.g., Combined Sewer Overflow program requirements). However, the basic structure of the NPDES Program remains unchanged from the framework established in the 1972 FWPCA Amendments.

2.3 IPDES Program Development

Beginning in 2000, DEQ began developing the first of several analysis reports to help determine whether or not the state of Idaho should seek NPDES delegated authority from the EPA. A summary of key departmental, legislative, and executive actions in the development of the IPDES program is provided below:

- 2001 – NPDES Decision Analysis Report #1 (DEQ 2001) *http://www.deq.idaho.gov/media/529911-npdes_primacy_report1.pdf*
- 2002 – NPDES Decision Analysis Report #2 (DEQ 2002) *http://www.deq.idaho.gov/media/529907-npdes_primacy_report2.pdf*
- 2005 – Legislative Findings and Purpose (e.g., direction to evaluate primacy statute) – Idaho Code § 39-175A
- 2005 – Relationship between State and Federal Law – Idaho Code § 39-175B
- 2005 – NPDES Decision Analysis Report #3 (DEQ 2005) *http://www.deq.idaho.gov/media/490946-npdes_primacy_report3.pdf*
- 2014 Approval of State NPDES Program Idaho Code §39-175C
- 2015 Idaho DEQ generated Rules Regulating the Idaho Pollutant Discharge Elimination System Program (IDAPA 58.01.25) through negotiated rule making with stakeholders
- 2016 Idaho Legislature assessed the draft Rules

The *Decision Analysis Report #1* (DEQ 2001) focused on determining the scope and estimated cost of a potential Idaho NPDES program, determining the requirements under the CWA to obtain such a program, and identifying advantages, disadvantages, and uncertainties. The report concluded that state NPDES primacy was conceptually attractive; however, a more detailed analysis of costs and benefits needed to be developed prior to making a recommendation to proceed.

The *Decision Analysis Report #2* (DEQ 2002) addressed specific steering committee needs related to understanding the potential costs and benefits of a state run NPDES permitting program. The following key issues/products were discussed in this report based on the following needs:

- State capacity to run the NPDES Program ;
- Endangered Species Act (ESA) consultation;
- Potential flexibility and innovative state NPDES program approaches;
- Program costs and funding;
- Annotated outline for a storm water guidance; and
- Water quality based effluent limits guidance.

In 2005, the Idaho Legislature authorized DEQ to explore, by further evaluating the costs and benefits to the state, whether the state should operate an NPDES program. This report updated information for review by the legislature and the citizens of Idaho.

The *Decision Analysis Report #3* (DEQ 2005) revised the *Decision Analysis Report #2* (DEQ 2002) to reflect current permitting practices and the current list of NPDES permittees within the state. The report reviewed and updated resource costs, scope of programs included, and the

number and nature of permits. Additionally, ESA consultation procedures were reviewed in the context of recent court cases, and updated funding options were also briefly addressed.

With the passage of Idaho Code § 39-175A in 2005, the legislature established requirements prior to legislative approval of a state NPDES permitting program. The legislature established that a state program must be run with a minimum of federal interference in permitting, inspection and enforcement activities, and that all state permitting actions under an approved state program are state actions and not subject to consultation under the ESA or National Environmental Policy Act (NEPA). Further, it identified that a decision to accept delegation from the EPA to operate an NPDES program has significant public policy implications that should be made by the legislature.

Subsequently, Idaho Code § 39-175B was promulgated to clarify the relationship between state and federal law. The legislature recognized it could not conveniently or advantageously set forth, in statute, all of the requirements for regulations which have been or will be established under the CWA. However, it asserted that any state permitting program would avoid duplicative, overlapping or conflicting state and federal regulatory systems. Further, the DEQ board may promulgate rules to implement a state permitting program but, not impose conditions or requirements more stringent or broader in scope than the CWA and associated federal regulations. And DEQ cannot require NPDES permits for activities and sources not required to have permits by the EPA.

The 2014 Idaho State Legislature passed Idaho Code §39-175C, authorizing DEQ to pursue delegated authority from EPA for a state NPDES Program, including rules authorizing the collection of reasonable fees for processing and implementing the program. Additionally, it identified that implementation of the state NPDES program cannot occur prior to statutory enactment of implementing legislation and authorization of a Memorandum of Agreement (MOA). Additionally, water rights are to be protected, and nothing in the statute is intended to supersede any existing agreements between federal, state or local agencies regarding authority over inspections.

In 2014 – 2016, DEQ completed a negotiated rulemaking process to develop rules that comply with the NPDES requirements established in CFR Title 40, including those in 40 CFR 123, which specifically address requirements for states pursuing delegated authority to execute the NPDES Program. These rules will be assessed in the 2016 legislative session for statewide implementation (update if/when approved). DEQ expects to submit its complete application package to EPA by September 1, 2016.

2.4 Key Terms

As noted in section 2.3, under the IPDES Program any point source that discharges or proposes to discharge pollutants into waters of the U.S. is required to obtain an IPDES permit. Understanding how each of these terms is defined is the key to understanding the foundation of the IPDES Program. Key terms are identified throughout the document in *italics* and defined in the Glossary at the end of this guide.

3 Permit Descriptions by Type and Sector

3.1 Individual vs. General Permits

The two basic IPDES permit types are individual and general. These permit types have similar components but are used under different circumstances and involve different permit issuance processes.

3.1.1 Individual Permits

Individual permits are specifically tailored to individual facilities. Upon receiving the appropriate application form(s), DEQ will develop a permit for that facility based upon the information provided by the permit application and other sources (e.g., previous permit requirements, discharge monitoring reports, technology and water quality standards, total maximum daily loads, ambient water quality data, special studies). DEQ then issues a permit to the facility for a 5 year cycle, with a requirement to reapply within a specified time before the expiration date.

3.1.2 General Permits

General permits can be an efficient and cost-effective option for DEQ because multiple facilities may be covered under a single permit. DEQ may develop and issue general permits to cover multiple facilities in a specific category of discharge, sludge use, or disposal practice. General permits must clearly identify the applicable conditions for each category or subcategory covered by the permit. General permits may exclude specified sources or areas from coverage.

According IDAPA 58.01.25.130.b., a general permit may be written to cover one or more categories or subcategories of dischargers, or sludge use or disposal practices or facilities described in the permit, except those covered by individual permits. The following sources may be covered under a general permit:

- Storm water point sources; or
- One or more categories or subcategories of point sources if they all:
  - Involve the same or substantially similar types of operations (e.g., treatment processes);
  - Discharge the same types of wastes (e.g., pollutants) or engage in the same types of sludge use or disposal practices;
  - Require the same effluent limitations, operating conditions, or standards for sewage sludge use (e.g., including discharge) or disposal;
  - Require the same or similar monitoring; and
  - Are more appropriately controlled under a general permit than under individual permits.

IDAPA 58.01.25.130.01.a. also identifies that general permits may be written to cover dischargers within an area corresponding to existing geographic or political boundaries such as:

- Designated planning areas;
- Sewer districts or sewer authorities;
- City, county, or state political boundaries;

- State highway systems;
- Standard metropolitan statistical areas as defined by state or federal agencies;
- Urbanized areas as designated by the U.S. Census Bureau; or
- Any other appropriate division or combination of boundaries.

Where a large number of similar facilities require permits, a general permit allows the permitting authority to allocate resources in a more efficient manner and to provide timely permit coverage rather than issuing an individual permit to each facility. In addition, using a general permit ensures consistent permit conditions for comparable facilities.

3.2 Permitted Sectors

IPDES permits can be broadly classified as municipal (publicly owned treatment works [POTWs] and related discharges) and non-municipal facilities. Federal facilities fall into the broader category of non-municipal facilities. Within those broad categories, there can be specific types of activities that are subject to unique programmatic requirements in the IDAPA 58.01.25 and CFR Title 40 (Table 1).

Table 1. IPDES program areas and applicable regulations for each.

Program Area	Applicable IDAPA Rules 58.01.25 and Code of Federal Regulations (CFR) Title 40
Municipal	
Municipal (POTWs) effluent discharges	IDAPA Section 003, 010, 102, 105, 108, 110, 130, 201, 203, 301, 302, 303, 310, 370, 380 40 CFR Part 122, 125, 133
Indirect non-municipal discharges (Pretreatment)	IDAPA Section 003, 010, 102, 105, 201, 302, 370 40 CFR Part 122, 403, 405-471
Sewage sludge use and disposal	IDAPA Section 003, 010, 100, 102, 105, 108, 109, 130, 201, 300, 302, 304, 305, 380 40 CFR Part 122, 257, 501, 503
Combined sewer overflow (CSO) discharges	IDAPA Section 105, 130 40 CFR Part 122, 125
Sanitary sewer overflow (SSO) discharges	IDAPA Section 010, 105 40 CFR Part 122
Municipal separate storm sewer systems (MS4s) discharges	IDAPA Section 003, 010, 102, 105, 201, 301 40 CFR Part 122, 125
Non-Municipal (Industrial, Commercial, Manufacturing)	
Process wastewater discharges	IDAPA Section 010, 105, 303 40 CFR Part 122, 125, 405-471
Non-process wastewater discharges	IDAPA Section 105 40 CFR Part 122, 125
Storm water discharges associated with industrial activity	IDAPA Section 105, 130, 304 40 CFR Part 122, 125
Storm water discharges from construction activities*	IDAPA Section 105, 302 40 CFR Part 122 125
Cooling water intake structures (CWIS)	IDAPA Section 003, 105, 109, 302, 303, 310 40 CFR Part 122, 125, 401
Concentrated animal feeding operations (CAFOs)	IDAPA Section 003, 010, 102, 105, 130, 201, 301 40 CFR Part 122, 123, 125, 412
Concentrated aquatic animal production (CAAP) facilities	IDAPA Section 003, 010, 102, 105 40 CFR Part 122, 125, 451
Ground water remediation	IDAPA Section 010, 105 40 CFR 122
Pesticide discharges	IDAPA Section 010, 105, 455 40 CFR 122, 125
Vessel discharges	IDAPA Section 010, 102 40 CFR Part 122

Note: Though storm water discharges from construction activity resulting in disturbance of 5 or more acres of total land area are technically, “storm water discharges associated with industrial activity” as defined by 40 CFR 122.26(b)(14)(x), these discharges are commonly referred to as storm water discharges from large construction activities.

3.2.1 Major and Minor Facility Designation

In addition to categorizing facilities as municipal and non-municipal, DEQ has adopted EPA criteria to determine which sources should be considered major facilities. The distinction is made

to assist DEQ in setting priorities for permit issuance and reissuance. IDAPA 58.01.25.010.51 defines a major facility as a facility or activity that is:

> A publicly or privately owned treatment works with a design flow equal to or greater than one million gallons per day (1 MGD), or serves a population of ten thousand (10,000) or more, or causes significant water quality impacts; or
>
> A non-municipal facility that equals or exceeds the eighty (80) point accumulation as described in the Score Summary of the NPDES Non-Municipal Permit Rating Work Sheet (June 27, 1990) or the Department equivalent guidance document.

The work sheet (Volume II) evaluates the significance of a facility using several criteria, including toxic pollutant potential, flow volume, and water quality factors such as impairment of the receiving water or proximity of the discharge to coastal waters. All facilities that are not designated as majors are considered minor facilities.

3.2.2 Municipal Sources

In addition to POTW effluent requirements, IDAPA 58.01.25 and federal regulations establish programmatic requirements applicable to other POTW activities (e.g., sewage sludge disposal and management, storm water discharges from the treatment plant site) or activities that may be conducted by a municipality (e.g., municipal separate storm sewer systems, sanitary sewer overflows, and industrial pretreatment). A description of those programs and how they relate to IPDES permits is provided in the following sections.

3.2.2.1 Affordability and Integrated Planning

EPA has developed guidance documents to address integrated planning and financial capability for municipalities (EPA 2011, EPA 2012a, EPA 2013, and EPA 2014a), and additional guidance has been developed to further help municipalities develop integrated plans and financial assessments (Conference of Mayors et al., 2013). Integrated planning and affordability considerations do not remove obligations to comply with the CWA, nor do they lower existing regulatory or permitting standards. Rather, they encourage municipalities to balance CWA requirements in a manner that addresses the most pressing health and environmental protection issues first. The choice and responsibility to develop an integrated plan rests with the municipality. If an integrated plan is developed, it can inform DEQ in the development of appropriate permit compliance schedules and consent decree implementation, and allow for implementation of innovative solutions (e.g., green infrastructure, water quality trading), sequencing of critical capital projects (e.g., wastewater and storm water), and operation and maintenance in a way that ensures human health and environmental protection.

3.2.2.2 Publicly Owned Treatment Works (POTW)

IDAPA 58.01.25.010.73 identifies a POTW as a treatment works (CWA section 212), which is owned by a state or municipality (CWA section 502(4)). The definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality, which has jurisdiction over the indirect discharges to and from the treatment works.

POTWs primarily receive domestic sewage from residential and commercial customers. POTWs may also receive and treat wastewater from industrial facilities (indirect dischargers) connected to the collection system. POTWs always treat for conventional pollutants and may include treatment of nonconventional and toxic pollutants, depending on the characteristics of the sources discharging to the POTW. The treatment provided by a POTW typically produces a treated effluent and sewage sludge residual.

Volume II of this guide includes a discussion on incorporating specific conditions into POTW permits.

POTWs in Idaho

As of January 2016, there are 116 NPDES-permitted POTWs in Idaho (EPA 2016a). These facilities range from relatively simple lagoon systems to Enhanced Biological Nutrient Removal (EBNR). Examples include: City of Aberdeen, City of Blackfoot, City of Boise, City of Caldwell, City of Deary, City of Fairfield, and many others.

Similarly, some NPDES-permitted municipal domestic sewage treatment works may not be publicly owned, but essentially function as POTWs (e.g., primarily treat domestic sewage) for residential areas and homeowner associations. Examples include: Elk Valley Subdivision, The Meadows LLC, Jug Mountain Ranch LLC, and Avimor (draft permit).

3.2.2.3 Pretreatment

Pretreatment is the regulation of nondomestic (e.g., industrial and commercial) wastewater discharges to POTWs. Because such effluent is conveyed to and treated by the POTW before discharging to waters of the U.S., they are termed indirect discharges. The pretreatment program prohibits indirect dischargers from discharging pollutants that will pass through the POTW to receiving waters, interfere with POTW treatment processes, or contaminate sewage sludge. Pretreatment regulations also require certain indirect dischargers to meet technology-based requirements developed specifically for such POTW users that are similar to those for direct dischargers.

Pretreatment regulations (IDAPA 58.01.25.370 and 40 CFR Part 403) require certain POTWs to develop a pretreatment program, including the authorities and procedures, which are generally included as special conditions of a POTW's IPDES permit. Indirect dischargers are not required to comply with the Effluent Limitations Guidelines (ELG) found in 40 CFR 401 – 699. However, the POTW must create local limit requirements as part of their pretreatment program, if the indirect discharge may pass through the POTW to receiving waters, interfere with POTW treatment processes, or contaminate sewage sludge.

Volume II of this guide includes a discussion on incorporating pretreatment special conditions into permits.

Pretreatment in Idaho

As of January 2016, there are 12 POTWs with EPA-approved pretreatment programs in Idaho (2016a). These facilities treat indirect industrial, manufacturing, and commercial discharges.

Examples include: City of Boise, City of Coeur d'Alene, City of Nampa, City of Pocatello, City of Twin Falls, and others.

3.2.2.4 Sewage Sludge

IDAPA 58.01.25.010.84 defines *sewage sludge* as

> Any solid, semi-solid, or liquid residue removed during the treatment of wastewater. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 CFR Part 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.

In 1987 Congress amended CWA section 405 to establish a comprehensive sewage sludge program. The program regulates the use and disposal of sewage sludge by POTWs and by other Treatment Works Treating Domestic Sewage (TWTDS). These facilities generate sewage sludge, provide commercial treatment of sewage sludge, manufacture products derived from sewage sludge, or provide disposal of sewage sludge. The CWA section 405 required EPA to develop technical standards that establish sewage sludge management practices and acceptable levels of toxic pollutants in sewage sludge.

IDAPA 58.01.25.380 and 40 CFR Part 503 govern the technical standards for sewage sludge use and disposal. TWTDS facilities not otherwise subject to the IPDES permit requirements under CWA section 402 must apply for and receive a permit addressing standards for use and disposal of sewage sludge. Details of 40 CFR Part 503 are described in *A Plain English Guide to the EPA Part 503 Biosolids Rule* (EPA 1994). Where applicable, sewage sludge management requirements may be included as a special condition in permits issued to POTWs.

Volume II of this guide includes a discussion on incorporating special conditions that address sewage sludge requirements.

Sewage Sludge in Idaho

Working with DEQ Wastewater Program to obtain Idaho-specific information (e.g., City of Boise's 20-Mile Farm).

3.2.2.5 Combined Sewer Overflows (CSSs)

A concern for some older POTWs may be combined sewer systems (CSS), which are wastewater collection systems owned by a state or municipality that convey sanitary wastewater (domestic, commercial, and industrial) and storm water through a single-pipe system to a POTW. Nationwide, CSSs serve approximately 860 communities with a total population of about 40 million. Most communities with CSS problems have fewer than 10,000 people. During dry weather, CSSs collect and convey domestic, commercial, and industrial wastewater to a POTW. However, during periods of rainfall, snowmelt, and other forms of precipitation, the systems can become overloaded. When that overloading occurs, a CSS can overflow at designed relief points and discharge a combination of untreated sanitary wastewater and storm water directly to a surface waterbody.

A combined sewer overflow (CSO) is the discharge from a CSS at a point before reaching the POTW. CSOs can be major sources of water pollution in communities served by CSSs. CSOs often contain high levels of total suspended solids, pathogenic microorganisms, toxic pollutants, floatables, nutrients, oxygen-demanding organic compounds, oil and grease, and other pollutants, causing water quality standards to be exceeded.

To address CSOs, EPA issued the National CSO Control Strategy (54 FR 37370, September 8, 1989). While implementation of the 1989 strategy has resulted in progress toward controlling CSOs, significant public health and water quality risks remain. To expedite compliance with the CWA, and to elaborate on the 1989 strategy, EPA, after collaboration with other CSO stakeholders, published the CSO Control Policy (59 FR 18688, April 19, 1994). The 1994 CSO policy represents a comprehensive national strategy to ensure that municipalities, permitting authorities, water quality standards authorities, and the public engage in a comprehensive and coordinated planning effort to achieve cost-effective CSO controls that ultimately meet appropriate health and environmental objectives. The Wet Weather Water Quality Act of 2000 stipulates that NDPES permits, enforcement orders, or decrees must conform to the 1994 CSO Policy (CWA section 402(q)).

Volume II of this guide includes a discussion on incorporating appropriate CSO permit conditions. Before issuing a permit with conditions that address CSOs, IPDES permit writers will consult the CSO Control Policy and associated guidance.

CSSs in Idaho

As of January 2016, there are no known combined sewer systems in Idaho.

3.2.2.6 Sanitary Sewer Overflows (SSOs)

Properly designed, operated, and maintained sanitary sewer systems are meant to collect and transport all sewage to a POTW. However, occasional, unintentional spills of raw sewage from municipal sanitary sewers occur in almost every system. Such types of releases are called sanitary sewer overflows (SSOs).

SSOs have a variety of causes including severe weather, improper system operation and maintenance, and vandalism. EPA estimates that over 40,000 SSO events occur every year in the U.S. Overflows of untreated wastewater can present risks of human exposure when released to certain areas, such as streets, private property, basements, and receiving waters used for drinking water, fishing, and contact recreation.

A description of the extent of human health and environmental impacts caused by releases of untreated sewage, along with other information, was provided in a Report to Congress on the Impacts and Control of CSOs and SSOs (EPA 2004b). The report showed that NPDES permit requirements establishing clear reporting, record keeping, third party notification of overflows from municipal sewage collection systems, and clear requirements to properly operate and maintain the collection system, are critical to effective program implementation.

EPA has developed a draft fact sheet and draft model permit conditions that explain how NPDES permitting authorities can better address SSOs and operate and maintain sanitary sewer collection systems.

Volume II of this guide discusses the incorporation of conditions to address SSOs reporting in IPDES permits.

SSOs in Idaho

Reports of SSOs in Idaho vary substantially from year to year. In 2012, DEQ received 26 SSO notifications; seven SSOs were reported in 2013, 22 were reported in 2014, and 8 were reported in 2015. Of those SSOs reported, eight reached surface waters in 2012, two in 2013, six in 2014, and 3 in 2015.

3.2.2.7 Municipal Separate Storm Sewer Systems (MS4s)

Storm water from metropolitan areas is a significant source of pollutants discharged to waters of the U.S. While rainfall and snow are natural events, the nature of storm water discharges and their impact on receiving waters are greatly affected by human activities and land use. Storm water from lands modified by human activities, such as metropolitan areas and urban streets, can affect surface water resources by modifying natural flow patterns or by elevating pollution concentrations and loadings. Development also increases the storm water runoff rate and surge volume due to the increase in impermeable surfaces. This increases the receiving water's flow, resulting in quicker and more frequent incidents of flooding.

To address such concerns, the 1987 amendments to the CWA added section 402(p), a provision that directed EPA to establish phased NPDES requirements for storm water discharges. Phase I of the storm water program addresses permits for discharges from medium and large MS4s serving a population of 100,000 or more, as well as certain categories of industrial activity, including construction activity disturbing greater than 5 acres. Phase II expanded the storm water program to include small MS4s and construction activity disturbing 1 to 5 acres.

The MS4 storm water application regulations established requirements for a two-part permit application. The first part allows large and medium local governments to help define priority pollutant sources in the municipality and to develop and implement appropriate controls for such discharges to MS4s (55 FR 47990, November 16, 1990). The second part of the application requires municipal applicants to propose municipal storm water management programs to control pollutants to the maximum extent practicable (MEP) and to effectively prohibit non-storm water discharges to the municipal system. Medium and large MS4 operators may be required to submit comprehensive permit applications for issuance of individual permits, or NOI information for coverage under a general permit.

Phase II of the storm water program extended the NPDES permitting program to small MS4s in urbanized areas (64 FR 68722, December 8, 1999). The Phase II MS4 regulations require small MS4s to develop a program to address six minimum control measures that include BMPs and measurable goals for each BMP. The IPDES program has the option of permitting regulated small MS4s operators using an individual permit, a general permit, or a modification of an existing Phase I MS4's individual permit.

Municipal storm water management programs combine source controls and management practices that address targeted sources within the boundaries of the municipal system. For example, a municipality that expects significant new development may focus more on proposing

requirements for new development and construction. On the other hand, a municipality that does not expect significant new development could focus more on municipal activities that affect storm water quality such as: maintenance of leaking sanitary sewers, road de-icing and maintenance, operation of municipal landfills, flood control efforts, and control of industrial contributions of storm water.

MEP is not precisely defined so as to allow maximum flexibility in MS4 permitting to optimize reductions in storm water pollutants on a location-by-location basis (64 FR 68754, December 8, 1999). Therefore, permit writers must rely on application requirements specified in the regulations and the applicant's proposed management program when developing appropriate permit conditions.

The storm water Phase II rule was challenged in the courts, with the U.S. Court of Appeals for the Ninth Circuit generally upholding the Phase II rule but remanding three issues back to EPA. EPA issued guidance on April 16, 2004 titled, *Implementing the Partial Remand of the Storm water Phase II Regulations Regarding Notices of Intent & NPDES General Permitting for Phase II MS4s4* (EPA 2004c). This guidance identifies how new general permits should address the remanded issues of public availability of notices of intent (NOIs), opportunity for public hearings, and permitting authority reviews of NOIs. Further, EPA is proposing changes (81 FR 415, January 6, 2016) to the regulations governing small MS4 permits to respond to a remand from the United States Court of Appeals for the Ninth Circuit in Environmental Defense Center, et al. v. EPA, 344 F.3d 832 (9th Cir. 2003). EPA indicates that the proposal would not establish any new substantive requirements for small MS4s.

In addition to storm water information on the EPA website, EPA has developed the following guidance documents and memoranda to help permit writers and permittees implement the municipal storm water program:

- *Guidance Manual for the Preparation of Part 2 of the NPDES Permit Applications for Discharge from Municipal Separate Storm Sewer Systems* (EPA 1992);
- *Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm water Permits* (EPA 1996);
- *Establishing Total Maximum Daily Load (TMDL) Wasteload Allocations (WLAs) for Storm Water Sources and NPDES Permit Requirements Based on Those WLAs* (EPA 2002, EPA 2014b);
- *MS4 Program Evaluation Guidance* (EPA 2007a); and
- *MS4 Permit Improvement Guide* (EPA 2010b).

Volume II of this guide discusses the application requirements for storm water discharges from MS4s serving a population greater than 100,000 and for storm water discharges from small MS4s.

MS4s in Idaho

As of January 2016, there is one NPDES-permitted Phase I MS4 and 15 Phase II MS4s in Idaho (EPA 2016a). Examples of Phase II MS4s include: the Post Falls MS4, the Pocatello, Chubbuck, Bannock County, and Idaho Transportation Department District #5 MS4, the Middleton MS4,

and others. Additionally, EPA is currently (2016) drafting a general permit for all MS4s, statewide.

3.2.3 Non-Municipal Sources

Non-municipal sources include industrial and commercial facilities, industrial storm water (including large construction activities), and discharges from small construction activity, concentrated animal feeding operations (CAFOs) and concentrated aquatic animal production (CAAP) facilities. Unlike municipal sources, the types of raw materials, production processes, treatment technologies used and pollutants discharged at industrial facilities vary widely, exhibit more diurnal and seasonal variation, and are dependent on the type of industry and specific facility characteristics. The operations, however, generally are carried out within a more clearly defined area with less complex collection systems than POTWs. In addition, unlike sewage sludge generated at POTWs, the IPDES program does not regulate residuals (sludge) generated by non-municipal facilities.

Non-municipal facilities can discharge storm water contaminated through contact with manufacturing activities or raw material and product storage. Alternatively, they can have non-process wastewater discharges such as cooling water that is regulated under an IPDES permit.

3.2.3.1 Process and Non-process Wastewater

Industrial, commercial, and manufacturing facilities often use water in the manufacture and processing of products. IDAPA 58.01.25.010.71 defines process wastewater as

> Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product (see Industrial Wastewater definition).

Process wastewater can contain pollutants at levels that affect the quality of receiving waters. The IPDES permit program identifies specific requirements for discharges of process wastewater from industrial, commercial, and manufacturing sources. Facility discharges to waters of the U.S. require coverage under an IPDES permit. Alternatively, facilities that discharge wastewater to a municipal sewer system may need to be covered under that municipality's pretreatment program. Many types of facilities, whether they discharge directly to waters of the U.S. or to a municipal sewer system, are covered by effluent guidelines and/or standards. Storm water that runs off a facility's property or from a construction site might require an IPDES permit under the industrial storm water program (see Storm Water Associated with Industrial Activity).

Industrial, commercial, and manufacturing facilities often produce wastewater from sources other than processing products, such as sanitary or cafeteria wastes or using non-contact cooling water for heat exchange. For example, most hydropower facilities have non-contact cooling water discharges to reduce thermal loading on power generation equipment.

Like process wastewater, non-process wastewater is regulated under the IPDES program. Non-process wastewater might also be important to the permit writer when drafting monitoring conditions for facilities where the non-process wastewater dilutes the concentration of pollutants in process wastewater. As such, the permit writer must ensure that required monitoring locations provide an accurate measurement of pollutants discharged relative to all effluent limitations.

Volume II of this guide discusses the application requirements for process and non-process wastewater.

Process and Non-Process Wastewater in Idaho

As of January 2016, 40 NPDES-permitted industrial, commercial, and manufacturing facilities discharge process and non-process wastewater in Idaho (EPA 2016a). Examples include: Bennett Timber Products Inc., Clearwater Paper, Independent Meat Co., McCain Foods USA, and others.

3.2.3.2 Storm Water Associated with Industrial or Construction Activity

To minimize the impact of storm water discharges from industrial, commercial, and manufacturing facilities, the IPDES program includes an industrial storm water permitting component. Facilities are required to obtain an IPDES industrial storm water permit if they are included in 1 of the 11 categories of storm water discharges associated with industrial activity, which discharge or propose to discharge storm water to an MS4 or directly to waters of the U.S. For example, the 2012 NPDES General Permit for Discharges from Construction Activities (CGP) (EPA 2012b) and the 2015 NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity (MSGP) (EPA 2015) require applicants to identify the MS4s and receiving waters into which their storm water is discharged.

Permit regulations and application requirements for storm water discharges associated with industrial activity are discussed in Volume II of this guide.

Permit Regulations for Storm Water Associated with Industrial Activity

Storm water discharges associated with industrial activity include discharges from any conveyance used for collecting and conveying storm water and that is directly related to manufacturing, processing, or raw materials storage areas at an industrial plant. The Code of Federal Regulations at 40 CFR 122.26(b)(14)(i – xi) identify the following 11 industrial categories for which operators are required to apply for storm water discharge permits:

1. Facilities subject to storm water effluent guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR Parts 400-471 (Subchapter N);
2. Certain heavy manufacturing facilities (lumber, paper, chemicals, petroleum refining, leather tanning, stone, clay, glass, concrete, ship construction);
3. Active and inactive mining operations and oil and gas operations with contaminated storm water;
4. Hazardous waste treatment, storage, or disposal facilities, including Resource Conservation and Recovery Act (RCRA) Subtitle C facilities;
5. Landfills, land application sites, open dumps, and RCRA Subtitle D facilities;
6. Recycling facilities, including metal scrap yards, battery reclaimers, salvage yards, and automotive junkyards;
7. Steam electric power generating facilities, including coal-handling sites;
8. Transportation facilities that have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations;
9. Major POTW sludge handling facilities, including on-site application of sewage sludge;
10. Construction activities that disturb five acres or more (see subsection below); and
11. Light industrial manufacturing facilities.

Federal-, state- or municipal-owned or operated industrial facilities that meet the above descriptions must also submit applications.

Volume II of this manual discusses permit conditions to address storm water discharges associated with industrial and construction activities, including storm water discharges from industrial facilities that have no exposure to industrial activities or materials, and that may be conditionally excluded from the storm water permitting program.

Storm Water Associated with Industrial Activity in Idaho

In addition to individual permits for industrial facilities whose discharges are composed entirely or in part by storm water, there are currently two EPA-issued general permits regulating storm water associated with industrial activity; these are the 2012 CGP and the 2015 MSGP. EPA estimates that in Idaho, approximately 1209 facilities were covered by the CGP, including low erosivity waivers, in 2015 (EPA 2016b) (effective 2012 – 2017). EPA estimates that 267 facilities were covered by the 2008 MSGP when it expired (effective 2008 – 2013). Thus far, 180 facilities have filed NOIs for the 2015 MSGP permit (Margaret McCauley, pers. comm., 2016).

3.2.3.3 Cooling Water Intake Structures

CWA section 316(b) provides that any standard established pursuant to CWA sections 301 or 306 and applicable to a point source, requires that the location, design, construction, and capacity of cooling water intake structures reflect the best technology available for minimizing adverse environmental impact. This provision is unique because it addresses the intake of water, in contrast to other provisions that regulate the discharge of pollutants into waters of the U.S.

EPA has established national performance standards under CWA section 316(b) designed to reduce the impingement and entrainment of fish and other aquatic organisms as they are drawn into a facility's cooling water intake structures. Impingement occurs when organisms are trapped against cooling water intake structures by the force of water being drawn through the intake structure. Entrainment occurs when organisms are drawn through a cooling water intake structure into a cooling system, through the heat exchanger, and then pumped back out into the waterbody.

In April 1976, EPA published regulations at 40 CFR Part 402 to address cooling water intake structures. Fifty-eight electric utility companies challenged the final rule. The U.S. Court of Appeals for the Fourth Circuit remanded the rule in 1977, and in 1979, EPA withdrew 40 CFR Part 402. Beginning in 1977, NPDES permit authorities made decisions implementing CWA section 316(b) on a case-by-case basis using best professional judgment (BPJ) (40 CFR 125.90(b) and 401.14).

In the 1990s, EPA began developing CWA section 316(b) regulations establishing national standards. EPA divided the rulemaking into three phases:

1. Phase I addressed new facilities and was completed in December 2001 (40 CFR Part 125, Subpart I);
2. Phase II addressed existing electric generating plants that use at least 50 million gallons per day (mgd) of cooling water and was completed in July 2004 (40 CF Part 125, Subpart J).

3. Phase III addressed other existing facilities, including small existing electric generating plants that use less than 50 mgd of cooling water, manufacturers, and new offshore and coastal oil and gas extraction facilities.

The Phase III regulations, finalized in June 2006, establish national standards only for new offshore and coastal oil and gas extraction facilities (40 CFR Part 125, Subpart N). EPA decided that other Phase III industrial facilities withdrawing water for cooling purposes would not be covered by national standards but would continue to be subject to CWA section 316(b) requirements set by the NPDES Permitting Director on a case-by-case, BPJ basis (40 CFR 125.90(b) and 401.14). All three regulations were subject to judicial challenges.

In 2014 the EPA published rules (79 FR 48300, August 15, 2014) constituting their response to the remand of the Phase II and Phase III rules. These rules established requirements under section 316(b) of the CWA for existing power generating facilities and existing manufacturing and industrial facilities that withdraw more than 2 million gallons per day (mgd) of water from waters of the U.S. and use at least 25 percent of the water they withdraw exclusively for cooling purposes. These national requirements apply to the location, design, construction, and capacity of cooling water intake structures at regulated facilities by setting requirements that reflect the best technology available for minimizing adverse environmental impact.

Volume II of this manual discusses additional regulatory requirements and permit conditions for cooling water intake structures.

Cooling Water Intake Structures in Idaho

As of January 2016, there is potentially one or more major industrial dischargers that may have cooling water intake structures in Idaho where CWA section 316(b) may apply, but EPA has not confirmed (Karen Burgess, pers. comm., 2016).

3.2.3.4 Concentrated Animal Feeding Operations (CAFOs)

Animal feeding operations (AFOs) are agricultural facilities where animals are kept and raised in confined situations. AFOs typically maintain animals, feed, and manure and have production operations in a limited land area. Manure and wastewater from AFOs have the potential to contribute pollutants such as nitrogen and phosphorus, organic matter, sediments, pathogens, heavy metals, hormones, antibiotics, and ammonia to the environment. IDAPA 58.01.25.010.01 defines an AFO as

> A lot or facility (other than an aquatic animal production facility) where the following conditions are met:
>
> a. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12)-month period; and
>
> b. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility.

IDAPA 58.01.25.010.18 defines Concentrated Animal Feeding Operation (CAFO) as

> Animal feeding operation that is defined as a Large CAFO in accordance with 40 CFR 122.23(b)(4), as a Medium CAFO in accordance with 40 CFR 122.23(b)(6), or that is designated as a CAFO in accordance with 40 CFR 122.23(c). Two (2) or more animal feeding operations under common ownership are

> considered to be a single animal feeding operation for the purposes of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes.

AFOs that meet the IDAPA definition of a CAFO, or that are designated as CAFOs by DEQ, and that discharge or propose to discharge to waters of the U.S. are required to obtain an IPDES permit.

CAFOs are subject to requirements that limit discharges from the production area and requirements applicable to land application areas under the control of the CAFO operator. Large CAFOs are subject to a no discharge requirement for production areas, whereas other CAFOs are subject to BPJ requirements for their production areas. One of the principal substantive pollution control conditions in any CAFO permit is the requirement to implement the terms of the nutrient management plan (NMP) incorporated into the permit when permit authorization is granted.

Additional permit regulations and application requirements for CAFOs are discussed in Volume II of this guide.

CAFOs in Idaho

There is currently one EPA-issued general permit regulating CAFOs in Idaho (EPA 2012c). However, no CAFOs in Idaho have applied for or received coverage under this 2012 permit.

3.2.3.5 Concentrated Aquatic Animal Production (CAAP) Facilities

In 2004 EPA promulgated new effluent guidelines that address concentrated aquatic animal production (CAAP) facilities. These effluent guidelines apply to CAAP facilities (flow-through, recirculating, and net pen) that directly discharge wastewater and have annual production equal to or greater than 100,000 pounds of aquatic animals. The rule requires a BMP plan and implementation of measures, including recordkeeping and reporting requirements, to minimize discharges of solids, to prevent spills of drugs, feed, and chemicals that could result in discharges to waters of the U.S., and to ensure proper maintenance of the facility. A facility that does not meet the effluent guideline threshold might still need an IPDES permit if it meets the CAAP facilities thresholds established in the NPDES regulations at 40 CFR 122.24(b) or if it is designated as a CAAP facility by DEQ under the designation authority in 40 CFR 122.24(c).

Idaho also has the "*Idaho Waste Management Guidelines for Aquaculture Operations*" (DEQ 1997) found at *https://www.deq.idaho.gov/media/488801-aquaculture_guidelines.pdf.*

Additional permit regulations and application requirements for CAAPs are discussed in Volume II of this guide.

CAAPs in Idaho

There is currently (2016) one EPA-issued individual permit for the Epicenter Aquaculture facility (effective 2007 – 2012) (EPA 2007b). Additionally, there are three EPA-issued general permits for aquaculture facilities in Idaho (EPA 2016b):

- Aquaculture Facilities in Idaho Subject to WLAs under Selected TMDLs (effective 2007 – 2012) (EPA 2007c). As of January 2016, 78 facilities are covered by this permit (EPA 2016a);

- Cold Water Aquaculture Facilities in Idaho, not subject to WLAs (effective 2007 – 2012) (EPA 2007d). As of January 2016, 10 facilities are covered by this permit (EPA 2016a); and
- Fish Processors Associated with Aquaculture Facilities in Idaho (effective 2007 – 2012) (EPA 2007e). As of January 2016, 3 facilities are covered by this permit (EPA 2016a).

3.2.3.6 Ground Water Remediation Facilities

On September 15, 2014 EPA's general permit for Groundwater Remediation Discharge Facilities in Idaho became effective. Facilities conducting groundwater remediation activities, such as pump and treat, or seepage water collection systems in which treated groundwater is discharged to waters of the U.S. within Idaho, are eligible for coverage under this permit. In addition, construction/excavation dewatering activities, building dewatering, and aquifer pump testing that occur at designated or known contaminated sites are eligible to discharge coverage.

Ground Water Remediation in Idaho

Six facilities received an EPA administrative extension of coverage under the expired 2007 Ground Water General Permit (effective 2007 – 2012). The 2014 reissuance of this general permit replaced the 2007 permit (EPA 2014c). As of January 2016, six facilities are covered by this permit, including the McCall Oil and Chemical Corporation, Boise State University, Atlanta Gold Corporation of America Inc., Kinross Delamar Mining Company, Pacificorp, and the Boise Towne Square (EPA 2016a).

3.2.3.7 Small Suction Dredge Mining

On May 6, 2013 the EPA's general permit For Small Suction Dredge Placer Miners in Idaho became effective. Under this permit, owners and operators of placer mining operations in Idaho with small suction dredges having: (1) intake nozzle size of 5 inches in diameter or less (or the diametrical equivalent defined in the permit); and (2) equipment rated at 15 horsepower or less are authorized to discharge to waters of the U.S., in accordance with effluent limitations, monitoring requirements, and other conditions in the permit. However, some water bodies are excluded from coverage of the permit in order to protect beneficial uses.

Additional permit regulations and application requirements for small suction dredge mining are discussed in Volume II of this guide.

Small Suction Dredge Mining in Idaho

In 2013, EPA issued the small suction dredge general permit in Idaho (effective 2013 – 2018). For this general permit, a single application or NOI may have 1 or more location(s) listed. Grimes Creek, Mores Creek, Elk Creek, and their tributaries are permitted annually; as a result, the yearly tallies often include repeat permittees for these select waters. All other open waters can be permitted up to 5 years (2013-2018), depending on when an applicant applies. In 2015, a total of 56 people applied for permit coverage, and EPA authorized 75 requested locations (Tracy DeGering, pers. comm., 2016).

3.2.3.8 Pesticide Discharges

On October 31, 2011 the EPA Pesticide General Permit (PGP) for Discharges from the Application of Pesticides became effective. This permit covers any operator who meets the eligibility requirements identified in the PGP and has submitted a NOI.

This permit is available to operators who discharge to waters of the U.S. from the application of (1) biological pesticides or (2) chemical pesticides that leave a residue (collectively called pesticides), when the pesticide application is for one of the following pesticide use patterns:

- Mosquito and Other Flying Insect Pest Control—to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category include mosquitoes and black flies.
- Weed and Algae Pest Control—to control weeds, algae, and pathogens that are pests in water and at water's edge, including ditches and/or canals.
- Animal Pest Control—to control animal pests in water and at water's edge. Animal pests in this use category include fish, insects, mollusks, and pathogens.
- Forest Canopy Pest Control—application of a pesticide to a forest canopy to control the population of a pest species (e.g., insect or pathogen) where, to target the pests effectively, a portion of the pesticide unavoidably will be applied over and deposited to water.

Volume II of this guide addresses additional permit regulations and application requirements for the PGP.

Pesticide Discharges in Idaho

There is currently one EPA-issued general permit regulating pesticide application nationwide. EPA estimates that approximately 35,183 facilities have received coverage under this general permit (EPA 2016b) (effective 2011 – 2016). As of January 2016, EPA estimates that 130 facilities (EPA 2016b) are covered by the pesticide general permit in Idaho.

3.2.3.9 Vessel Discharges

On March 30, 2005, the U.S. District Court for the Northern District of California (in Northwest Environmental Advocates et al. v. EPA) ruled that the EPA regulation excluding discharges incidental to the normal operation of a vessel from NPDES permitting exceeded the Agency's authority under the CWA. On September 18, 2006, the Court issued an order revoking this regulation [40 CFR 122.3(a)] as of September 30, 2008. EPA appealed the District Court's decision, and on July 23, 2008, the Ninth Circuit upheld the decision, leaving the September 30, 2008 *vacatur* date in effect. In response to the Court order, EPA developed two proposed permits to regulate discharges from vessels. The district court ultimately extended the date of vacatur to February 6, 2009.

In July 2008, Congress amended the CWA (P.L. No. 110-288) to add Section 402(r), which excludes discharges incidental to the normal operation of a recreational vessel from NPDES permitting. Instead, it directs EPA to regulate those discharges under a newly created CWA section 312(o). As a result of the law, EPA did not finalize the previously proposed Recreational

Vessel General Permit and instead undertook rulemaking to develop BMPs for these vessels under the authority of CWA section 312(o).

In July 2010 P.L. 111-215 (Senate Bill S. 3372) was signed into law. This law amends P.L. 110-299 (Senate Bill S. 3298), which generally imposes a moratorium during which time neither EPA nor states may require NPDES permits for discharges incidental to the normal operation of commercial fishing vessels and other non-recreational vessels less than 79 feet. As a result, of P.L. 110-299, the Vessel General Permit (VGP) does not cover vessels less than 79 feet, or commercial fishing vessels, unless they have ballast water discharges. P.L. 111-215 extended the expiration date of the moratorium from July 31, 2010, to December 18, 2013. As a result of the court ruling, EPA issued the VGP on December 18, 2008. The 2008 VGP regulates discharges incidental to the normal operation of vessels operating in a capacity as a means of transportation. The VGP includes the following:

- General effluent limits applicable to all discharges;
- General effluent limits applicable to 26 specific discharge streams;
- Narrative water-quality based effluent limits;
- Inspection, monitoring, recordkeeping, and reporting requirements; and
- Additional requirements applicable to certain vessel types.

EPA estimates that approximately 61,000 domestically flagged commercial vessels and approximately 8,000 foreign flagged vessels could be affected by this permit.

Vessel Discharges in Idaho

In Idaho, Lewiston is the only port currently listed for coverage under the general permit. As of January 2016, six vessels covered under the general permit anticipate visits to Idaho (EPA 2016a). However, this number can change from year to year (Karen Burgess, pers. comm., 2016).

3.2.4 Non-Permitted Sectors

There are additional sectors that are not permitted by the EPA NPDES program (e.g. dewatering of utility vaults). Idaho Code §39-175B states that the IPDES program, "*…shall not impose conditions or requirements more stringent or broader in scope than the clean water act and regulations…[and] the department will not require NPDES permits for activities and sources not required to have permits by the United States environmental protection agency*." As a result, DEQ does not intend to issue permits addressing those sectors that do not have NPDES permits or are not required by EPA to obtain permits.

3.3 IPDES Fee Schedule

The IPDES fee schedule is based on a combination of application and annual fees, depending on several factors, including:

- Permit type (e.g., IP vs. GP);
- Permit sector (e.g., POTW, Industrial, Storm Water);
- Project size or impact (e.g. major/minor, project area size); and
- Population served or equivalent dwelling units (EDUs).

3.3.1 POTWs and Municipal Domestic Sewage Treatment Works

POTWs and municipal domestic sewage treatment works are charged an annual fee of $1.74 per EDU that the facility serves; these facilities are not assessed an application fee. IDAPA 58.01.25.010.35 defines EDU as

> A measure where one (1) equivalent dwelling unit is equivalent to wastewater generated from one (1) single-family residence. The number of EDUs must be calculated from the municipality's population served divided by the average number of people per household as defined in the most recent Census Bureau data (for that municipality, county, or average number of persons per household for the state of Idaho)…

For example, if a facility serves a community of 10,000 people, and the average number of people per household is 3.5, then the annual fee would be calculated as:

$ 1.74 x EDUs = $ Annual Fee $\longrightarrow$ $ 1.74 x (10,000/3.5) = $ 2,857.14

To determine the appropriate annual fee for these facilities, IDAPA 58.01.25.110.a.i – iii requires calculating EDUs by:

> i. [DEQ] Using the most recent Census Bureau statistics for estimates of the population served and the average number of people in a household; or
>
> ii. Existing facilities may report to the Department the number of EDUs served, annually; or
>
> iii. New facilities may report to the Department the number of EDUs to be served, based on the facility planning design as part of the IPDES permit application.

3.3.2 All Other Permit Types and Sectors

Table 2 (IDAPA 58.01.25.110.02.b), identifies the fee schedule for all permitted IPDES dischargers other than POTWs and municipal domestic sewage treatment works, which are addressed in IDAPA 58.01.25.110.02.a.i – iii and the previous section of this guidance.

Table 2. The IPDES fee schedule for all permitted IPDES dischargers except for POTWs and municipal domestic sewage treatment works (IDAPA 58.01.25.110.02.b).

Permit Type	Application ($)	Annual ($)
Industrial Permits	**—**	**—**
Major	0	13,000
Minor	0	4,000
Storm Water Permits	**—**	**—**
Construction (CGP)	—	—
1-10 acres	200	0
10-50 acres	400	75
50-100 acres	750	100
100-500 acres	1,000	400
>500 acres	1,250	400
Low Erosivity Waiver (CGP)	125	0
Industrial (MSGP) Permits	1,500	1,000
Cert. of No Exposure (MSGP)	250	100
Other General Permits	**0**	**0**

3.3.3 Fee Assessment and Payment

3.3.3.1 Annual Fees

DEQ will generate annual fee assessments for each IPDES-permitted facility that is required according to IDAPA 58.01.25.110.02. Annual fees will be assessed in June for the 12 months between October 1 of the previous calendar year and September 30 of the ~~following~~ current calendar year (IDAPA 58.01.25.110.03.a). DEQ will mail the annual fee assessment to each facility on or before July 1 of each year (IDPA 58.01.25.110.04).

Owners or operators of multi-year storm water facilities or construction projects are subject to annual fees that will be assessed in the year (October of the previous calendar year through September of the current calendar year) immediately following the receipt of the application or notice of intent for coverage (IDAPA 58.01.25.110.03.b.ii). In subsequent years, annual fees will be assessed in the same manner as individual IPDES-permitted facilities. DEQ will provide a final assessment of annual fees upon approval of a notice of termination.

Annual fees will be assessed according to the number of months a permittee was covered by an IPDES permit within a given year (i.e., October through September of the following calendar

year). If a permittee was covered for less than a full 12 months, the assessed fee will be pro-rated to account for less than a full year's coverage under the permit (IDAPA 58.01.25.110.03.c).

Payment of annual fees to DEQ are due on October 1, unless it is a Saturday, Sunday, or legal holiday, in which event the payment is due on the successive business day. Fees paid by check or money order must be made payable to the Idaho Department of Environmental Quality and sent to 1410 North Hilton Street, Boise, ID 83706-1255 1255 (IDAPA 58.01.25.110.05.a).

POTWs and Municipal Domestic Sewage Treatment Works

If a facility serves 575 EDUs or more, it may request to divide its annual fee payment into equal monthly or quarterly installments by submitting a request to the Department on the proper request form provided with the initial billing statement (IDAPA 58.01.25.110.05.b). DEQ will notify a facility, in writing, of approval or denial of a requested monthly or quarterly installment plan within ten 10 business days of receiving a request (IDAPA 58.01.25.110.05.b.i).

If a facility has been approved to pay monthly installments then each installment is due by the first day of each month following permit coverage, unless it is a Saturday, a Sunday, or a legal holiday, in which event it is due on the successive business day (IDAPA 58.01.25.110.05.b.ii).

If a facility has been approved to pay quarterly installments then each installment shall be due by the first day of the month of each quarter following permit coverage (October 1, January 1, April 1, and July 1), unless it is a Saturday, a Sunday, or a legal holiday, in which event it is due on the first successive business day (IDAPA 58.01.25.110.05.b.iii).

3.3.3.2 Application Fees

DEQ will assess application fees at the time of application for coverage under an individual permit, or notice of intent for coverage under a general permit (IDAPA58.01.25.110.02.b.).

Payment of an application fee is due with an application for an individual permit or notice of intent for coverage under a general permit (IDAPA58.01.25.110.02.c.).

3.3.4 Delinquent Fees

3.3.4.1 Annual Fees

Annual fees will be considered delinquent in payment if DEQ has not received the assessed annual fee by November 1. If the permittee has been approved by DEQ to pay monthly or quarterly installments, its installment will be considered delinquent if DEQ has not received it by the last day of the month or quarter in which payment is due (IDAPA 58.01.25.110.06).

3.3.4.2 Suspension of Services and Other Actions

For any permittee that is delinquent in payment of fees in excess of 90 days, DEQ will suspend providing any technical services (e.g. review plans and specs, monitoring plans, and preliminary engineering reports). DEQ will inform the permittee of the fee delinquency in a warning letter identifying administrative enforcement actions that DEQ may pursue if the permittee does not pay all applicable fees (IDAPA 58.01.25.110.07.a).

For any permittee delinquent in payment of fees in excess of 180 days, DEQ will suspend all technical services provided and consider the permittee in non-compliance with permit conditions and subject to potential enforcement action (IDAPA 58.01.25.110.07.b).

4 Individual Permit Application Process

This section describes the permit application process and the information that must be submitted to support permit development for all individual permits. Application details specific for each individual permit sector can be found in Volume II. For details regarding the permit development and NOI submittal for coverage under a general permit, see section 6.

Figure 1 presents a flow chart identifying the main steps in the IPDES individual permit application and development process. This section will address the first three steps (application process): 1) optional pre-application meeting, 2) application submittal, and 3) application completeness determination activities. Permit development steps 4 – 9 are presented in section **Error! Reference source not found.**.

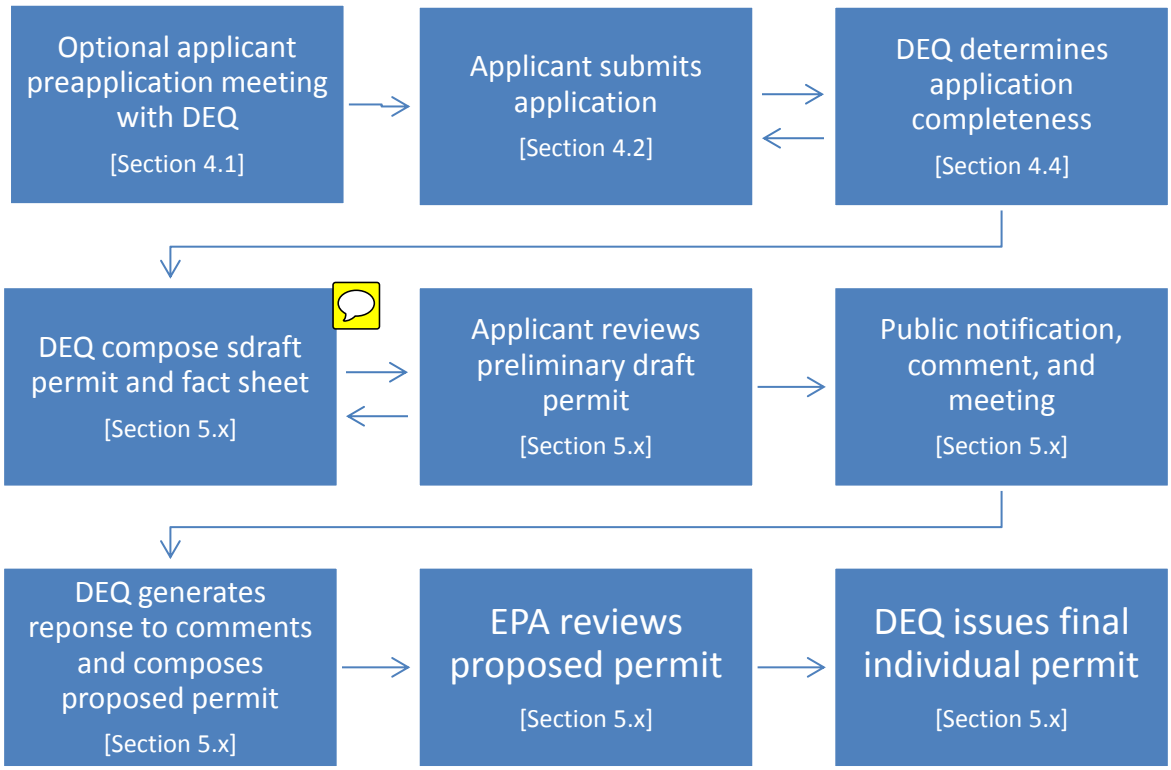

Figure 1. Individual permit development process.

4.1 Pre-Application Meeting

DEQ encourages potential wastewater discharge applicants to contact DEQ prior to submitting a permit application to discuss whether a surface water discharge permit (IPDES) is the most prudent method for disposing of treated wastewater. DEQ has multiple permitting programs for wastewater collection, treatment, disposal, as well as beneficial reuse of treated wastewater. Each permit type available for disposing or reusing treated wastewater has benefits which the facility may determine to be economically, socially, and environmentally feasible and desirable. The potential permitting schemes include:

- Individual/Subsurface Sewage Disposal Rules (IDAPA 58.01.03)
- Recycled Water Rules (IDAPA 58.01.17)
- Rules Regulating the IPDES Program (IDAPA 58.01.25)

If an operator has already been issued an IPDES permit but is planning or has completed material or substantial alterations or additions to the facility or activity since the current permit was issued, a pre-application meeting may be appropriate to discuss pertinent IPDES permit modifications or, if permit renewal is eminent, how the renewed permit may differ from the existing permit.

The operator or owner should contact the appropriate DEQ regional office to schedule a meeting. The operator, owner, and consulting engineer should attend the meeting with the documentation necessary to identify the facility or activity, or any changes proposed for the facility or activity. The process for modifying an existing permit will be discussed in section 7.

Some basic information should be brought to the meeting to convey to DEQ the purpose for or the proposed changes to a permitted facility or activity. Once the appropriate permitting program has been identified, DEQ can assist the applicant with determining the necessary information required of a complete application.

The information DEQ recommends to support a pre-application meeting varies depending on the facility or activity. Information that should be brought to, or provided in advance of the pre-application meeting, includes:

- Owner and operator information, such as:
  - Company name;
  - Addresses;
  - Representative name(s) and title/purpose (consultant, contractor, operator, etc.); and
  - Phone numbers and email addresses;
- Facility or activity location;
- A facility description (applicable SIC or NAICS codes) and wastewater constituents:
  - Anticipated or measured daily volume of wastewater generated and the basis for this flow rate (extrapolation from similar facility data is acceptable). Generated wastewater may be from one or more of the following:
    - Process wastewater;
    - Non-process wastewater; and
    - Sanitary wastewater;
  - Description of processes either used or planned to be used at the facility or activity;
  - Description of any seasonality of discharge or potential for discharge/non-discharge options;
  - Anticipated or known pollutants and their effluent concentrations; and
  - If a Publicly Owned Treatment Works (POTW):
    - Will/does the facility receive industrial wastewater?; and
    - Will/does the collection system accept and transport storm water?;
- A topographic map of the area extending at least one (1) mile outside the facility's or activity's boundary;
- Whether a mixing zone will be requested; and

- Any information concerning potential waiver requests.

If the applicant believes that some information is confidential business information (CBI), DEQ recommends that each page describing the CBI have a notification employing such language as "trade secret", "proprietary", or "confidential", as required by the Rules Governing the Protection and Disclosure of Records in the Possession of DEQ (IDAPA 58.01.21.012.01.a). Since no documentation or information must be submitted to DEQ during the pre-application meeting, an owner or operator may claim all information as confidential. However, an owner or operator may want to work with DEQ to determine what information cannot be claimed as CBI during this pre-application meeting to avoid issues later in the permitting process. Please be aware that information ***required*** by the CFR supporting an individual permit application or general permit notice of intent (NOI) is not eligible for CBI designation. The applicability of CBI designation for IPDES permitting purposes will be addressed in appropriate sections of this guide and in Volume II.

4.2 Individual Permit Application—Common Content

4.2.1 Web-based Interface for Permit Application Submittal

DEQ is developing web-based tools that will support submittal of electronic applications along with all necessary supporting documentation (reports, maps, etc.), and will interface with the IPDES CRIPS database. The web-based tools and database are integral to DEQ providing new and renewed permits that are accurate, thorough, and issued in a timely manner.

Applicants must submit their new permit and existing permit renewal applications using the web-based tools. This will speed up the application submittal by eliminating the mailing of hard copies, DEQ data entry and associated errors. DEQ will provide support to those facilities and activities that are unable to submit their applications using the web-based tool. However, the applicant must contact DEQ and request paper copies of all pertinent application forms and instructions well in advance of the minimum time required to submit an application. Please read section 4.3, Time to Apply, for additional information on timely application submittal and the risks associated with application submission delays.

4.2.2 Who Must Submit the Application

Rules Regulating the IPDES Program stipulate that the operator must obtain the IPDES permit (IDAPA 58.01.25.102.02). Additionally, the application must be signed by a certified official as identified at IDAPA 58.01.25.090.01.

In contrast to the status of information and documentation evaluated at the pre-application meeting, as noted in section 4.1, all information submitted in support of developing an IPDES permit, when required, may not be classified as CBI (IDAPA 58.01.25.002.02). This information includes:

- The name and address of any IPDES applicant or permittee;
- The content of any IPDES permit;
- IPDES permit applications, and information required to be submitted for IPDES applications;

- IPDES General Permit Notice of Intent (NOI), and information required to be submitted for coverage under General Permits;
- Information submitted in any attachments used to supply information required by the applications; and
- *Effluent data* as defined in 40 CFR 2.302.

4.2.3 Owner and Operator Information

Information identifying the legal entity owning and operating the facility or activity is required on all applications. This information includes:

- The owner's name, (company, corporation, municipality, etc.);
- The responsible signatory person's name and title;
- Mailing address;
- Phone number(s);
- Email addresses; and
- The federally issued Employer Identification Number (EIN).

Similarly, regarding the operator must divulge:

- The operator's name, (company, corporation, municipality, etc.);
- Whether the operator is also the owner of the facility or activity;
- Mailing Address;
- Phone number(s);
- Email addresses; and
- The operator's EIN.

Finally, a billing address must also be provided. This information includes:

- The name (company or municipal billing office) to which the bill need be submitted;
- The billing address;
- The contact person's name and title;
- Phone number(s); and
- Email addresses, if available.

4.2.4 Facility or Activity Physical Location and Description

The facility or activity physical location and description must be identified and submitted as part of the application information. This information includes:

- The physical address of the facility or activity;
- The facility location (latitude and longitude in decimal degrees at the entrance);
- Township, range, and section;
- County;
- Whether it lies on Indian lands; and
- Facility or activity status as federal, state, private, public, or other.

A map of the area extending to one mile outside the facility's or activity's property boundary should be supplied with the application. This map should indicate:

- Area surrounding all unit processes (topographic if available) extending one (1) mile past the property boundary;
- Influent and effluent pipes/structures;
- Springs or other surface water bodies;
- Drinking water wells within one (1) mile of the property;
- Areas where sewage sludge produced by the treatment works is stored, treated or disposed; and

4.2.5 Outfall Description

For point source dischargers a complete description of the outfall(s) is required. This location information should include:

- Outfall location – latitude and longitude in decimal degrees of the actual outfall location;
- Distance from shoreline (if applicable);
- Distance above or below water surface;
- Applicable wastewater flow rate(s) (MGD), as required by the application, which may include:
  - Annual average daily;
  - Average weekly;
  - Average monthly;
  - Maximum daily;
  - Design;
- Wastewater pollutant analytical results and the associated EPA testing method listed in 40 CFR 136;
- Whether discharge is continuous or intermittent (frequency, duration, months in which discharge occurs); and
- If the outfall has a diffuser, the type must be specified.

Wastewater discharge flow rates shall be provided in units of million gallons per day (MGD). These data must be submitted for each of the last 3 years, and, for the annual average rate, be based on a 12-month averaging period.

If the applicant is requesting a mixing zone, the request must be made concurrently with the submittal of the application using the appropriate form. The required information necessary to support a mixing zone analysis includes:

- Type of outfall (single port, multiport, or surface side channel discharge);
- Location and orientation of discharge pipe or port;
- Receiving water body characteristics including:
  - Bathymetry;
  - Surface water drinking water intakes and public swimming beaches within five (5) miles; and
  - Critical flow conditions;
- Effluent and receiving water pollutant concentrations; and
- Existing authorized mixing zones.

4.2.6 Description of Receiving Waters

The water body receiving the discharge will need to be identified. The application also requires critical low flow (e.g., 7Q10 or 4B3, 1Q10 or 1B3, 30Q5, and harmonic mean flow) and the hardness of the receiving water at critical low flow to determine the potential to exceed water quality standards.

Applicants seeking a new IPDES discharge permit and applicants proposing an increase in discharge should be aware of the beneficial use status of the receiving water. They should determine the receiving water body's designated beneficial uses as specified in Idaho's Water Quality Standards (IDAPA 58.01.02) and the beneficial use support status for each use by consulting the most recently approved Integrated Report (*http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/*).

Alternatively, this can be accomplished by contacting the appropriate DEQ regional office's Surface Water Quality program staff. The applicant should be able to identify the location of the facility or activity to DEQ staff so that the receiving water body status can be identified. If the water body is impaired for a pollutant that may be discharged, DEQ staff will need to determine whether a total maximum daily load (TMDL) has been developed for the receiving water body and whether there is a wasteload allocation or reserve for growth available for the proposed discharge. If the quality of water exceeds levels necessary to support aquatic life or recreation, or both, that quality shall be maintained and protected. The discharger will need to provide justification that lower water quality is necessary to accommodate important economic or social development in the area in which the waters are located (IPDAP 58.01.02.051.02).

4.2.7 Other State and Federal Permits Affiliated with the Facility or Activity

The facility or activity must also submit information regarding other permits or construction approvals received or applied for under the following programs.

- Hazardous waste management program under IDAPA 58.01.05, Rules and Standards for Hazardous Waste;
- Underground injection control (UIC) program under the Idaho Department of Water Resources UIC program at IDAPA 37.03.03, Rules and Minimum Standards for the Construction and Use of Injection Wells;
- IPDES program under IDAPA 58.01.25, Rules Regulating the IPDES Program;
- Prevention of significant deterioration (PSD) program under IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho;
- Nonattainment program under IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho;
- National emission standards for hazardous pollutants (NESHAPS) preconstruction approval under IDAPA 58.01.01, Rules for the Control of Air Pollution in Idaho;
- Dredge or fill permits under the CWA section 404;
- Sludge management program under IDAPA 58.01.16.650, Wastewater Rules and Section 380, Sewage Sludge of the Rules Regulating the IPDES Program;
- Subsurface sewage disposal permits under IDAPA 58.01.03, Individual/Subsurface Sewage Disposal Rules;
- Reuse permits under IDAPA 58.01.17, Recycled Water Rules; and

- Other relevant environmental permits, programs or activities, including those subject to state jurisdiction, approval, and permits.

4.2.8 Compliance with Permit Prohibitions

As stated in IDAPA 58.01.25, some information will be required by all applicants to help DEQ determine that the facility or activity discharges are in compliance with IDAPA 58.01.25.103, Permit Prohibitions. Information that the applicant provides should address the proposed discharges of any potential sources of radiological, chemical, or biological warfare agents or high level radioactive waste (IDAPA 58.01.25.103.05). Although it is unlikely these will be present in most facilities' or activities' wastewater, the applicant must divulge this information if any of these constituents may be present at their facility or activity.

Aspects of IPDES permits that are applicable to all permits and permittees involve information required by DEQ to determine whether the facility or activity complies with components of Idaho's Water Quality Standards including:

- Antidegradation policy (IDAPA 58.01.02.051) and implementation provisions (IDAPA 58.01.02.052);
- Mixing zone provisions (IDAPA 58.01.02.060); and
- Criteria for authorization of a compliance schedule (IDAPA 58.01.02.400).

4.2.9 Waiver Requests

A waiver request is required either prior to submittal of an application or concurrently with the application, depending upon the type of waiver being sought. Permit specific waiver requests will be addressed in more detail in Volume II.

Some waiver requests require EPA concurrence and may impact the results of the application completeness determination. Specifically, if a POTW or TWTDS requests a waiver from submitting specific information, claiming that information is not of material concern for the permit (IDAPA 58.01.25.105.11.b and IDAPA 58.01.25.105.17.a), and DEQ concurs, but EPA does not, then DEQ will not consider the permit application to be complete (IDAPA 58.01.25.106.06). If an applicant reapplying for a permit submits a waiver request to EPA more than two hundred ten (210) days before the existing permit expires, and EPA has not disapproved the waiver request one hundred eighty-one (181) days before the permit expires, then DEQ will consider the permit application to be complete without the information that is the subject of the waiver request (IDAPA 58.01.25.106.07). Applicants are encouraged to discuss any potential waiver requests with DEQ at the pre-application meeting.

4.3 Time to Apply

Specific application submittal deadlines are stipulated in rule (IDAPA 58.01.25.105.03). For a permit renewal, an application must be submitted and deemed complete at least 180 days before the current permit expires. For a new permit, an application for an IPDES permit must be submitted and deemed complete at least 180 days before the applicant intends to begin discharging. An application for an IPDES individual construction storm water permit must be submitted and deemed complete at least 90 days before construction is anticipated to begin.

These minimum application submittal milestones are identified in Table 3. Timeliness of NOI submittal for new or renewed coverage under a general permit will be addressed in section 6.

An applicant seeking to renew a permit should submit a complete application in a timely manner to provide DEQ the option of administratively continuing the permit. This is prudent risk management. Idaho's IPDES rule on continuation of individual permits (IDAPA 58.01.25.101.02), lists two criteria that must be met in order to qualify for an administrative extension:

- Submittal of a complete permit application; and
- Submittal of the application in a timely manner.

DEQ is allowed 60 days to determine if the application is complete when the application is for an existing source or sludge-only facility (IDAPA 58.01.25.106.04.b). In order to provide adequate time for DEQ to assess the completeness of an application without jeopardizing the possibility of obtaining an administrative extension, the application should be submitted at least 240 days (180 days by rule + 60 days for DEQ review = 240 days) prior to the permit's expiration date. It is possible that applications for complex facilities with multiple discharge points or types of permits may require even more time to determine application completeness.

For an applicant seeking a new permit, submittal of an application early in the facility construction period will prevent lost revenue or an idle facility because the facility will have a valid permit when it is ready to be brought online. DEQ is allowed 30 days to determine if the application is complete when the application is for a new source or new discharge (IDAPA 58.01.25.106.04.a). Early permit application submittal is good risk management, and it provides DEQ time to assess the application for completeness, identify deficiencies in the application, request and obtain information from the applicant, generate the permit and fact sheet, and complete the public comment and permit revision process prior to issuing the final permit.

In the event that an expiring permit is not reissued prior to its expiration date, and the permittee has submitted a complete application to renew the permit in a timely manner, the expiring permit's conditions will remain fully effective and enforceable until the effective date of a new permit (IDAPA 58.01.25.101.02). DEQ will notify the permittee in writing that the expiring permit will not be reissued prior to its expiration date, and that the expiring permit will be administratively extended until the new permit is issued. Should an application not be submitted according to the rule requirements, a permittee would be considered in violation and may be subject to an enforcement action.

Table 3. When to apply for an IPDES individual permit.

Type of Discharge	Minimum Application Submittal Timeline
New	At least 180 days before the date on which the discharge is to commence
Existing	At least 180 days before expiration date of existing permit
Construction storm water	At least 90 days before the date on which construction is to commence

4.4 Application Completeness Review

DEQ will not start developing a draft permit until the application has been determined to be complete. An application is complete when an application form and any supplemental information are completed and submitted to DEQ's satisfaction (IDAPA 58.01.25.106.01). For those facilities and activities that must submit fees, DEQ will not consider an application as complete until all applicable fees are paid (IDAPA 58.01.25.106.01).

Section 4.3, Time to Apply, identifies the timeframe within which DEQ must assess applications and make a completeness determination. Since the completeness determination process is time constrained, and may jeopardize the possibility of administratively extending an existing permit, DEQ will prioritize completeness determination efforts ahead of other permitting activities.

The contents of individual permits are substantially based on the information included in the application. Consequently, the application must be complete, accurate, and correct before the permit writer can properly develop a permit. DEQ will review submitted applications and supply a completeness determination within 30 days for a new permit and 60 days for a permit renewal. The completeness determination notification will be provided in a written format, either as a letter or email, and the notification will be retained as part of the administrative record. Figure 2 presents a flow chart defining the Application Completeness Determination process.

There are various sector-specific application requirements that must be completed to support DEQ's permit generation process. The sector-specific requirements will be discussed in the individual sections in Volume II of this guidance. Providing answers to all required fields on the web-based or hard copy applications is required, even if the appropriate response is "n/a" (not applicable) for the specific facility or activity.

Some applications require data to be collected prior to the application being submitted. These data must be analyzed using sufficiently sensitive analytical methods (IDAPA 58.01.25.106.02). Identification of the analytical method utilized to assess the collected samples must be included as part of the application. DEQ will evaluate the analytical method's minimum level to determine whether it is sufficiently sensitive to detect the targeted pollutant at or below the water quality criterion, or meets the sufficiently sensitive methods criteria specified in IDAPA 58.01.25.106.02.

Additionally, DEQ may schedule a facility or site visit to assist in application completeness determination, or to become familiar with the facility. The applicant is obligated to accommodate this request in order to support the completeness determination; failure to accommodate a site visit request is cause for permit denial (IDAPA 58.01.25.106.05.c).

DEQ may request additional information not provided in the application at any time prior to making an application completeness determination (IDAPA 58.01.25.106.01). Additional information may be necessary to establish permit specific conditions. After DEQ has determined the application to be complete, any additional information requests are restricted to information necessary to clarify, modify, or supplement previously submitted material (IDAPA 58.01.25.106.05).

If the applicant is securing additional permits from other state or federal agencies, DEQ will assess the IPDES application completeness independently of these other permit applications (IDAPA 58.01.25.106.03).

Waiver requests may also impact application completeness. Please review section 4.2.9, Waiver Requests, and the sector specific sections of Volume II applicable to your permit type.

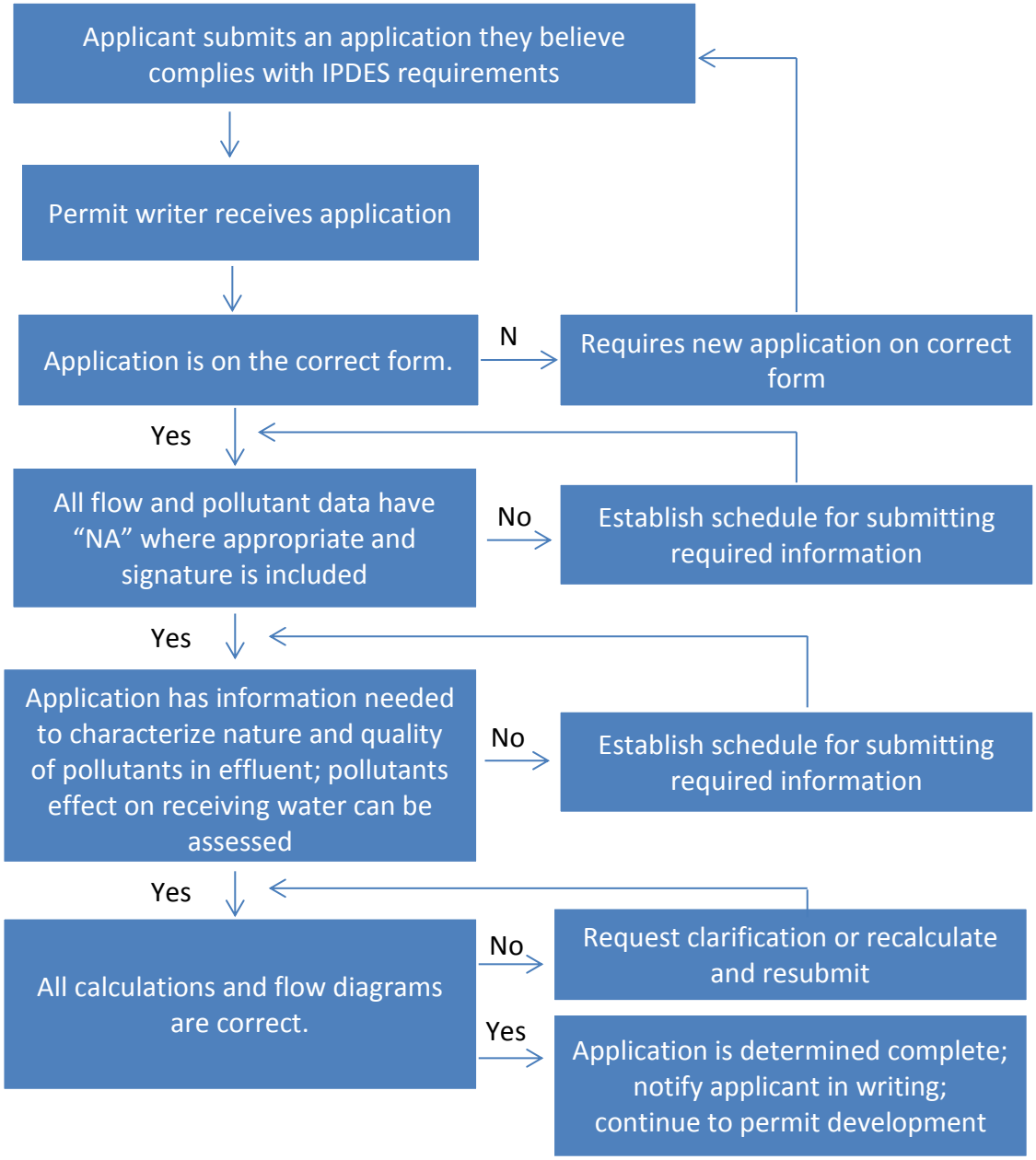

Figure 2. Application completeness determination process.

4.5 Permitting Assistance

DEQ IPDES staff are available to provide clarification on this guidance and answer any questions users may have related to IPDES permit application, compliance, monitoring, reporting, inspection, and the web interface. The IPDES staff work closely with DEQ's Surface Water and Wastewater Program staff, and will pursue answers to questions or relay your question to the appropriate staff. IPDES program staff contact information can be found on DEQ's website at *http://www.deq.idaho.gov/water-quality/ipdes/*.

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