

Idaho Pollutant Discharge Elimination System

DRAFT User's Guide to Permitting and
Compliance Volume 4—General Permits
Excluding Storm Water

State of Idaho
Department of Environmental Quality
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1 Introduction (General Permits Excluding Storm Water)

The Idaho Department of Environmental Quality's (DEQ's) Idaho Pollutant Discharge Elimination System (IPDES) Program developed permitting and compliance guides to help the regulated community and other public users understand the IPDES permitting and compliance process. This *Idaho Pollutant Discharge Elimination System User's Guide to Permitting and Compliance Volume 4 – General Permits* (User's Guide Volume 4) provides assistance to entities seeking coverage under one of Idaho's IPDES General Permits, excluding storm water, for complying with DEQ administrative rules, Idaho Code, and the Clean Water Act (CWA), which govern the discharge of pollutants to waters of the United States in Idaho.

General permits are authorized under IDAPA 58.01.25.130 and are a permitting instrument that may be used within a geographic area such as sewer districts or authorities; city, county, or state political boundaries; state highway systems; standard metropolitan statistical areas; urbanized areas designated by the U.S. Census Bureau or any other appropriate division or combination of boundaries. General permits are useful to reduce the overall regulatory burden on the state and regulated community when discharges:

- Involve the same or substantially similar types of operations.
- Discharge the same types of wastes or engage in the same type of sludge use or disposal practices.
- Require the same effluent limitations, operating conditions, or standards for sewage sludge use or disposal.
- Require the same or similar monitoring.

1.1 Purpose and Scope

This guide serves as a reference for successfully navigating the IPDES permitting and compliance process for General Permit (excluding storm water) facilities. Additionally, this guide is designed to help the regulated community (applicants and permittees) and other users:

- Understand General Permit specific IPDES application processes and NOI requirements.
- Comply with all processes, protocols, and requirements of general permit specific IPDES permits.

1.2 Relationship to Existing Rules and Guidance

User's Guide Volume 4 supports implementation of the CWA, federal regulations, and Idaho Code, administrative rules, and guidance. The guide complies with Idaho's "Water Quality Standards" (IDAPA 58.01.02), "Wastewater Rules" (IDAPA 58.01.16), "Recycled Water Rules" (IDAPA 58.01.17), and "Rules Regulating the IPDES Program" (IDAPA 58.01.25).

Volume 4 supplements the *Idaho Pollutant Discharge Elimination System User's Guide to Permitting and Compliance Volume 1—General Information* (User's Guide Volume 1) (UGV1) (DEQ 2017a) and addresses specific topics and circumstances relating to general permits excluding storm water and not described in Volume 1 or other IPDES guidance.

While this guide provides direction, DEQ may adjust permit-specific conditions to address site-specific concerns and conditions. The guide does not replace or change any requirements under state or federal rules and regulations, but it does identify and reference relevant regulations, policy, and other guidance documents. The CWA, federal code, and Idaho Code and administrative rules supporting the IPDES Program is provided in the User's Guide Volume 1, section 2 (DEQ 2017a).

1.2.1 Clean Water Act Background

The Federal Water Pollution Control Act (or CWA) is the primary US law addressing pollutants in receiving waters (e.g., streams, rivers, lakes, and reservoirs). The CWA was originally enacted in 1948 and was revised by amendments in 1972 (P.L. 92-500), 1977 (P.L. 95-217), 1981 (P.L. 97-117), and 1987 (P.L. 100-4). The CWA requires controls on discharges to meet the statutory goal of eliminating the discharge of pollutants under the National Pollutant Discharge Elimination System (NPDES) permit program.

1.2.2 Rules Regulating the IPDES Program

IDAPA 58.01.25 establishes procedures and requirements for issuing and maintaining permits for facilities or activities required by Idaho Code and the CWA to obtain authorization to discharge pollutants to waters of the United States. In these rules and guidance, permits are referred to as *IPDES permits* or *permits*.

1.2.3 Idaho Water Quality Standards

Water quality standards (WQS) are comprised of the water quality goals for a water body, the criteria necessary to achieve those goals, and an antidegradation requirement. The federal rules regulating water quality standards (40 CFR 131) describe state requirements and procedures for developing standards and EPA procedures for reviewing and, where appropriate, promulgating standards. IDAPA 58.01.02 was developed according to these federal requirements. Water quality-based effluent limits (WQBELs) in IPDES permits are a mechanism to achieve and maintain water quality standards in Idaho's receiving waters.

As part of complying with Idaho's WQS, an antidegradation review is necessary for general permits. IPDES general permits will describe in the fact sheet how the general permit meets the requirements of the antidegradation policyⁱ and implementationⁱⁱ. More information on the process for conducting an antidegradation review may be found in DEQ's antidegradation guidance (DEQ 2012 draft).

1.3 Legislative and Regulatory Citations

The following conventions are used to cite legislation and regulations:

- 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 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 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).
- US Code—Initial and subsequent references to US code use the code citation (e.g., 16 U.S.C. §1531 et seq. or 33 U.S.C. §§1251–1387).
- Clean Water Act—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 referred to by the act citation (e.g., CWA §402).

Most regulatory citations in this guide are from IDAPA 58.01.25 and 40 CFR. Other rules and regulations are explicitly referenced in full citation when initially used. Applicable IDAPA and CFR references are included as endnotes after the appendices.

1.4 Time Computationⁱⁱⁱ

References to days represent calendar days, unless otherwise specified (e.g., business days). In computing any period of time scheduled to begin after or before the occurrence of an activity or event, the date of the activity or event is not included. The last day of the period is included, unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day (which is not a Saturday, Sunday, or holiday). When a party or interested person is served by mail, 3 days are added to the prescribed time.

1.5 Hyperlinks

Websites referenced in this guide appear in blue italics and are hyperlinked. These sites provide supplementary information that can be accessed in printed and electronic versions. These website addresses are current; however, the hyperlinks may change or become outdated after publication.

2 Notice of Intent

An applicant seeking discharge coverage under an IPDES general permit must submit a Notice of Intent (NOI) to obtain coverage for discharges to waters of the United States. The required content of an NOI can be found in the specific general permit. All NOIs must include, but are not limited to, the following:

- Legal name and address of the owner or operator
- Facility or activity name and physical address
- Facility or discharge type
- Receiving water body

Idaho rules require that when a facility or activity is owned by one person but operated by another, the operator is obligated to obtain a permit^{iv}. This guidance will refer to the operator's responsibilities to acquire coverage under an IPDES general permit; however, if the operator and owner are the same, the requirements will apply to the owner.

2.1 Owner and Operator Information

Information identifying the legal entity owning the facility or activity is required on all applications:

- Owner's name (company, corporation, municipality, etc.)
- Certifying signatory person's name and title
- Mailing address
- Phone number
- Email address(es)
- Federally issued EIN

Similarly, information regarding the operator must be provided:

- Operator's name (company, corporation, municipality, etc.)
- Whether the operator is also the owner of the facility or activity
- Mailing address
- Phone number
- Email address(es)
- Operator's EIN

2.2 Facility or Activity Location and Description

The facility's or activity's physical location and description must be identified and submitted as part of the electronic NOI information, including, but not limited to, the following:

- Facility or activity location (latitude and longitude at the entrance)
- Outfall location(s) (latitude and longitude)
- Township, range, and section
- County
- Whether it lies on Indian lands
- Site-specific requirements identified in the permit (e.g. SIC codes)
- Type of discharge
- Expected nature of the discharge
- Potential for toxic and conventional pollutants in the discharges
- Expected volume of the discharges (if known)
- Other means of identifying discharges covered by the permit
- Estimated number of discharges to be covered by the permit
- Facility or activity status as federal, state, private, public or other

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

- Area surrounding all unit processes (topographic if available) extending one-quarter mile past the property boundary
- Influent and effluent pipes and structures
- Springs or other surface water bodies

- Drinking water wells within 1 mile of the property. Either indicate the direction and distance to the well, or include a map with a larger extent.
- Areas where sludge, manure or other solid biologically degradable waste is produced, stored, treated or disposed
- Areas assigned to receive, store, treat, or dispose of hazardous waste

2.3 Approval to discharge

Each general permit specifies the deadlines for submitting notices of intent for coverage and the process for authorizing a discharge. There are four ways an applicant may be authorized to discharge^v. These include:

- Upon DEQ's receipt of the notice of intent;
- After waiting a prescribed amount of time;
- On a specific date identified in the general permit; or
- Upon the applicant's receipt of a notification from DEQ.

DEQ may, in some circumstances where submitting an NOI may be inappropriate, not require the submittal of an NOI. However, DEQ shall consider the type, expected nature, potential for toxic and conventional pollutants, expected volume, and the estimated number of dischargers before making this determination. In these instances, DEQ may consider other means for identifying the dischargers covered by the permit.

If an owner or operator of a facility eligible for coverage under a general permit does not wish to be covered under the general permit, a request to be excluded should be submitted to DEQ^{vi}. This request must include a supporting rationale and be submitted within 90 days after issuance of the general permit. If DEQ grants the request, an individual permit will be issued following the process and procedures for issuing an individual permit and the applicability of the general permit is automatically terminated on the effective date of the individual permit.

DEQ may also require the owner or operator of a facility to apply for an individual IPDES permit by notifying the owner or operator in writing^{vii}. This notice will include a rationale for the decision, a statement identifying the time for the application to be filed, and a statement that the general permit coverage will automatically terminate upon the effective date of the individual permit. The owner or operator may appeal DEQ's decision^{viii}.

3 Public Participation

The process for providing public participation on an IPDES permit (either individual or general permit) is identified in the IPDES rules^{ix} and outlined in the Public Participation in the Permitting Process Guidance (DEQ 2016a). An overview of this process is outlined below. Public participation is encouraged and general permits along with fact sheets will be published for public comment after drafting. In instances where DEQ knows the entities proposed for coverage under a general permit, they will be included in the public participation process at the time the general permit is drafted. Some general permits are open to applicants to seek coverage after the general permit has been issued. In those instances, the NOI or parts of the NOI may be

submitted for public comment depending on the nature of the general permit. Each chapter specific to a general permit will detail the specific public participation processes for that permit.

As discussed in UGV1 Section 5 under Stakeholder Coordination, DEQ will work with current and prospective general permittees and keep them informed during the general permit development process, including developing the NOI requirements for a general permit. Before formal public notice of a draft IPDES general permit, DEQ will post the notice of a forthcoming draft general permit on DEQ's website. After completing a draft general permit and associated NOI requirements, DEQ will issue a public notification, which initiates a minimum 30-day public review and comment period. This public notice is provided by a combination of mailings or any other method that reasonably gives notice to the persons potentially affected, including press releases or use of any other forum or media to elicit public participation from the following:

- Applicants
- Any other agency that has issued or is required to issue a permit for the same facility or activity
- Affected federal and state agencies with jurisdiction over fish, shellfish, wildlife, and other natural resources (including downstream states or Canada), SHPO, and any affected Indian tribe
- Any state agency responsible for plan development under CWA, USACE, US Fish and Wildlife Service, and National Marine Fisheries Service
- Any user identified in the permit application of a privately owned treatment works
- Any person who requested to be on a mailing list
- Any local government having jurisdiction over the area where the facility is proposed to be located
- Each state agency having any authority under state law with respect to the construction or operation of the facility

DEQ will ensure that if any written recommendations from a state or Indian tribe whose waters may be affected by issuing an IPDES permit are not included, DEQ will notify the affected state and EPA of its decision not to include the recommendations and provide the rationale.

Requests for extending a public comment period must be provided to DEQ in writing before the last day of the comment period. The draft permit and fact sheet describing the terms of the permit will be available during the public comment period. DEQ may schedule a public meeting on the draft permit if there is significant public interest, an interested party requests in writing a public meeting within the first 14 days of the public comment period, or for another good reason.

In some general permits, entities covered under the permit are identified when the permit is published for public comment. In other instances, entities seeking coverage are not identified but may be subject to public participation procedures when coverage is requested. The CAFO general permit requires a 30 day public notification and comment period when a facility seeks coverage. Other general permits do not have the same public notification and comment requirements. Each chapter in this guide will discuss the approval process and potential for public participation.

4 Ground Water Remediation

This chapter helps the reader understand topics about permitting Ground Water Remediation. The state of Idaho has 1 ground water remediation general permit (IDG911000) at the time of the preparation of this guidance document.

4.1 Understanding the Permit

The following sections identify and summarize the elements of the ground water remediation general permit.

4.2 Permit Coverage

Operators of facilities conducting *ex-situ* ground water remediation activities, such as pump and treat, or seepage water collection systems in which treated ground water is discharged to waters of the United States within the State of Idaho, are eligible for coverage under this general permit; construction/excavation dewatering activities, building dewatering, and aquifer pump testing that occur at designated or known contaminated sites are activities that are also eligible for coverage under this general permit, subject to the limitations and conditions set forth in the Idaho Ground Water Remediation Discharge Facilities General Permit (GWGP).

4.2.1 Area Covered by Permit

Operators of facilities conducting the operations described in 4.2 and that discharge to a water of the United States within the state of Idaho will need to be covered by the GWGP. The GWGP covers five existing facilities in the state of Idaho that discharge remediated ground water into waters of the United States. Operators of facilities seeking coverage under this general permit should apply using the IPDES E-Permitting System when it becomes functional, and until that time, should use the application instructions in Section 4.2.7 below.

4.2.2 Eligibility

Facilities that are eligible for coverage are described above. Facilities ineligible for coverage under the Idaho GWGP are:

- Facilities associated with an on-scene coordinator emergency response action
- Facilities associated with a federal superfund cleanup action
- Facilities associated with mining operations
- Pretreatment facilities
- Underground injection control program permitted facilities
- In-situ treatment facilities
- Facilities authorized under another appropriate NDPES permit

Section I.B of the GWGP provides more information on facilities that are ineligible for coverage. DEQ may determine that a facility should be covered by an individual permit rather than the general permit. Any permittee eligible for coverage under the general permit may instead request an individual permit.

4.2.3 Requirements for an Individual Permit

DEQ may require any discharger requesting, eligible, or authorized by the GWGP to apply for an individual IPDES permit. Individual permits may be more appropriate:

- If the discharger is not in compliance with the general permit
- If a change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point source
- If effluent limitation guidelines are promulgated for the ground water remediation facility
- If a TMDL containing requirements applicable to the point source is approved, or
- If the discharge is a significant contributor of pollution.

4.2.4 Receiving Waters

The permittee must identify the receiving water and its beneficial uses in their Notice of Intent (NOI). The ground water remediation general permit authorizes discharge of specific pollutants to waters of the US within the state of Idaho, except for the following:

- Receiving waters not supporting their designated uses
- Waters designated as Tier 2 “high quality” waters in the State of Idaho Water Quality Standards
- Outstanding Resource Waters
- Receiving waters within one hundred yards upstream of or within a tribal reservation or designated Indian Country inside the State of Idaho
- Receiving waters designated under the Wild and Scenic Rivers Act
- Receiving waters where federally listed threatened, endangered, or candidate species, or designated or proposed critical habitat, pursuant to the Endangered Species Act (ESA) are present, or to any receiving waters determined to be essential fish habitat (EFH) under the Magnuson-Stevens Fishery Management and Conservations Act
- Receiving waters within one-half mile upstream of a permanent drinking water intake for a municipality.

4.2.5 Waiver to Discharge to Excluded Receiving Waters

An applicant can apply for authorization to discharge to receiving waters excluded from permit coverage. In that case they must submit a complete request for the waiver with their NOI. More information regarding the required information to submit for the waiver is found in Section I.F of the GWGP. A waiver to discharge into excluded receiving waters will only be granted after consultation with EPA, any affected tribe or other appropriate federal, state or local government agency.

4.2.6 Authorization to Discharge

Operators of new facilities covered by the general permit will be authorized to discharge as of the date of written notification. The authorization to discharge is subject to the limitations in the permit and does not include spills or other unintentional or non-routine discharges of pollutants that are not part of the regular operation of the facility.

4.2.7 Notice of Intent Requirements

Notices of Intent (NOIs) should be submitted through the Idaho E-Permitting System when it is updated to include general permits. Until the E-Permitting system is updated, permittees should submit a hard copy of the NOI, and include any waiver requests or other necessary information, with their NOI. In addition to the information described in Chapter 2, the applicant will need to submit additional information described below for the ground water remediation general permit application NOI.

4.2.7.1 Facility Category

Operators of facilities applying for coverage under the GWGP must identify the category their facility or activity conforms to. Attachment A of the GWGP describes the six general facility categories covered by the permit. The category chosen will determine the sampling data required to be submitted with the NOI.

- A-1: Gasoline Only Sites
- A-2: Fuel Oils (and Other Oils) Only Sites
- A-3: Mixed Petroleum Sites Containing Other Contaminants
- B-1: Volatile Organic Compound (VOC) Only Sites
- B-2: VOC Sites with Other Contaminants
- B-3: Sites Containing Primarily Metals

4.2.7.2 Operation and Production Information

The NOI must include a drawing of the water flow through the facility with a water balance and a description of any chemical additives or biocides used in the treatment process. Safety Data Sheets must be included for these chemicals.

4.2.7.3 Nature of Contamination

The NOI must include the laboratory analytical results for three rounds of influent and effluent sampling of each chemical of concern (COC) requiring limits in the self-identified ground water remediation facility category. The categories are described in section 4.2.7.1 above. Instead of submitting results for the chemicals of concern, a facility may choose to submit a full Priority Pollutant scan for the influent and effluent samples from the ground water remediation facility.

Operators of new facilities that have not yet discharged must include the remedial action treatment system design criteria and/or the anticipated effluent concentrations of all COCs known to be present in the effluent.

Operators of facilities can use EPA Form 2E as a template for how to submit the required data to Idaho DEQ, or may use a data table of their own to submit the required data. The NOI must include sampling data for all COCs for the facility category, as described in Tables 1-6 in the GWGP.

The operator of the facility must submit the nature of the ground water contamination and how it originated, and include the SIC code of the industry that caused the ground water pollution (if applicable).

4.2.7.4 Description of Discharge

A description of the discharge including the design flow of the facility in gallons per day and the anticipated duration of continuous discharge is required. If the effluent is expected to be batch discharged, provide information regarding the schedule of the batch discharges. If no information regarding the schedule of discharge is provided, it is assumed the discharge is continuous.

The notice also must include the minimum, maximum, and average temperature of the discharge, and the corresponding time of year when each occur.

4.2.7.5 Receiving Water Information

Applicants must identify the name of the receiving water to which they discharge. For example, if the discharge is into a canal that flows into an unnamed tributary, which in turn flows into a named river, provide the name or description (if no name is available) of the canal, tributary, and river. To identify the receiving waters, click on the Integrated Report interactive map link on DEQ's website or contact the IPDES staff for assistance. The name of the receiving water and beneficial uses associated with the receiving water must be included in the notice of intent.

Additional receiving water information that should be provided includes:

- The name of any water bodies within 1 mile downstream of the discharge, and the beneficial uses of those water bodies.
- Any federally listed threatened, endangered, or candidate species in the receiving water.
- The minimum and maximum measured flow in cubic feet per second (cfs) of the receiving water and any other receiving water within 100 yards downstream. Include critical low flows (1Q10, 7Q10, 30Q5) and how they were calculated, if available. IDWR and USGS have flow data available for parts of Idaho.
- If the receiving water is identified on the most recent EPA-approved IDEQ integrated report, and if it is, whether the discharge is expected to contain any pollutant(s) listed on the integrated report.
- Any public water drinking sources within 0.5 mile downstream of the discharge.

If the permittee is requesting a waiver for a receiving water excluded under the general permit, a timely and complete request for the waiver is required with the NOI information. This request must include detailed descriptions of the circumstances requiring a discharge to an excluded water and why the discharge will not cause or contribute to a violation of Idaho's WQS. If federally listed threatened, endangered, or candidate species are present, the applicant must provide information demonstrating that there will be no adverse effect on species in the receiving water or degradation of the quality of the receiving water. This information often takes the form of a water quality analysis. More information on how to prepare a water quality analysis may be requested from DEQ.

4.2.7.6 Mixing Zone Request

Mixing zones may be allowed on a case specific basis. If a mixing zone is authorized for a general permittee, each pollutant and associated mixing zone for flowing waters or surface area for non-flowing water bodies will be described. The permit writer will use the *Effluent Limit Development Guidance* section 3.4.3 (DEQ 2017b) and *Idaho Mixing Zone Implementation*

Guidance (DEQ 2016b) to develop the mixing zone criteria, when appropriate. The permittee must monitor and report the effluent and, in most instances, the background receiving water concentration of all pollutants with authorized mixing zones. Monitoring and reporting requirements are included in the effluent and receiving water monitoring sections of the permit.

If the applicant wants to request a mixing zone, they must provide a request in writing. The request must include analytical results for all COCs in the receiving water body immediately upstream of the influence of the discharge. If more data is available, it should be submitted with the NOI. Low flow statistics for the receiving water body must be calculated, and the analysis should indicate how those statistics were generated. Calculations for a dilution factor for the receiving water body should be provided.

The applicant must include a statement along with the NOI that the owner/operator of the facility will not use dilution as a form of treatment to comply with the concentration based effluent limits in the GWGP^x.

4.2.7.7 Additional Information

DEQ may request any additional information necessary to evaluate whether the discharge is consistent with the authorization criteria under the GWGP.

4.2.8 Effluent Limitations

The standard effluent limitations applicable to all IPDES permits are contained in the GWGP. These limitations are:

- Do not discharge hazardous materials in concentrations that pose a threat to public health or impair the beneficial uses of the receiving water.
- Do not discharge chemicals or toxic pollutants in concentrations that impair the beneficial uses of the receiving water.
- Do not discharge deleterious materials in concentrations that impair the beneficial uses of the receiving water.
- Do not discharge floating, suspended or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair the beneficial uses of the receiving water.
- Do not discharge excess nutrients that can cause visible slime growth or other nuisance aquatic growths impairing beneficial uses of the receiving water.
- Comply with the effluent limits for all COCs that pertain to the self-identified category of ground water remediation facility.
- Dilution of effluent as a form of treatment, or as a means of complying with concentration-based effluent limitations, is prohibited.
- Do not discharge sediment in quantities which impair beneficial uses.
- pH values must not be less than 6.5 standard units (su) nor greater than 9.0 su.
- Use a sufficiently sensitive analytical method for all effluent monitoring.

In addition to these limitations, there are six tables, one for each category of ground water remediation facility, which contain the chemicals of concern and their associated limits.

4.2.9 Whole Effluent Toxicity Testing Requirements

Whole effluent toxicity (WET) is the aggregate toxic effect an effluent has on the receiving water and is measured directly using an aquatic toxicity test. These tests are laboratory experiments that measure the biological effect (e.g., survival, growth, or reproduction) of effluents or receiving water on aquatic organisms. In aquatic toxicity tests, groups of organisms of a particular species are held in test chambers and exposed to different concentrations of an aqueous test sample. Observations are made at predetermined times to test the effect of exposure on the aquatic organisms. At the end of the test, the responses of the test organisms are used to estimate any toxic impacts from the effluent.

The GWGP contains WET testing requirements for non-continuous, intermittent, and seasonal discharges as well as for continuous discharges. If a facility discharges continually for ≥ 1 hour in any 24 hour period, a whole effluent toxicity test as described in section II.B of the general permit must be conducted.

4.2.10 Special Condition—BMP Plan

The permittee must develop and implement a best management practices (BMP) plan which incorporates practices that achieve the objectives and specific requirements listed in the permit section I.B, also summarized below. Guidance is available to help in drafting a BMP Plan: *Guidance Manual for Developing Best Management Practices* (EPA, 1993).

The BMP plan should be an iterative process that the permittee enacts that prevents or minimizes the generation and the potential for release of the COCs. Written notification of all new or altered BMP plans must be provided to DEQ by the authorized signatory official for the facility or activity.

New permittees must implement their BMP plan prior to any discharge; and provide notification to DEQ, certified by the authorized signatory official for this facility or activity. Permittees with coverage under the existing GWGP must update their BMP Plans when changes occur and provide notification to DEQ that an update was made.

The BMP plan must include:

- The number and quantity of COCs and the toxicity of the effluent generated, discharged or potentially discharged.
- The permittee must ensure the proper operation and maintenance of water management and wastewater treatment systems, and the control of the discharge or potential release of COCs to the receiving water
- An evaluation for the control of COCs:
 - Each facility component or system must be examined for waste minimization opportunities, and for the potential to cause a release of significant amounts of COCs
 - If a reasonable potential for equipment failure or natural conditions or other circumstances which will result in significant amounts of pollutants reaching surface waters of the US, the plan should include a prediction of the direction, rate of flow, and total quantity of pollutants which could be released as a result of each condition or circumstance.

According to the GWGP, the BMP plan must:

- Be written in narrative form and include any necessary system schematics, drawings or maps and be developed in accordance with good engineering practices.
- Be organized and written with the following structure
 - Statement of BMP policy
 - Name and location of the facility or activity
 - Description of potential pollutant sources
 - Specific management practices and standard operating procedures
 - Modification of equipment, facilities, technology, processes and procedures
 - The reformulation or redesign of products
 - The substitution of materials; and/or
 - The improvement in management, inventory control, materials handling, or general operational phases of the facility
 - Risk identification and assessment of discharges
 - Reporting of BMP failures
 - Materials compatibility
 - Good housekeeping
 - Preventative maintenance and repair
 - Inspections
 - Security
 - Recordkeeping and reporting
 - Employee training
 - Prior evaluations of any planned modification
 - Any final constructed site plans drawings and maps
- Establish specific BMPs
 - Proper management of solid and hazardous waste
 - Requirements for air emissions
- Include the following minimum BMPs
 - Ensure solids, sludges, or other pollutants removed in the course of treatment or control of water and wastewaters are disposed of in a manner to prevent any pollutant from such materials from entering waters of the US
 - Minimize ground water remediation system upsets
 - Reduce spillage and leaks from the remediation system
 - Use of local containment devices

The permittee must maintain a copy of the BMP plan on-site and amend the BMP plan whenever there is a change in the facility and/or related activities that materially increase the generation of COC or their release or potential release. The BMP plan must be reviewed annually by the plant manager and appropriate staff, and a statement certifying that the annual review occurred must be submitted to DEQ.

The implementation of the BMP plan should prevent or minimize the generation and the potential for release of pollutants from the ground water remediation facility to waters of the US through normal operations and ancillary activities and ensure that methods of pollution prevention, control, and treatment will be applied to all wastes and other substances discharged.

4.3 DEQ Application Processing

Upon receipt of a NOI, DEQ will review the supplied materials and notify the applicant if coverage is granted, denied, or if additional information is required. If coverage is not granted, DEQ will advise the applicant on the appropriate course of action, such as applying for an individual permit.

4.4 TBEL Development

Technology based effluent limits (TBELs) require a minimum level of treatment of pollutants based on the available treatment technologies. These TBELs are incorporated into permits either by relying on national effluent limitation guidelines and standards established by EPA or using best professional judgement. EPA has not developed an Effluent Limit Guideline (ELG) for ground water remediation facilities, or similar facilities. TBELs for the Ground Water Remediation General Permit were developed based on Best Professional Judgement. EPA reviewed many documents when determining TBELs, including but not limited to the previous permit, ELGs for facilities that may have caused the contamination, and Idaho Rules.

4.5 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft ground water remediation general permit is developed. Additional guidance on the process is outlined on page 96 of *IPDES User's Guide to Permitting and Compliance- Volume 1* (DEQ 2017a).

For NOI's received after the GWGP has been issued, DEQ will publish a notice that an owner of a facility is seeking coverage under the GWGP.

4.6 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector; refer to the User's Guide Volume 1, Section 9 (DEQ 2017a). DEQ compliance monitoring is expected to be conducted on 5% of facilities annually. DEQ compliance monitoring activities are described in IPDES Compliance Monitoring Strategy (DEQ 2017c). Nothing precludes EPA from conducting an inspection independent of DEQ.

5 Drinking Water Treatment Facilities

This section helps the reader understand topics about permitting drinking water treatment facilities. The state of Idaho has 1 drinking water general permit (IDG380000) at the time of the preparation of this guidance document.

5.1 Permit Coverage

5.1.1 Area Covered by Permit

The Drinking Water Treatment Facility General Permit (DWGP) provides CWA coverage for specific facilities that discharge treated wastewater from water treatment filtration processes to surface waters in the State of Idaho. The drinking water facilities covered under this general permit discharge treated wastewater from the water filtration processes (filter backwash, sedimentation/pre-sedimentation wash-down, sedimentation/clarification, or filter to waste) and their delivery systems. Specific facility eligibility and limitation on the facility type are provided below.

5.1.2 Eligibility

Eligibility for coverage under the DWGP includes facilities using drinking water treatment filtration processes and their delivery systems. The wastewater discharges covered under the general permit may include micro-filtration, coagulation/sedimentation with filter backwash storage /treatment, and coagulation/sedimentation without filter backwash storage/treatment. Process flows contributing to the discharge include: filtration reject water, filter backwash, decant sludge dewatering, influent screen backwash, and from miscellaneous waste streams, which may include, but are not limited to: processed potable water, and wastewater from water supply pipeline and tank disinfection. Currently there are seven facilities covered under the general permit.

5.1.3 Limitations

Drinking water treatment facilities not covered under this permit use batch regenerated potassium permanganate iron removal, sodium zeolite softening, or reverse osmosis. Facilities that discharge to a receiving water and use any of these listed process should seek an individual permit. Facilities with a discharge that is 100 yards or less upstream from either a state or international boundary or Indian reservation boundary are not covered under this general permit. Additionally, any facility discharging to receiving waters designated as either an Outstanding Resource Water by the Idaho Legislature or under the Wild and Scenic Rivers Act is not eligible for coverage under this general permit. As of 2019 there are no designated Outstanding Resource Waters in the State of Idaho. A facility discharge to a receiving water with an EPA approved TMDL that does not appear in Appendix C is ineligible for coverage under the DWGP.

5.1.4 Notice of Intent Requirements

All operators of facilities covered under a currently effective DWGP must submit an NOI 180 days prior to the expiration of the permit. If a facility is owned by one company or person and operated by another company or person, it is the responsibility of the operator to submit the NOI. Owner/operators of multiple drinking water facilities must submit a complete NOI for each individual facility.

A new discharger seeking coverage under the DWGP must submit a Notice of Intent (NOI) 180 days prior to the anticipated start of discharge. Operators of new facilities denied coverage under this permit would be directed to apply for an individual permit. Operators of new facilities

applying for coverage under this general permit that would discharge to a receiving water with an EPA approved TMDL, may be included in Appendix C of the permit once a determination of appropriateness is made and after the public comment period.

The DWGP outlines the different components that are needed for the Notice of Intent (NOI). There are 11 sections that the NOI must contain. Currently EPA does not have a standard form for the NOI so applicants must submit a legible document that contains all 11 sections of the NOI. NOIs and related application materials must be submitted electronically through the IPDES E-Permitting System. DEQ will develop an NOI form within the IPDES E-Permitting System so it is clear to the applicants what information is required and to increase efficiency of processing the NOIs.

5.1.4.1 Owner Information

Required information includes the name, complete address, and telephone number of the facility owner. The owner may also provide a fax number and e-mail address. The ownership status (federal, state, private, public, or other entity) must also be provided. The name of any duly authorized representative must also be included in this section.

5.1.4.2 Operator Information

Required information includes the name, complete address, and telephone number of the individual or company operating the facility. The operator may also provide a fax number and e-mail address. The name of any duly authorized representative must also be included in this section.

5.1.4.3 Facility Information

The NOI must contain the following information:

- The facility name, address and telephone number. Indicate if the facility is located on Indian Country. Also indicate if the facility name has changed within the last five years. If the name has changed then provide the previous name(s) and the date(s) of the changes.
- Location map of the facility with the map resolution of at least 1:24,000. The map should identify all wells, springs, other surface water bodies and drinking water wells located within the map area. If a USGS map is used, provide the title and catalog number.
- Location information that needs to be included is the plant physical location and the locations of all outfalls with latitude and longitude information with accuracy with 15 seconds of a degree. New facilities should also include the date that the facility is scheduled to start discharging (this date should be no sooner than 180 days after the NOI is submitted).
- List all permits or construction approvals received or applied for under any of the following programs:
 - Hazardous Waste Management under the Resource Conservation and Recovery Act (RCRA)
 - UIC program under the Safe Drinking Water Act (SDWA)

- Prevention of Significant Deterioration (PSD) program under the Clean Air Act (CAA)
- Any other relevant environmental permits under the CWA, CAA, or state law.

The facility information section should also identify the water rights number assigned by Idaho Department of Water Resources and provide any ESA listing determinations (if any) related to the receiving waters.

5.1.4.4 Operations and Production Information (Project Plan)

The NOI must include a flow diagram defining the path water flows through the facility. It must also include a system water balance, which includes any operations contributing wastewater to the effluent and all treatment units. If a water balance cannot be determined, then the NOI must contain a pictorial description of the nature and amount of any sources of water and any collection and treatment measures used at the facility.

5.1.4.5 Pollutant Characterization

Existing facilities must submit a data table with the NOI document, summarizing the pollutants present within the effluent. The facilities must also submit the data on pollutant concentrations in a separate spreadsheet or text-format electronic file.

New drinking water facilities applying for coverage under the DWGP must submit the treatment system design criteria and/or the anticipated effluent concentrations of all known pollutants that are expected to be present.

5.1.4.6 Description of Discharge(s)

The NOI shall include the following information on the drinking water treatment system's discharge:

- In the description of the discharge include the design flow in gallons per day (gpd) and the overall continuous duration of the discharge. If the discharge is not continuous then provide information on the schedule of discharge and the duration of the batch discharges. If not indicated it will be assumed that discharge is continuous.
- When available, the applicant must provide the following data on the temperature of the discharge. The data must include the minimum, average and maximum temperatures, and the corresponding times of year when they occur.

5.1.4.7 Receiving Water Information

The NOI shall include the following information on the receiving water.

- The name of the receiving water body and any other receiving water within one mile downstream of the discharge.
- The designated beneficial uses of the water from the State of Idaho Water Quality Standards (WQS), IDAPA 58.01.02.110-160. The Idaho WQS can be found at <https://adminrules.idaho.gov/rules/current/58/580102.pdf>

- Presence of any federally listed threatened, endangered, or candidate species in the receiving water. Information can be found on the United States Fish and Wildlife Service's web page at <https://www.fws.gov/Endangered/>
- The minimum and maximum measured flow of the receiving water in cubic feet per second (cfs). If adequate flow data is available, the NOI should also include critical low flow values (1Q10, 7Q10, etc.) and how they were calculated. Stream flow data is available from the USGS's National Water Information System database and/or the IDWR stream gage database.
- Indicate if the receiving water has been included on the state's 303(d) list of impaired waterbodies. If so, indicate what pollutant(s) impairment(s) are listed and state whether any of the pollutants discharged by the facility cause or contribute to the listing(s).

5.1.4.8 Request for a Mixing Zone

For operators of facilities requesting a mixing zone, the following additional information must be submitted in the NOI:

- The result of at least one ambient background sample analyzed for each pollutant for which a mixing zone is being requested. These samples must be collected from the receiving water immediately upstream of the outfall. Any additional receiving water data available must also be included in the mixing zone request.
- The applicable receiving water critical low flows and the source of the flow data. The calculated dilution factors in accordance with equation 25 of the IDPES *Effluent Limit Development Guidance* (DEQ 2017b). The dilution factor calculations must be approved by DEQ.

The NOI must include a statement from the owner/operator that the facility will not use dilution in order to comply with effluent limits^{xi}.

5.1.4.9 Additional Information

This section is for any additional information the applicant would like DEQ to consider when processing the NOI. DEQ may also request additional information that is necessary to evaluate if the facility's discharge can comply with the DWGP criteria.

5.1.4.10 Signatory Requirements

The NOI must be signed by the principle owner/operator and must include the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

5.1.5 Special Conditions

5.1.5.1 Quality Assurance Plan

All operators of facilities seeking coverage under the DWGP must develop (or update) and implement a QAPP that conforms to the QA/QC requirements of 40 CFR 136.7 for all monitoring required by the permit. The QAPP should be consistent with *EPA Requirements for Quality Assurance Project Plans* (QA/R-5; EPA 2001) and *Guidance for Quality Assurance Project Plans* (QA/G-5; EPA 2002).

The QAPP must be retained on site and made available to DEQ upon request.

5.1.5.2 Best Management Practices (BMP) Plan

BMPs prevent or reduce the discharge of pollutants to waters of the United States. BMPs focus on good housekeeping measures and good management techniques to avoid contact between pollutants and water as a result of leaks, spills, and improper waste (solid, liquid, hazardous) disposal. The permittee must operate the facility in accordance with the BMP Plan to prevent or minimize the generation and potential for release of pollutants from the facility.

The minimal requirements for the BMP can be found in section III.B of the permit.

BMPs or BMP plans may include the following:

- Methods or processes to minimize the number and quantity of pollutants and the toxicity of effluent generated, discharged, or potentially discharged from the facility
- Evaluations for pollutants of concern
- Prohibitions of practices
- Maintenance procedures
- Treatment requirements
- Operating procedures and practices to control
 - Plant site runoff
 - Spillage or leaks
 - Sludge or waste disposal
 - Drainage from raw material storage areas

The permittee must maintain a copy of the BMP plan on-site and amend the BMP plan whenever there is a change in the facility and/or related activities that materially increase the generation of COC or their release or potential release. The BMP plan must be reviewed annually by the plant manager and appropriate staff.

The implementation of the BMP plan should prevent or minimize the generation and the potential for release of pollutants from the drinking water treatment facility to waters of the US through normal operations and ancillary activities and ensure that methods of pollution prevention, control, and treatment will be applied to all wastes and other substances discharged.

5.2 DEQ Processing

After receipt of the NOI, DEQ will review the submitted materials and notify the applicant if coverage is granted or denied under the general permit. If denied DEQ may advise the applicant on the appropriate course of action needed to seek coverage under an individual permit.

5.3 TBEL Development

While the EPA has yet to developed Effluent Limit Guidelines (ELG) for drinking water facilities, it has identified the need for ELGS, and these are a candidate for effluent guidelines rulemaking. The TBEL for TSS is based on best professional judgment and follows the effluent limits set in existing individual water treatment facilities permits. EPA also relied on a study of 76 individual water treatment plants and found that the 95th percent occurrence of monthly average and the 99th percent occurrence of daily average for TSS were 28.1 mg/L and 44.4 mg/L respectively. Further analysis found that the Best Practicable Technology Currently Available (BPT) was equal to the Best Conventional Pollutant Control Technology (BCT). TSS limits were set a 30 mg/L for monthly average and 45 mg/L daily average.

5.4 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft DWGP is developed. Additional guidance on the process is outlined on page 96 of *IPDES User's Guide to Permitting and Compliance- Volume 1* (DEQ 2017a).

For NOI's received after the DWGP has been issued, DEQ will publish a notice that an owner of a facility is seeking coverage under the DWGP. Public notification and participation process will include a public comment period on the applicant's coverage under the general permit and the associated limits based on the information provided in the NOI.

5.5 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector; refer to the User's Guide Volume 1, section 9 (DEQ 2017a). DEQ compliance monitoring is expected to be conducted on 5% of facilities annually. DEQ compliance monitoring activates are described in *IPDES Compliance Monitoring Strategy* (DEQ 2016a). Nothing precludes EPA from conducting an inspection independent of DEQ.

References

- DEQ (Idaho Department of Environmental Quality). 2012. *Idaho Antidegradation Implementation Procedures*. Boise, ID: DEQ <http://www.deq.idaho.gov/media/792352-antidegradation-implementation-procedures-draft-0112.pdf>
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- EPA (US Environmental Protection Agency). 2001. *EPA Requirements for Quality Assurance Project Plans: EPA/QA/R-5*. Washington, DC: Office of Environmental Information. EPA/240/B-01/003.
- EPA (US Environmental Protection Agency). 2002. *Guidance for Quality Assurance Project Plans: EPA QA/G-5*. Washington, DC: Office of Environmental Information. EPA/240/R-02/009.

Key Terms

Citations for key terms used in this guide are provided below. To see the official definition for a term, users should go directly to the rule that is referenced.

Term	IDAPA, CFR, or CWA Citation
Discharge	IDAPA 58.01.25.010.27.
Effluent Limit Guideline (ELG)	IDAPA 58.01.25.003.02.y
Existing Source	IDAPA 58.01.25.010.36
General Permit	IDAPA 58.01.02.010.40
Idaho Pollutant Discharge Elimination System (IPDES)	IDAPA 58.01.25.010.42
Industrial Wastewater	IDAPA 58.01.25.010.46
Major Facility	IDAPA 58.01.25.010.51
National Pollutant Discharge Elimination System (NPDES)	IDAPA 58.01.25.010.56
New Discharger	IDAPA 58.01.25.010.57
New Source	IDAPA 58.01.25.010.58
Notice of Intent (NOI) to Obtain Coverage Under an IPDES General Permit	IDAPA 58.01.25.010.60
Permit	IDAPA 58.01.25.010.63
Person	IDAPA 58.01.25.010.64
Pollutant	IDAPA 58.01.25.010.66
Pretreatment	IDAPA 58.01.25.010.68
Process Wastewater	IDAPA 58.01.25.010.71
Reuse	IDAPA 58.01.16.010.71
Sewage Sludge	IDAPA 58.01.25.010.84
Silvicultural Point Source	IDAPA 58.01.25.010.87
Storm Water	IDAPA 58.01.25.010.94
Technology-Based Effluent Limit (TBEL)	IDAPA 58.01.25.010.95
Total Maximum Daily Load (TMDL)	IDAPA 58.01.02.010.100
TMDL WLA	IDAPA 58.01.02.010.108
Variance	IDAPA 58.01.25.310
Wasteload Allocation (WLA)	IDAPA 58.01.25.010.104
Water Quality-Based Effluent Limit (WQBEL)	IDAPA 58.01.25.010.107
Waters of the United States	IDAPA 58.01.25.003.02.aa
Watershed	IDAPA 58.01.02.010.115
Whole Effluent Toxicity (WET)	IDAPA 58.01.25.010.110

Endnotes: IDAPA and CFR References

- ⁱ IDAPA 58.01.02.051 (Antidegradation Policy)
- ⁱⁱ IDAPA 58.01.02.051 (Antidegradation Implementation)
- ⁱⁱⁱ IDAPA 58.01.25.050 (Computation of Time)
- ^{iv} IDAPA 58.01.25.102.02 (Operator's Duty to Obtain a Permit)
- ^v IDAPA 58.01.25.130.05 (Administration)
- ^{vi} IDAPA 58.01.25.130.05.d
- ^{vii} IDAPA 58.01.25.130.06 (Case-by-case Requirements for Individual Permits)
- ^{viii} IDAPA 58.01.25.204 (Appeals Process)
- ^{ix} IDAPA 58.01.25.109 (Public Notification and Comment)
- ^x IDAPA 58.01.25.303.06 (Mass Limitations)
- ^{xi} IDAPA 58.01.25.303.06 (Mass Limitations)