

Negotiated Rule Draft No. 4, Docket No. 58-0125-2001
Dated September 3, 2020

This draft includes revisions based on review by the Division of Financial Management for compliance with [Executive Order No. 2020-01, Zero-Based Regulation](#). The revisions are highlighted in yellow.

DEQ is not requesting public comments on this draft. The next comment period will commence upon publication of the proposed rule in the special edition of the Idaho Administrative Bulletin on September 16, 2020, Omnibus Rulemaking Docket 58-0000-2000F.

IDAPA 58.01.25
Rules Regulating the Idaho Pollutant Discharge Elimination System

000. LEGAL AUTHORITY.

The Department and the Board are authorized to formulate and adopt rules as are necessary to obtain approval of the IPDES program by EPA pursuant to Section 39-175C, Idaho Code. The Department is authorized to implement and enforce the rules in this chapter pursuant to the Sections 39-175A-C and the provisions of the Environmental Protection and Health Act, Sections 39-101 et. seq., Idaho Code. The rules in this chapter ~~shall are not be~~ effective until the requirements in Section 39-175C, Idaho Code, have been met and the United States EPA has approved, under 33 U.S.C. 1342(b), Idaho's administration of the IPDES program. ~~(3-20-20)T~~

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003. INCORPORATION BY REFERENCE OF FEDERAL REGULATIONS.

01. Availability of Reference Material. Codes, standards and regulations may be incorporated by reference in this rule pursuant to Section 67-5229, Idaho Code. Codes, standards or regulations adopted by reference throughout this rule are available in the following locations: (3-20-20)T

a. Department of Environmental Quality. Department of Environmental Quality, 1410 N. Hilton, Boise, ID 83706-1255. (3-20-20)T

b. Law Library. State Law Library, 451 W. State Street, P.O. Box 83720, Boise, ID 83720-0051. (3-20-20)T

c. Electronic Code of Federal Regulations (eCFR) <http://www.ecfr.gov/cgi-bin/ECFR>. (3-20-20)T

02. Incorporation by Reference. The following documents are incorporated by reference into these rules. Any reference in these rules to requirements, procedures, or specific forms contained in any section or subsection ~~shall~~ constitute the full adoption by reference of that section or subsection, including any notes and appendices therein, unless expressly provided otherwise in these rules: ~~(3-20-20)T~~

a. [40 CFR 122.21\(r\)](#), revised as of July 1, 20~~17~~20 (Application Requirements for Facilities with Cooling Water Intake Structures); ~~(3-20-20)T~~

b. [40 CFR 122.23](#), revised as of July 1, 20~~17~~20 (Concentrated Animal Feeding Operations); ~~(3-20-20)T~~

c. [40 CFR 122.24](#), revised as of July 1, 20~~17~~20 (Concentrated Aquatic Animal Production Facilities); ~~(3-20-20)T~~

d. [40 CFR 122.25](#), revised as of July 1, 20~~17~~20 (Aquaculture Projects); ~~(3-20-20)T~~

e. [40 CFR 122.26\(a\)](#) through (b) and [40 CFR 122.26\(e\)](#) through (g), revised as of July 1, 20~~17~~20 (Storm Water Discharges); ~~(3-20-20)T~~

- f. [40 CFR 122.27](#), revised as of July 1, 201720 (Silvicultural Activities); ~~(3-20-20)T~~
- g. [40 CFR 122.29\(d\)](#), revised as of July 1, 201720 (Effect of Compliance with New Source Performance Standards); ~~(3-20-20)T~~
- h. [40 CFR 122.30](#) and [40 CFR 122.32](#) through [40 CFR 122.37](#), revised as of July 1, 201720 (Requirements and Guidance for Small Municipal Separate Storm Sewer Systems); ~~(3-20-20)T~~
- i. [40 CFR 122.42\(e\)](#), revised as of July 1, 201720 (Additional Conditions Applicable to NPDES Permits for Concentrated Animal Feeding Operations); ~~(3-20-20)T~~
- j. [Appendix A to 40 CFR 122](#), revised as of July 1, 201720 (NPDES Primary Industry Categories); ~~(3-20-20)T~~
- k. [Appendix C to 40 CFR 122](#), revised as of July 1, 201720 (Criteria for Determining a Concentrated Aquatic Animal Production Facility); ~~(3-20-20)T~~
- l. [Appendix D to 40 CFR 122](#), revised as of July 1, 201720 (NPDES Permit Application Testing Requirements); ~~(3-20-20)T~~
- m. [Appendix J to 40 CFR 122](#), revised as of July 1, 201720 (NPDES Permit Testing Requirements for Publicly Owned Treatment Works); ~~(3-20-20)T~~
- n. [40 CFR 125.1](#) through [40 CFR 125.3](#) (Subpart A), revised as of July 1, 201720 (Criteria and Standards for Imposing Technology-Based Treatment Requirements Under Sections 301(b) and 402 of the Clean Water Act); ~~(3-20-20)T~~
- o. [40 CFR 125.10](#) through [40 CFR 125.11](#) (Subpart B), revised as of July 1, 201720 (Criteria for Issuance of Permits to Aquaculture Projects); ~~(3-20-20)T~~
- p. [40 CFR 125.30](#) through [40 CFR 125.32](#) (Subpart D), revised as of July 1, 201720 (Criteria and Standards for Determining Fundamentally Different Factors Under Sections 301(b)(1)(A) and 301(b)(2)(A) and (E) of the Clean Water Act); ~~(3-20-20)T~~
- q. [40 CFR 125.70](#) through [40 CFR 125.73](#) (Subpart H), revised as of July 1, 201720 (Criteria for Determining Alternative Effluent Limitations Under Section 316(a) of the Clean Water Act); ~~(3-20-20)T~~
- r. [40 CFR 125.80](#) through [40 CFR 125.89](#) (Subpart I), revised as of July 1, 201720 (Requirements Applicable to Cooling Water Intake Structures for New Facilities Under Section 316(b) of the Clean Water Act); ~~(3-20-20)T~~
- s. [40 CFR 125.90](#) through [40 CFR 125.99](#) (Subpart J), revised as of July 1, 201720 (Requirements Applicable to Cooling Water Intake Structures for Phase II Existing Facilities Under Section 316(b) of the Clean Water Act); ~~(3-20-20)T~~
- t. [40 CFR 127.11](#) through [40 CFR 127.16](#) (Subpart B), revised as of July 1, 201720 (Electronic reporting of NPDES Information from NPDES-Regulated Facilities); ~~(3-20-20)T~~
- u. [40 CFR 129.1](#) through [40 CFR 129.105](#) (Subpart A), revised as of July 1, 201720 (Toxic Pollutant Effluent Standards and Prohibitions); ~~(3-20-20)T~~
- v. [40 CFR 133.100](#) through [40 CFR 133.105](#), revised as of July 1, 201720 (Secondary Treatment Regulation); ~~(3-20-20)T~~
- w. [40 CFR Part 136](#), revised as of July 1, 201720 (Guidelines Establishing Test Procedures for the Analysis of Pollutants, including Appendices A, B, C, and D); ~~(3-20-20)T~~
- x. [40 CFR Part 401](#), revised as of July 1, 201720 (General Provisions); ~~(3-20-20)T~~

y. 40 CFR 403.1 through 40 CFR 403.3; 40 CFR 403.5 through 40 CFR 403.18, revised as of July 1, 2017~~20~~ (General Pretreatment Regulations for Existing and New Sources of Pollution, including Appendices D, E, and G); ~~(3-20-20)T~~

z. 40 CFR Part 405 through 40 CFR Part 471, revised as of July 1, 2017~~20~~ (Effluent Limitations and Guidelines); and ~~(3-20-20)T~~

aa. 40 CFR 503.2 through 40 CFR 503.48, revised as of July 1, 2017~~20~~ (Sewage Sludge, including Appendices A and B). ~~(3-20-20)T~~

bb. The term “Waters of the United States or waters of the U.S.,” as defined in 40 CFR 122.2, revised as of August 28, 2015 June 22, 2020, by 80-85 Federal Register 37054-37127-22250-22342 (June 29, 2015 April 21, 2020), unless said revision is stayed, overturned or invalidated by a court of law or withdrawn by EPA, in which case the Department incorporates by reference the term “Waters of the United States or waters of the U.S.” as defined in 40 CFR 122.2, revised as of July 1 December 23, 2015 2019. ~~(3-20-20)T~~

03. Term Interpretation. For the federal regulations incorporated by reference into these rules, unless the context in which a term is used clearly requires a different meaning, terms in this section have the following meanings: ~~(3-20-20)T~~

a. The term Administrator or Regional Administrator means the EPA Region 10 Administrator; ~~(3-20-20)T~~

b. The term Control Authority means the POTW for a facility with a Department-approved pretreatment program and the Department for a POTW without a Department-approved pretreatment program; ~~(3-20-20)T~~

c. The term Director or State Director means the Director of the Department of Environmental Quality with an NPDES permit program approved pursuant to section 402(b) of the Clean Water Act; ~~(3-20-20)T~~

d. The term National Pollutant Discharge Elimination System (NPDES) means the Idaho Pollutant Discharge Elimination System (IPDES); ~~(3-20-20)T~~

e. The term Permitting Authority (also preceded by the terms NPDES or State) means the Idaho Department of Environmental Quality with an NPDES permit program approved pursuant to section 402(b) of the Clean Water Act. ~~(3-20-20)T~~

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010. DEFINITIONS.

For the purpose of the rules contained in IDAPA 58.01.25, “Rules Regulating the Idaho Pollutant Discharge Elimination System Program,” the following definitions apply. Terms not expressly defined in this section shall have the meaning provided by IDAPA 58.01.02, Section 010, “Water Quality Standards,” or IDAPA 58.01.16, Section 010, “Wastewater Rules.” ~~(3-20-20)T~~

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35. Equivalent Dwelling Unit (EDU). A measure where one (1) ~~equivalent dwelling unit-EDU~~ is equivalent to wastewater generated from one (1) single-family residence. For the purposes of assessing fees associated with publicly or privately owned domestic sewage treatment, this rule, the number of EDUs is calculated as the population served divided by the average number of people per household size as defined in the most recent Census Bureau annual data or statistics (for that municipality, county, or average number of persons per household for the state of Idaho). For fees associated with industrial wastewater treatment owned by a municipality, EDUs are calculated in accordance with the definition of EDU in IDAPA 58.01.16, Section 010, “Wastewater Rules.” ~~(3-20-20)T~~

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57. New Discharger. Any building, structure, facility, or installation: ~~(3-20-20)T~~

- a. From which there is or may be a discharge of pollutants; (3-20-20)T
- b. That did not commence the discharge of pollutants at a particular site prior to August 13, 1979; (3-20-20)T
- c. Which is not a new source; and (3-20-20)T
- d. Which has never received a finally effective ~~NDPES~~NPDES or IPDES permit for discharges at that site. (~~3-20-20~~)T
- e. This definition includes an indirect discharger which commences discharging into waters of the United States after August 13, 1979. It also includes any existing mobile point source such as an aggregate plant, that begins discharging at a site for which it does not have a permit; (3-20-20)T

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xx. Pesticide Discharges. The discharges that result from the application of biological pesticides, and the application of chemical pesticides that leave a residue, from point sources to waters of the United States. In the context of this definition of pesticide discharges, this does not include agricultural storm water discharges and return flows from irrigated agriculture, which are excluded by law (33 U.S.C. 1342(l); 33 U.S.C. 1362(14)).

xx. Pesticide Residue. For the purpose of determining whether an IPDES permit is needed for discharges to waters of the United States from pesticide application, means that portion of a pesticide application that is discharged from a point source to waters of the United States and no longer provides pesticidal benefits. It also includes any degradates of the pesticide.

xx. Proposed Settlement of a State Enforcement Action. A Department consent order or compliance agreement schedule issued in response to a notice of violation that is to be signed by the Director. This does not include amendments or extensions of consent orders or compliance agreement schedules.

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050. COMPUTATION OF TIME.

01. Computing Time. In computing any period of time scheduled to begin after or before the occurrence of an act or event, the date of the act or event ~~shall is not be~~ included. The last day of the period ~~shall be is~~ included, unless it is a Saturday, a Sunday, or a legal holiday, in which case the period runs until the end of the next day which is neither a Saturday, a Sunday, nor holiday. This section does not apply to submission deadlines for 24-hour reporting, permit applications, or notices of intent for coverage under a general permit. (~~3-20-20~~)T

02. Notice by Mail. Whenever a party or interested person has the right or is required to act within a prescribed period after the service of notice or other paper and the notice or paper is served upon him or her by mail, three (3) days ~~shall will~~ be added to the prescribed time. (~~3-20-20~~)T

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105. APPLICATION FOR AN INDIVIDUAL IPDES PERMIT.

01. Electronic Submittals. The Department may require an applicant to electronically submit information required by this section, if the Department approves an electronic method of submittal. (3-20-20)T

02. Application Retention Schedule. An applicant ~~shall must~~ keep records of all data used to complete a permit application and any supplemental information submitted for a period of at least three (3) years from the date the application is signed. (~~3-20-20~~)T

03. Time to Apply. Any person required under Subsections 102.01 through 102.03 to obtain an IPDES permit ~~shall must~~ submit to the Department a complete application for a permit in compliance with the requirements of this subsection. A permit application must be signed and certified as required by Section 090 (Signature Requirements). (~~3-20-20~~)T

a. A person proposing a new discharge ~~shall~~ **must** submit an application at least one hundred eighty (180) days before the date on which the discharge is to commence, unless the Department has granted permission to submit the application on a later date as specified in Subsections 105.03.e. and f. A facility proposing a new discharge of storm water associated with industrial activity ~~shall~~ **must** submit an application one hundred eighty (180) days before that facility commences industrial activity that may result in a discharge of storm water associated with that industrial activity, unless the Department has granted permission to submit the application on a later date as specified in Subsections 105.03.e. and f. ~~(3-20-20)T~~

b. Facilities described under 40 CFR 122.26(b)(14)(x) or (b)(15)(i) ~~shall~~ **must** submit an application at least ninety (90) days before the date on which construction is to commence unless otherwise required by the terms of an applicable general permit. ~~(3-20-20)T~~

c. Any TWTDS that commences operations after promulgation of any applicable “standard for sewage sludge use or disposal” must submit an application to the Department at least one hundred eighty (180) days prior to the date proposed for commencing operations. ~~(3-20-20)T~~

d. A person discharging from a permitted facility with a currently effective permit ~~shall~~ **must** submit a new application at least one hundred eighty (180) days before the expiration date of the existing permit, unless the Department has granted permission to submit the application on a later date as specified in Subsections 105.03.e. and f. ~~(3-20-20)T~~

e. Permission may be granted by the Department for submission of an application in less than one hundred eighty (180) days. The Department’s prior approval must be sought and obtained in advance of the one hundred eighty (180) days before expiration of the existing permit or commencement of new discharge. ~~(3-20-20)T~~

f. ~~In no instance shall~~ the application **will not** be accepted after the expiration date of the existing permit as an application for renewal of the permit. Any applications received after the expiration of the permit will be received and reviewed as an application for a new source or new discharger. ~~(3-20-20)T~~

04. Individual Permit Application Forms. An applicant must submit an application on one (1) or more Department-approved forms appropriate to the number and type of discharge or outfall at the applicant’s facility. A person required by Subsections 102.01 through 102.03 to obtain an individual IPDES permit ~~shall~~ **must** submit an application to the Department providing the information required by this subsection and Subsections 105.05 through 105.19, as applicable. The application must be submitted on one (1) or more of the EPA forms listed in this subsection, or on the Department equivalent of the listed EPA form: ~~(3-20-20)T~~

a. All applicants, other than a POTW ~~and other~~ TWTDS, ~~and pesticide applicators~~ (see Subsection 105.06), EPA Form 1, ~~revised as of August 1, 1990~~, and the following additional forms, if applicable: ~~(3-20-20)T~~

i. Applicants for a concentrated animal feeding operation (CAFO; see Subsection 105.09) or concentrated aquatic animal production (CAAP; see Subsection 105.10) facility, EPA Form 2B, ~~revised as of November 2008~~; ~~(3-20-20)T~~

ii. Applicants for an existing industrial facility, including manufacturing facilities, commercial facilities, mining activities, and silviculture activities (see Subsection 105.07), EPA Form 2C, ~~revised as of August 1, 1990~~; ~~(3-20-20)T~~

iii. Applicants for a new industrial facility that discharges process wastewater (see Subsection 105.16), EPA Form 2D, ~~revised as of August 1, 1990~~; ~~(3-20-20)T~~

iv. Applicants for a new or existing industrial facility that discharges only non-process wastewater (see Subsection 105.08.a.), EPA Form 2E, ~~revised as of August 1, 1990~~; ~~(3-20-20)T~~

v. Applicants for a new or existing facility whose discharge is composed entirely of storm water associated with industrial activity (see Subsection 105.19), EPA Form 2F, ~~revised May 31, 1992~~, unless the applicant is exempted by 40 CFR 122.26(c)(1)(ii). If the applicant’s discharge is composed of storm water and non-storm water (see Subsections 105.07, 105.08, and 105.16), EPA Forms 2C, 2D, or 2E, as appropriate, are also required; or ~~(3-20-20)T~~

vi. Applicants that operate a sludge-only facility (see Subsection 105.17), that currently does not have and is not applying for, an IPDES permit for a direct discharge to a surface water body, EPA Form 2S, ~~revised January 14, 1999;~~ (3-20-20)T

b. For an applicant that is a new or existing POTW (see Subsections 105.11 through 105.15): (3-20-20)T

i. EPA Form 2A, ~~revised January 14, 1999;~~ and (3-20-20)T

ii. EPA Form 2S, ~~revised January 14, 1999,~~ if applicable. (3-20-20)T

05. Application Information for All Dischargers. In addition to the application information required for specific dischargers, the Department may require the submittal of any information necessary to ensure compliance with Section 103 (Permit Prohibitions). Such information includes, but is not limited to: (3-20-20)T

a. Information required to determine compliance with the antidegradation policy and antidegradation implementation provisions set forth in IDAPA 58.01.02.051 and 052, “Water Quality Standards”; (3-20-20)T

b. Information required to determine compliance with the mixing zone provisions set forth in IDAPA 58.01.02.060, “Water Quality Standards”; or (3-20-20)T

c. Information necessary for the Department to authorize a compliance schedule under IDAPA 58.01.02.400, “Water Quality Standards.” (3-20-20)T

06. ~~Individual Permit~~ Application Requirements for Dischargers Other than Treatment Works Treating Domestic Sewage (TWTDS) ~~and~~, Publicly Owned Treatment Works (POTWs), and Pesticide Applicators. An applicant for an IPDES permit other than a POTW and other TWTDS, ~~shall~~ **must** provide the following information to the Department, using the appropriate forms specified in Subsection 105.04: (3-20-20)T

a. The applicant’s activity that requires an IPDES permit; (3-20-20)T

b. The name, mailing address, ~~electronic~~ e-mail address, and location of the facility for which the application is submitted; (3-20-20)T

c. Up to four (4) Standard Industrial Classification (SIC) codes that best identify the principal products or services provided by the facility; (3-20-20)T

d. The operator’s name, mailing address, ~~electronic~~ e-mail address, telephone number, ownership status, Employer Identification Number (EIN) ~~or Department equivalent~~, and status as federal, state, private, public, or other entity; (3-20-20)T

e. A statement that the facility is located in Indian country, if applicable; (3-20-20)T

f. A listing of all permits or construction approvals received or applied for under any of the following programs: (3-20-20)T

i. Hazardous waste management program under IDAPA 58.01.05, “Rules and Standards for Hazardous Waste”; (3-20-20)T

ii. 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”; (3-20-20)T

iii. IPDES program under IDAPA 58.01.25 “Rules Regulating the Idaho Pollutant Discharge Elimination System Program”; (3-20-20)T

iv. Prevention of significant deterioration (PSD) program under IDAPA 58.01.01, “Rules for Control of Air Pollution in Idaho”; (3-20-20)T

- v. Nonattainment program under IDAPA 58.01.01, “Rules for Control of Air Pollution in Idaho”; (3-20-20)T
- vi. National emission standards for hazardous pollutants (NESHAPS) preconstruction approval under IDAPA 58.01.01, “Rules for Control of Air Pollution in Idaho”; (3-20-20)T
- vii. Dredge or fill permits under the Clean Water Act section 404; or (3-20-20)T
- viii. Other relevant environmental permits, programs or activities, including those subject to state jurisdiction, approval, and permits; and (3-20-20)T
- g. A topographic map, or other map if a topographic map is unavailable, extending one (1) mile beyond the property boundaries of the source, depicting: (3-20-20)T
 - i. The facility and each of its intake and discharge structures; (3-20-20)T
 - ii. The location of the facility’s hazardous waste treatment, storage, or disposal areas; (3-20-20)T
 - iii. The location of each well where fluids from the facility are injected underground; and (3-20-20)T
 - iv. The location of wells, springs, other surface water bodies, and drinking water wells listed in public records or otherwise known by the applicant to exist in the map area; and (3-20-20)T
- h. A brief description of the nature of the business; ~~(3-20-20)T~~
- ~~i. An indication of whether the facility uses cooling water and the source of the cooling water; and~~
- ~~j. An indication of whether the facility is requesting any of the variances in Subsection 310.01 if known at the time of application.~~

07. ~~Individual Permit~~ Application Requirements for Existing Manufacturing, Commercial, Mining and Silviculture Dischargers. ~~(3-20-20)T~~

- a. Except for a facility subject to the requirements in Subsection 105.08, an applicant for an IPDES permit for an existing discharge from a manufacturing, commercial, mining, or silviculture facility or activity ~~shall~~ **must** provide the following information to the Department, using the applicable forms specified in Subsection 105.04: ~~(3-20-20)T~~
 - i. For each outfall: (3-20-20)T
 - (1) The latitude and longitude to the nearest second and the name of each receiving water; (3-20-20)T
 - (2) A narrative identifying each type of process, operation, or production area that contributes wastewater to the effluent from that outfall, including process wastewater, cooling water, and storm water runoff; processes, operations, or production areas may be described in general terms, such as dye-making reactor or distillation tower; (3-20-20)T
 - (3) The average flow that each process contributes and a description of the treatment the wastewater receives, including the ultimate disposal of any solid or fluid wastes other than by discharge; (3-20-20)T
 - (4) For a privately owned treatment works, the identity of each user of the treatment works; and (3-20-20)T
 - (5) The average flow of point sources composed of storm water. For this subsection, the average flow may be estimated, and the basis for the rainfall event with the method of estimation must be submitted; (3-20-20)T
 - ii. A description of the frequency, duration, and flow rate of each discharge occurrence for any of the discharges described in Subsections ~~105.07.a.i.(2)-~~ through ~~105.07.a.i.(5)-~~ that are intermittent or seasonal, except for

storm water runoff, spillage, or leaks; ~~(3-20-20)T~~

iii. A reasonable measure of the applicant's actual production reported in the units used in the applicable effluent guideline, if an effluent guideline promulgated under the Clean Water Act section 304 applies to the applicant and is expressed in terms of production or other measure of operation. The reported measure must reflect the actual production of the facility as required by Subsection 303.02.b.; (3-20-20)T

iv. If the applicant is subject to any present requirements or compliance schedules for construction, upgrading, or operation of waste treatment equipment, an identification of the abatement requirement, a description of the abatement project, and a listing of the required and projected final compliance dates; (3-20-20)T

v. A listing of any toxic pollutant that the applicant currently uses or manufactures as an intermediate or final product or byproduct, except that the Department may waive or modify this requirement; (3-20-20)T

(1) If the applicant demonstrates that it would be unduly burdensome to identify each toxic pollutant; and (3-20-20)T

(2) The Department has adequate information to issue the permit; (3-20-20)T

vi. An identification of any biological toxicity tests that the applicant knows or has reason to believe have been made within the last three (3) years on any of the applicant's discharges or on a receiving water in relation to a discharge; and (3-20-20)T

vii. The identity of each laboratory or firm and the analyses performed, if a contract laboratory or consulting firm performed any of the analyses required by Subsection 105.07.c. through m. (3-20-20)T

b. The owner or operator of a facility subject to this subsection ~~shall~~ **must** submit, with an application, a line drawing of the water flow through the facility with a water balance, showing operations contributing wastewater to the effluent and treatment units. ~~(3-20-20)T~~

i. In the line drawing, similar processes, operations, or production areas may be indicated as a single unit, labeled to correspond to the more detailed identification under Subsections ~~105.07.a.i.(2) through 105.07.a.i.(5).~~ ~~(3-20-20)T~~

ii. The water balance must show approximate average flows at intake and discharge points and between units, including treatment units. (3-20-20)T

iii. If a water balance cannot be determined for certain activities, the applicant may instead provide a pictorial description of the nature and amount of any sources of water and any collection and treatment measures. (3-20-20)T

c. In addition to the items of information listed in Subsections 105.07.a. through 105.07.b., and except for information on storm water discharges required by 40 CFR 122.26, an applicant for an IPDES permit for an existing facility described in Subsection 105.07.a. ~~shall~~ **must**: (3-20-20)T

i. Collect, prepare, and submit information regarding the effluent characteristics and discharge of pollutants specified in this section; and (3-20-20)T

ii. When quantitative data for a pollutant are required, collect a sample of effluent and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR Part 136, except that when no analytical method is approved, the applicant may use any suitable method but must describe the method. (3-20-20)T

d. An applicant ~~for an IPDES permit~~ under this subsection ~~shall~~ **must**: ~~(3-20-20)T~~

i. Use grab samples in providing information regarding cyanide, total phenols, residual chlorine, oil and grease, fecal coliform (including *E. coli*), ~~B~~enterococci (previously known as fecal streptococcus), and volatile organics; temperature, pH, dissolved oxygen, and residual chlorine effluent data may be obtained from grab samples or from calibrated and properly maintained continuous monitors; ~~(3-20-20)T~~

ii. For all other pollutants, use twenty-four (24) hour composite samples, unless specified otherwise at 40 CFR Part 136, with a minimum of four (4) grab samples, except that a minimum of one (1) grab sample may be taken for effluents from holding ponds or other impoundments with a retention period greater than twenty-four (24) hours; ~~(3-20-20)T~~

e. For purposes of Subsection 105.07.c., exceptions to testing and data provision requirements for effluent characteristics include: (3-20-20)T

i. When an applicant has two (2) or more outfalls with substantially identical effluents, the Department may allow the applicant to test only one (1) outfall and report that the quantitative data also apply to the substantially identical outfall; and (3-20-20)T

ii. An applicant's duty under Subsections 105.07.j., k., and l. to provide quantitative data for certain pollutants known or believed to be present does not apply to pollutants present in a discharge solely as the result of their presence in intake water; however, an applicant ~~shall~~ **must** report that those pollutants are present. ~~(3-20-20)T~~

f. For storm water discharges, associated with an existing facility described in Subsection 105.07.a., from storm events which yield more than one-tenth (0.1) inch of rainfall: (3-20-20)T

i. All samples must be collected from the discharge resulting from a storm event and at least seventy-two (72) hours after the previously measurable storm event exceeding one-tenth (0.1) inch rainfall. Where feasible, the variance in the duration of the event and the total rainfall of the event should not exceed fifty percent (50%) from the average or median rainfall event in that area; and (3-20-20)T

ii. For all applicants, a flow-weighted composite sample must be taken for either the entire discharge or for the first three (3) hours of the discharge, except for the following: (3-20-20)T

(1) The sampling may be conducted with a continuous sampler or as a combination of a minimum of three (3) sample aliquots taken in each hour of discharge for the entire discharge or for the first three (3) hours of the discharge, with each aliquot being separated by a minimum period of fifteen (15) minutes. If the Department approves, an applicant for a storm water discharge permit under Subsection 105.18 may collect flow-weighted composite samples using different protocols with respect to the time duration between the collection of sample aliquots; (3-20-20)T

(2) A minimum of one (1) grab sample may be taken for storm water discharges from holding ponds or other impoundments with a retention period greater than twenty-four (24) hours; or (3-20-20)T

(3) For a flow-weighted composite sample, only one (1) analysis of the composite of aliquots is required; (3-20-20)T

iii. For samples taken from discharges associated with industrial activities, quantitative data must be reported for the grab sample taken during the first thirty (30) minutes, or as soon thereafter as practicable, of the discharge for all pollutants specified in Subsection 105.19 except that for all storm water permit applicants taking flow-weighted composites, quantitative data must be reported for all pollutants specified in 40 CFR 122.26(a) through (b) and (e) through (g), Subsections 105.18 and 105.19, but not for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform (including *E. coli*), and enterococci (previously known as fecal streptococcus); ~~(3-20-20)T~~

iv. The Department may, on a case-by-case basis, allow or establish appropriate site-specific sampling procedures or requirements, including: (3-20-20)T

(1) Sampling locations; (3-20-20)T

(2) The season in which the sampling takes place; (3-20-20)T

(3) The minimum duration between the previous measurable storm event and the sampled storm event; (3-20-20)T

(4) The minimum or maximum level of precipitation required for an appropriate storm event;

(3-20-20)T

(5) The form of precipitation sampled, whether snow melt or rain fall; (3-20-20)T

(6) Protocols for collecting samples under 40 CFR Part 136; and (3-20-20)T

(7) Additional time for submitting data; and (3-20-20)T

v. An applicant is deemed to know or have reason to believe that a pollutant is present in an effluent if an evaluation of the expected use, production, or storage of the pollutant, or any previous analyses for the pollutant, show that pollutant's presence. (3-20-20)T

g. Unless a reporting requirement is waived under Subsection 105.07.h., every applicant subject to this subsection ~~shall~~ **must** report quantitative data for the following pollutants for every outfall: ~~(3-20-20)T~~

i. 5-day biochemical oxygen demand (BOD5); (3-20-20)T

ii. Chemical oxygen demand (COD); (3-20-20)T

iii. Total organic carbon (TOC); (3-20-20)T

iv. Total suspended solids (TSS); (3-20-20)T

v. Ammonia, as N; (3-20-20)T

vi. Temperature (both winter and summer); and (3-20-20)T

vii. pH. (3-20-20)T

h. The Department may waive the reporting requirements under Subsection 105.07.g. for individual point sources or for a particular industry category for one (1) or more of the pollutants listed in Subsection 105.07.g. if the applicant demonstrates that information adequate to support issuance of a permit can be obtained with less stringent requirements. (3-20-20)T

i. Except as provided in Subsection 105.07.h., an applicant with an existing facility described in Subsection 105.07.a. that has processes that qualify in one (1) or more of the primary industry categories shown in Appendix A to 40 CFR Part 122 contributing to a discharge, must report quantitative data for pollutants in each outfall containing process wastewater as follows: ~~(3-20-20)T~~

i. Data for the organic toxic pollutants listed in Table II of Appendix D to 40 CFR Part 122 in the fractions designated in Table I of Appendix D to 40 CFR Part 122. For purposes of this subsection: (3-20-20)T

(1) Table II of Appendix D to 40 CFR Part 122, lists the organic toxic pollutants in each fraction that result from the sample preparation required by the analytical procedure that uses gas chromatography/mass spectrometry; and (3-20-20)T

(2) If the Department determines that an applicant falls within an industrial category for the purposes of selecting fractions for testing, that determination does not establish the applicant's category for any other purpose; see Notes 2 and 3 to 40 CFR 122.21; and (3-20-20)T

ii. Data for the toxic metals, cyanide, and total phenols listed in Table III of Appendix D to 40 CFR Part 122. (3-20-20)T

j. An applicant ~~for an IPDES permit~~ under this section must disclose, ~~in an application~~, whether the applicant knows or has reason to believe that any of the conventional and nonconventional pollutants in Table IV of Appendix D to 40 CFR Part 122 are discharged from each outfall. If an applicable effluent limitations guideline limits the pollutant either directly or indirectly by express limitations on an indicator, the applicant must report quantitative data. For every pollutant discharged that is not limited in an effluent limitations guideline, the applicant must either report quantitative data or briefly describe the reasons the pollutant is expected to be discharged. ~~(3-20-20)T~~

k. An applicant for an IPDES permit under this subsection must disclose, in an application, whether the applicant knows or has reason to believe that any of the organic toxic pollutants listed in Table II or the toxic metals, cyanide, or total phenols listed in Table III of Appendix D to 40 CFR Part 122 for which quantitative data are not otherwise required under Subsection 105.07.i., are discharged from each outfall. Unless an applicant qualifies as a small business under Subsection 105.07.h., the applicant must: ~~(3-20-20)T~~

i. Report quantitative data for every pollutant expected to be discharged in concentrations of ten (10) parts per billion or greater; (3-20-20)T

ii. Report quantitative data for acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4, 6 dinitrophenol, if any of these four (4) pollutants are expected to be discharged in concentrations of one hundred (100) parts per billion or greater; and (3-20-20)T

iii. For every pollutant expected to be discharged in concentrations less than ten (10) parts per billion, or in the case of acrolein, acrylonitrile, 2,4 dinitrophenol, and 2-methyl-4, 6 dinitrophenol, in concentrations less than one hundred (100) parts per billion, either submit quantitative data, or briefly describe the reasons the pollutant is expected to be discharged and submit any supporting documentation. (3-20-20)T

l. An applicant for an IPDES permit under this subsection must disclose, in an application, whether the applicant knows or has reason to believe that asbestos or any of the hazardous substances listed in Table V of Appendix D to 40 CFR Part 122 are discharged from each outfall. For every pollutant expected to be discharged, the applicant must briefly describe the reasons the pollutant is expected to be discharged and report any quantitative data it has for any pollutant. (3-20-20)T

m. An applicant ~~for an IPDES permit~~ under this subsection must disclose, ~~in an application,~~ and report qualitative data, generated using a screening procedure not calibrated with analytical standards, for 2,3,7, 8-tetrachlorodibenzo-p-dioxin (TCDD) if the applicant: ~~(3-20-20)T~~

i. Uses or manufactures the following: (3-20-20)T

(1) 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); (3-20-20)T

(2) 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); (3-20-20)T

(3) 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); (3-20-20)T

(4) o,o-dimethyl o-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); (3-20-20)T

(5) 2,4,5-trichlorophenol (TCP); or (3-20-20)T

(6) Hexachlorophene (HCP); or (3-20-20)T

ii. Knows or has reason to believe that TCDD is or may be present in an effluent. (3-20-20)T

n. Where quantitative data are required in Subsections 105.07.c. through m., existing data may be used, if available, in lieu of sampling done solely for the purpose of the application, provided that:

i. All data requirements are met; sampling was performed, collected, and analyzed no more than four and one-half (4 ½) years prior to submission;

ii. All data are representative of the discharge; and

iii. All available representative data are considered in the values reported.

no. An applicant under this subsection is exempt from the quantitative data requirements in Subsections 105.07.i. or 105.07.j. for the organic toxic pollutants listed in Table II of Appendix D to 40 CFR Part 122, if that applicant qualifies as a small business under one (1) of the following criteria: (3-20-20)T

- i. The applicant is a coal mine with an expected total annual production of less than one hundred thousand (100,000) tons per year; or (3-20-20)T
- ii. The applicant has gross total annual sales averaging less than two hundred eighty-seven thousand, three hundred dollars (\$287,300) per year in 2014 dollars. (3-20-20)T

op. In addition to the information reported on the application form, an applicant under this subsection shall ~~must~~ provide to the Department, at the Department's request, any other information that the Department may be reasonably required to assess the discharges of the facility and to determine whether to issue an IPDES permit. The additional information may include additional quantitative data and bioassays to assess the relative toxicity of discharges to aquatic life and information required to determine the cause of the toxicity. (3-20-20)T

08. Individual—Permit Application Requirements for New or Existing Manufacturing, Commercial, Mining, and Silviculture Facilities that Discharge only Non-Process Wastewater. (3-20-20)T

a. An applicant ~~for an IPDES permit~~ that is a manufacturing, commercial, mining, or silvicultural discharger that discharges only non-process wastewater not regulated by an effluent limitations guideline or new source performance standard shall ~~must~~ provide the following information to the Department for all discharges, except for storm water discharges, using the applicable forms specified in Subsection 105.04: (3-20-20)T

- i. The number of each outfall, the latitude and longitude to the nearest second, and the name of each receiving water; (3-20-20)T
- ii. For a new discharger, the date of expected commencement of discharge; (3-20-20)T
- iii. An identification of the general type of waste discharged, or expected to be discharged upon commencement of operations, including sanitary wastes, restaurant or cafeteria wastes, or non-contact cooling water; (3-20-20)T
- iv. An identification of cooling water additives, if any, that are used or expected to be used upon commencement of operations, along with their composition if existing composition is available; (3-20-20)T
- v. Effluent characteristics prepared and submitted as described in Subsections 105.08.b. and 105.08.c.; (3-20-20)T
- vi. A description of the frequency of flow and duration of any seasonal or intermittent discharge, except for storm water runoff, leaks, or spills; (3-20-20)T
- vii. A brief description of any treatment system used or to be used; (3-20-20)T
- viii. Any additional information the applicant wishes to be considered, such as influent data for the purpose of obtaining net credits under Subsection 303.07; and (3-20-20)T
- ix. The signature of the certifying official under Section 090 (Signature Requirements). (3-20-20)T

b. Except as otherwise provided in Subsections 105.08.d. through g., an ~~IPDES permit~~ application for a discharger described in Subsection 105.08.a. must include quantitative data for the following pollutants or parameters: (3-20-20)T

- i. 5-day biochemical oxygen demand (BOD5); (3-20-20)T
- ii. Total suspended solids (TSS); (3-20-20)T
- iii. Fecal coliform (including *E. coli*), if believed present or if sanitary waste is or will be discharged; (3-20-20)T
- iv. Total residual chlorine (TRC), if chlorine is used; (3-20-20)T
- v. Oil and grease; (3-20-20)T

- vi. Chemical oxygen demand (COD), if non-contact cooling water is or will be discharged; (3-20-20)T
 - vii. Total organic carbon (TOC), if non-contact cooling water is or will be discharged; (3-20-20)T
 - viii. Ammonia, as N; (3-20-20)T
 - ix. Discharge flow; (3-20-20)T
 - x. pH; and (3-20-20)T
 - xi. Temperature, both in winter and summer, respectively. (3-20-20)T
- c. For purposes of the data required under Subsection 105.08.b.: (3-20-20)T
- i. Grab samples must be used for oil and grease, fecal coliform (including *E. coli*), and volatile organics. Temperature, pH, and TRC effluent data may be obtained from grab samples or from calibrated and properly maintained continuous monitors; ~~(3-20-20)T~~
 - ii. Twenty-four (24) hour composite samples must be used for pollutants listed in Subsection 105.08.b., other than those specified in Subsection 105.08.c.i., unless specified otherwise at 40 CFR Part 136. Twenty-four (24) hour composite samples must, at a minimum, be composed of four (4) grab samples, equally spaced through the twenty four (24) hour period, unless specified otherwise at 40 CFR Part 136. For a composite sample, only one (1) analysis of the composite aliquots is required; ~~(3-20-20)T~~
 - iii. The quantitative data may be collected over the past three hundred sixty-five (365) days, as long as the data is representative of current operations, and must include maximum daily value, average daily value, and number of measurements taken; and (3-20-20)T
 - iv. The applicant shall must collect and analyze samples in accordance with 40 CFR Part 136. ~~(3-20-20)T~~
- d. The Department may waive the testing and reporting requirements for any of the pollutants or flow listed in Subsection 105.08.c. if the applicant requests a waiver with its application or earlier, and demonstrates that information adequate to support permit issuance can be obtained through less stringent requirements. (3-20-20)T
- e. If the applicant is a new discharger, the applicant shall must: ~~(3-20-20)T~~
- i. Complete and submit Item IV of EPA Form 2E, or the Department equivalent, as required by according to Subsection 105.04.a.iv., by providing quantitative data in compliance with that section no later than two (2) years after the discharge commences, except that the applicant need not complete those portions of Item IV requiring tests that the applicant has already performed and reported under the discharge monitoring requirements of its IPDES or NPDES permit; and ~~(3-20-20)T~~
 - ii. Include estimates and the source of each estimate instead of sampling data for the pollutants or parameters listed in Subsection 105.08.b.; (3-20-20)T
- f. For purposes of the data required under this subsection, all pollutant levels must be reported or estimated as concentration and as total mass, except for flow, pH, and temperature. Submittal of all estimated data shall must be accompanied by documents supporting the estimated value. ~~(3-20-20)T~~
- g. An applicant's duty, under Subsections 105.08.b., c. and e., to provide quantitative data or estimates of certain pollutants does not apply to pollutants present in a discharge solely as a result of their presence in intake water. However, an applicant shall must report the presence of those pollutants. If the requirements of Subsection 303.07 are met, net credit may be provided for the presence of pollutants in intake water. ~~(3-20-20)T~~
- 09. Individual Permit Application Requirements for New and Existing Concentrated Animal Feeding Operations (CAFO).** An applicant for an IPDES permit for a new or existing CAFO, as defined in 40 CFR

122.23(b), ~~must shall~~ provide the following information to the Department, using the applicable forms specified in Subsection 105.04: ~~(3-20-20)T~~

- a. The name of the owner or operator; (3-20-20)T
- b. The facility location and mailing addresses; (3-20-20)T
- c. Latitude and longitude of the production area to the nearest second, measured at the entrance to the production area; (3-20-20)T
- d. A topographic map of the geographic area in which the concentrated animal feeding operation is located, showing the specific location of the production area; (3-20-20)T
- e. Specific information about the number and type of animals, including, if applicable: beef cattle, broilers, layers, swine weighing fifty-five (55) pounds or more, swine weighing less than fifty-five (55) pounds, mature dairy cows, dairy heifers, veal calves, sheep and lambs, horses, ducks, turkeys, or other animals, whether in open confinement or housed under roof; (3-20-20)T
- f. The type of containment and total capacity in tons or gallons of any anaerobic lagoon, roofed storage shed, storage pond, under-floor pit, above-ground storage tank, below-ground storage tank, concrete pad, impervious soil pad, or other structure or area used for containment and storage of manure, litter, and process wastewater; (3-20-20)T
- g. The total number of acres available and under the applicant's control for land application of manure, litter, or process wastewater; (3-20-20)T
- h. Estimated amounts of manure, litter, and process wastewater generated per year in tons or gallons; (3-20-20)T
- i. Estimated amounts of manure, litter, and process wastewater transferred to other persons per year in tons or gallons; and (3-20-20)T
- j. A nutrient management plan that has been completed and will be implemented upon the date of permit coverage. A nutrient management plan must meet, at a minimum, the requirements specified in 40 CFR 122.42(e), including for all CAFOs subject to 40 CFR 412.30 through 412.37, 412.40 through 412.47, or the requirements of 40 CFR 412.4(c), as applicable. (3-20-20)T

10. ~~Individual Permit~~ Application Requirements for New and Existing Concentrated Aquatic Animal Production (CAAP) Facilities. An applicant for an IPDES permit for a new or existing CAAP facility ~~shall~~ ~~must~~ provide the following information ~~to the Department~~, using the applicable forms specified in Subsection 105.04: ~~(3-20-20)T~~

- a. The maximum daily and average monthly flow from each outfall; (3-20-20)T
- b. The number of ponds, raceways, and similar structures; (3-20-20)T
- c. The name of the receiving water and the source of intake water; (3-20-20)T
- d. For each species of aquatic animal, the total yearly and maximum harvestable weight; and (3-20-20)T
- e. The calendar month of maximum feeding and the total mass of food fed during that month. (3-20-20)T

11. ~~Individual Permit~~ Application Requirements for New and Existing POTWs and Other Dischargers Designated by the Department. ~~(3-20-20)T~~

- a. Except as provided in Subsection 105.11.b., an applicant that is a POTW and any other discharger designated by the Department ~~shall~~ ~~must~~ provide the information in this subsection ~~to the Department~~, using the

applicable forms specified in Subsection 105.04.b. An ~~an permit~~ applicant under this subsection ~~shall must~~ submit all information available at the time of ~~permit~~ application; however, ~~an applicant they~~ may provide information by referencing information previously submitted to the Department. ~~(3-20-20)T~~

b. The Department may waive any requirement of this subsection if ~~the Department it~~ has access to substantially identical information. ~~The Department may also waive any requirement of this subsection or~~ if that information is not of material concern for a specific permit, if approved by the EPA Regional Administrator. The waiver request to the Regional Administrator must include the Department's justification for the waiver. A Regional Administrator's disapproval of a Department's proposed waiver does not constitute final agency action, but does provide notice to the state and permit applicant(s) that EPA may object to any state-issued permit issued in the absence of the required information. ~~(3-20-20)T~~

c. An applicant under this subsection must provide ~~the following information:~~ ~~(3-20-20)T~~

i. Name, mailing address, and location of the facility for which the application is submitted; ~~(3-20-20)T~~

ii. Name, mailing address, ~~electronic e-mail~~ address, EIN ~~or Department equivalent~~, and telephone number of the applicant, and a statement whether the applicant is the facility's owner, operator, or both; ~~(3-20-20)T~~

iii. A list of all environmental permits or construction approvals received or applied for, including dates, under any of the following programs or types of activities: ~~(3-20-20)T~~

(1) Hazardous waste management program under IDAPA 58.01.05, "Rules and Standards for Hazardous Waste"; ~~(3-20-20)T~~

(2) 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"; ~~(3-20-20)T~~

(3) IPDES program under IDAPA 58.01.25, "Rules Regulating the Idaho Pollutant Discharge Elimination System Program"; ~~(3-20-20)T~~

(4) Prevention of significant deterioration (PSD) program under IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho"; ~~(3-20-20)T~~

(5) Nonattainment program under IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho"; ~~(3-20-20)T~~

(6) National emission standards for hazardous pollutants (NESHAPS) preconstruction approval under IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho"; ~~(3-20-20)T~~

(7) Dredge or fill permits under the Clean Water Act section 404; ~~(3-20-20)T~~

(8) Sludge Management Program under IDAPA 58.01.16.650, "Wastewater Rules," and Section 380 (Sewage Sludge) of these rules; and ~~(3-20-20)T~~

(9) Other relevant environmental permits, programs, or activities, including those subject to state jurisdiction, approval, and permits; ~~(3-20-20)T~~

iv. The name, population, and ~~equivalent dwelling units (EDUs)~~ of each municipal entity served by the facility, including unincorporated connector districts, a statement whether each municipal entity owns or maintains the collection system and, if the information is available, whether the collection system is a separate sanitary sewer or a combined storm and sanitary sewer; ~~(3-20-20)T~~

v. A statement whether the facility is located in Indian country and whether the facility discharges to a receiving stream that flows through Indian country; ~~(3-20-20)T~~

vi. The facility's design flow rate, or the wastewater flow rate the plant was built to handle, annual

average daily flow rate, and maximum daily flow rate for each of the previous three (3) years; (3-20-20)T

vii. A statement identifying the types of collection systems, either separate sanitary sewers or combined storm and sanitary sewers, used by the treatment works, and an estimate of the percent of sewer line that each type comprises; (3-20-20)T

viii. The following information for outfalls to waters of the United States and other discharge or disposal methods: (3-20-20)T

(1) For effluent discharges to waters of the United States, the total number and types of outfalls including treated effluent, combined sewer overflows, bypasses, constructed emergency overflows; (3-20-20)T

(2) For wastewater discharged to surface impoundments, the location of each surface impoundment, the average daily volume discharged to each surface impoundment, and a statement whether the discharge is continuous or intermittent; (3-20-20)T

(3) For wastewater applied to the land, the location of each land application site, the size in acres of each land application site, the average daily volume in gallons per day applied to each land application site, and a statement whether the land application is continuous or intermittent; (3-20-20)T

(4) For effluent sent to another facility for treatment prior to discharge, the means by which the effluent is transported, the name, mailing address, ~~electronic~~-e-mail address, contact person, and phone number of the organization transporting the discharge, if the transport is provided by a party other than the applicant, the name, mailing address, ~~electronic~~-e-mail address, contact person, phone number, and IPDES or NPDES permit number, if any, of the receiving facility, and the average daily flow rate from this facility into the receiving facility in million gallons per day (MGD); and ~~(3-20-20)T~~

(5) For wastewater disposed of in a manner not included in Subsections 105.11.c.viii.(1) through (4), including underground percolation and underground injection, a description of the disposal method, the location and size of each disposal site, if applicable, the annual average daily volume in gallons per day disposed of by this method, and a statement whether disposal by this method is continuous or intermittent; and ~~(3-20-20)T~~

ix. The name, mailing address, ~~electronic~~-e-mail address, telephone number, and responsibilities of all contractors responsible for any operational or maintenance aspects of the POTW facility. ~~(3-20-20)T~~

x. An indication of whether applicant is operating under or requesting to operate under a variance as specified in Subsection 310.02 if known at the time of application.

d. In addition to the information described in Subsection 105.11.c., an applicant under this subsection with a design flow greater than or equal to zero point one (0.1) million gallons per day (MGD) must provide: (3-20-20)T

i. The current average daily volume in gallons per day of inflow and infiltration, and a statement describing steps the facility is taking to minimize inflow and infiltration; (3-20-20)T

ii. A topographic map, or other map if a topographic map is unavailable, extending at least one (1) mile beyond property boundaries of the treatment plant including all unit processes, and showing: (3-20-20)T

(1) The treatment plant area and unit processes; (3-20-20)T

(2) The major pipes or other structures through which wastewater enters the treatment plant and the pipes or other structures through which treated wastewater is discharged from the treatment plant, including outfalls from bypass piping, if applicable; (3-20-20)T

(3) Each well where fluids from the treatment plant are injected underground; (3-20-20)T

(4) Wells, springs, and other surface water bodies listed in public records or otherwise known to the applicant within one-quarter (1/4) mile of the property boundaries of the treatment works; (3-20-20)T

- (5) Sewage sludge management facilities including on-site treatment, storage, and disposal sites; and (3-20-20)T
- (6) Each location at which waste classified as hazardous under IDAPA 58.01.05, "Rules and Standards for Hazardous Waste," enters the treatment plant by truck, rail, or dedicated pipe; (3-20-20)T
- iii. A process flow diagram or schematic as follows: (3-20-20)T
- (1) A diagram showing the processes of the treatment plant, including all bypass piping and all backup power sources or redundancy in the system, including a water balance showing all treatment units, including disinfection, and showing daily average flow rates at influent and discharge points and approximate daily flow rates between treatment units; and (3-20-20)T
- (2) A narrative description of the diagram; and (3-20-20)T
- iv. The following information regarding scheduled improvements: (3-20-20)T
- (1) The outfall number of each affected outfall; (3-20-20)T
- (2) A narrative description of each required improvement; (3-20-20)T
- (3) Scheduled dates for commencement and completion of construction, commencement of discharge and attainment of operational level, and actual completion date for any event listed in this subsection that has been completed; and (3-20-20)T
- (4) A description of permits and authorizations concerning other federal and state requirements. (3-20-20)T
- e.** An applicant under this subsection must provide the following information for each outfall, including bypass points, through which effluent is discharged, as applicable: (3-20-20)T
- i. For each outfall: (3-20-20)T
- (1) The outfall number; (3-20-20)T
- (2) The county, and city or town in which the outfall is located; (3-20-20)T
- (3) The latitude and longitude, to the nearest second; (3-20-20)T
- (4) The distance from shore and depth below surface; (3-20-20)T
- (5) The average daily flow rate, in million gallons per day (MGD); (3-20-20)T
- (6) If the outfall has a seasonal or periodic discharge, the number of times per year the discharge occurs, the duration of each discharge, the flow of each discharge, and the months in which discharge occurs; and (3-20-20)T
- (7) A statement whether the outfall is equipped with a diffuser and the type of diffuser used, such as high-rate; (3-20-20)T
- ii. For each outfall discharging effluent to waters of the United States, the following receiving water information, if the information is available: (3-20-20)T
- (1) The name of each receiving water; (3-20-20)T
- (2) The critical flow of each receiving stream; and (3-20-20)T
- (3) The total hardness of the receiving stream at critical low flow; and (3-20-20)T

- iii. For each outfall discharging to waters of the United States, the following information describing the treatment of the discharges: (3-20-20)T
- (1) The highest level of treatment, including primary, equivalent to secondary, secondary, advanced, or other treatment level provided for: (3-20-20)T
 - (a) The design biochemical oxygen demand removal percentage; (3-20-20)T
 - (b) The design suspended solids removal percentage; (3-20-20)T
 - (c) The design phosphorus removal percentage; (3-20-20)T
 - (d) The design nitrogen removal percentage; and (3-20-20)T
 - (e) Any other removals that an advanced treatment system is designed to achieve; and (3-20-20)T
 - (2) A description of the type of disinfection used, and a statement whether the treatment plant de-chlorinates, if disinfection is accomplished through chlorination. (3-20-20)T
- f. In addition to Subsection 105.11.a., and except as provided in Subsection 105.11.h., an applicant under this subsection ~~shall~~ **must** undertake sampling and analysis and submit effluent monitoring information for samples taken from each outfall through which effluent is discharged to waters of the United States, except for combined sewer overflows, including the following if applicable: ~~(3-20-20)T~~
- i. Sampling and analysis for the pollutants listed in Appendix J, Table 1A to 40 CFR Part 122; (3-20-20)T
 - ii. For an applicant with a design flow greater than or equal to zero point one (0.1) million gallons per day (MGD), sampling and analysis for the pollutants listed in Appendix J, Table 1 to 40 CFR Part 122, except that a facility that does not use chlorine for disinfection, does not use chlorine elsewhere in the treatment process, and has no reasonable potential to discharge chlorine in the facility's effluent, is not required to sample or analyze chlorine; (3-20-20)T
 - iii. Sampling and analysis for the pollutants listed in Appendix J, Table 2 to 40 CFR Part 122 and for any other pollutants for which the state or EPA has established water quality standards applicable to the receiving waters if the facility is: (3-20-20)T
 - (1) A POTW that has a design flow rate equal to or greater than one (1) million gallons per day (MGD); (3-20-20)T
 - (2) A POTW that has an approved pretreatment program; (3-20-20)T
 - (3) A POTW that is required to develop a pretreatment program; or (3-20-20)T
 - (4) Any POTW, as required by the Department to ensure compliance with these rules; (3-20-20)T
 - iv. Sampling and analysis for additional pollutants, as the Department may require, on a case-by-case basis; (3-20-20)T
 - v. Data from a minimum of three (3) samples taken within four and one-half (4 ½) years before the date of the permit application; to meet this requirement: (3-20-20)T
 - (1) Samples must be representative of the seasonal variation in the discharge from each outfall; (3-20-20)T
 - (2) Existing data may be used, if available, in lieu of sampling done solely for the purpose of this application; and (3-20-20)T
 - (3) Additional samples may be required by the Department on a case-by-case basis; and (3-20-20)T

vi. All existing data for pollutants specified in Subsections 105.11.f.i. through iv. collected within four and one-half (4 ½) years of the application. This data must be included in the pollutant data summary submitted by the applicant, except that if the applicant samples for a specific pollutant on a monthly or more frequent basis, only the data collected for that pollutant within one (1) year of the application must be provided. (3-20-20)T

g. To meet the information requirements of Subsection 105.11.f., an applicant must: (3-20-20)T

i. Collect samples of effluent and analyze the samples for pollutants in accordance with analytical methods approved under 40 CFR Part 136 unless an alternative is specified in the existing IPDES or NPDES permit; (3-20-20)T

ii. Use the following methods: (3-20-20)T

(1) Grab samples for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform (including *E. coli*), and volatile organics. Temperature, pH, dissolved oxygen, and residual chlorine data may be obtained from grab samples or from calibrated and properly maintained continuous monitors; ~~(3-20-20)T~~

(2) Twenty-four (24) hour composite samples for all other pollutants, unless specified otherwise at 40 CFR Part 136, using a minimum of four (4) grab samples; for a composite sample, only one (1) analysis of the composite of aliquots is required; and ~~(3-20-20)T~~

iii. Provide at least the following information for each parameter: (3-20-20)T

(1) Maximum daily discharge, expressed as concentration or mass, based upon actual sample values; (3-20-20)T

(2) Average daily discharge for all samples, expressed as concentration or mass, and the number of samples used to obtain this value; (3-20-20)T

(3) The analytical method used; and (3-20-20)T

(4) The threshold level, such as the method detection limit, minimum level, or other designated method endpoint for the analytical method used; and (3-20-20)T

iv. Report metals as total recoverable, unless the Department requires otherwise. (3-20-20)T

h. When an applicant under this subsection has two (2) or more outfalls with substantially identical effluent discharging to the same receiving water segment, the Department may, on a case-by-case basis, allow the applicant to submit sampling data for only one (1) outfall. The Department may also allow an applicant to composite samples from one (1) or more outfalls that discharge into the same mixing zone, pursuant to IDAPA 58.01.02, "Water Quality Standards." For POTWs applying prior to commencement of discharge, data shall must be submitted no later than twenty-four (24) months after the commencement of discharge. ~~(3-20-20)T~~

12. Whole Effluent Toxicity (WET) Monitoring for POTWs. (3-20-20)T

a. An applicant for a permit under Subsection 105.11 ~~shall~~ **must** submit information on effluent monitoring for WET, including an identification of any WET tests conducted during the four and one-half (4 ½) years before the date of the application on any of the applicant's discharges or on any receiving water near the discharge. For POTWs applying prior to commencement of discharge, data shall must be submitted no later than twenty-four (24) months after the commencement of discharge. ~~(3-20-20)T~~

b. An applicant under Subsection 105.11 ~~shall~~ **must** submit to the Department, in compliance with Subsections 105.12.c. through f., the results of valid WET tests for acute or chronic toxicity for samples taken from each outfall through which effluent is discharged to surface waters, except for combined sewer overflows, if the applicant: ~~(3-20-20)T~~

i. Has a design flow rate greater than or equal to one (1) million gallons per day (MGD); (3-20-20)T

- ii. Has an approved pretreatment program or is required to develop a pretreatment program; or (3-20-20)T
- iii. Is required to comply with this subsection by the Department, based on consideration of the following factors: (3-20-20)T
- (1) The variability of the pollutants or pollutant parameters in the POTW effluent based on chemical-specific information, the type of treatment plant, and types of industrial contributors; (3-20-20)T
 - (2) The ratio of effluent flow to receiving stream flow; (3-20-20)T
 - (3) Existing controls on point or non-point sources, including total maximum daily load calculations for the receiving stream segment and the relative contribution of the POTW; (3-20-20)T
 - (4) Receiving water characteristics, including possible or known water quality impairment, and whether the POTW discharges to a water designated as an outstanding natural resource water; or (3-20-20)T
 - (5) Other considerations, including the history of toxic impacts and compliance problems at the POTW that the Department determines could cause or contribute to adverse water quality impacts. (3-20-20)T
- c. When an applicant under Subsection 105.11 has two (2) or more outfalls with substantially identical effluent discharging to the same receiving water segment, the Department may, on a case-by-case basis, allow the applicant to submit whole effluent toxicity data for only one (1) outfall. The Department may also allow an applicant to composite samples from one (1) or more outfalls that discharge into the same mixing zone. (3-20-20)T
- d. An applicant under Subsection 105.12.b. that is required to perform WET testing must provide: (3-20-20)T
- i. Results of a minimum of four (4) quarterly tests for a year, from the year preceding the permit application or results from four (4) tests performed at least annually in the four and one-half (4 ½) year period before the application, if the results show no appreciable toxicity using a safety factor determined by the Department; (3-20-20)T
 - ii. The number of chronic or acute whole effluent toxicity tests that have been conducted since the last permit reissuance; (3-20-20)T
 - iii. The results using the form provided by the Department, or test summaries, if available and comprehensive, for each WET test conducted under this subsection for which the information has not been reported previously to the Department; (3-20-20)T
 - iv. For WET data submitted to the Department within four and one-half (4 ½) years before the date of the application, the dates on which the data were submitted and a summary of the results; and (3-20-20)T
 - v. Any information on the cause of toxicity and written details of any toxicity reduction evaluation conducted, if any WET test conducted within the past four and one-half (4 ½) years revealed toxicity. (3-20-20)T
- e. An applicant under Subsection 105.11 must conduct tests with no less than two (2) species, including fish, invertebrate, or plant, and test for acute or chronic toxicity, depending on the range of receiving water dilution. Unless the Department directs otherwise, an applicant ~~shall~~ **must** conduct acute or chronic testing based on the following dilutions: ~~(3-20-20)T~~
- i. Acute toxicity testing if the dilution of the effluent is greater than a ratio of one thousand to one (1,000:1) at the edge of the mixing zone; (3-20-20)T
 - ii. Acute or chronic toxicity testing, if the dilution of the effluent is between a ratio of one hundred to one (100:1) and one thousand to one (1,000:1) at the edge of the mixing zone; acute testing may be more appropriate at the higher end of this range (one thousand to one (1,000:1)), and chronic testing may be more appropriate at the lower end of this range (one hundred to one (100:1)); or (3-20-20)T

iii. Chronic testing if the dilution of the effluent is less than a ratio of one hundred to one (100:1) at the edge of the mixing zone. (3-20-20)T

f. For purposes of the WET testing required by this section, an applicant must conduct testing using methods approved under 40 CFR Part 136. (3-20-20)T

13. Individual Permit Application Requirements for POTWs Receiving Industrial Discharges. ~~(3-20-20)T~~

a. An applicant for an IPDES permit as a POTW under Subsection 105.11 ~~shall~~ **must** state in its application the number of significant industrial users (SIU) and non-significant categorical industrial users (NSCIU), as defined at 40 CFR 403.3(v), including SIUs and NSCIUs that truck or haul waste, discharging to the POTW. A POTW with one (1) or more SIUs ~~shall~~ **must** provide the following information for each SIU that discharges to the POTW: ~~(3-20-20)T~~

i. The name and mailing address of the SIU; (3-20-20)T

ii. A description of all industrial processes that affect or contribute to the SIU's discharge; (3-20-20)T

iii. The principal products and raw materials of each SIU that affects or contributes to that SIU's discharge; (3-20-20)T

iv. The average daily volume of wastewater discharged by the SIU, indicating the amount attributable to process flow and non-process flow; (3-20-20)T

v. A statement whether the SIU is subject to local limits; (3-20-20)T

vi. A statement whether the SIU is subject to one (1) or more categorical standards, and if so, under which category and subcategory; and (3-20-20)T

vii. A statement whether any problems at the POTW, including upsets, pass-through, or interference have been attributed to the SIU in the past four and one-half (4 ½) years. (3-20-20)T

b. The information required in Subsection 105.13.a. may be waived by the Department for a POTW with a pretreatment program if the applicant has submitted either of the following that contains information substantially identical to the information required in Subsection 105.13.a.: (3-20-20)T

i. An annual report submitted within one (1) year of the application; or (3-20-20)T

ii. A pretreatment program. (3-20-20)T

14. Individual Permit Application Requirements for POTWs Receiving Discharges from Hazardous Waste Generators and from Waste Cleanup or Remediation Sites. ~~(3-20-20)T~~

a. A POTW receiving hazardous or corrective action wastes or wastes generated at another type of cleanup or remediation site must provide the following information: (3-20-20)T

i. If the POTW receives, or has been notified that it will receive by truck, rail, or dedicated pipe, any wastes that are regulated as hazardous wastes under 40 CFR Part 261 and IDAPA 58.01.05, "Rules and Standards for Hazardous Waste," the applicant must report the following: (3-20-20)T

(1) The method of delivery, including by truck, rail, or dedicated pipe, by which the waste is received; and (3-20-20)T

(2) The applicable hazardous waste number designated in IDAPA 58.01.05, "Rules and Standards for Hazardous Waste" for the transported waste, and the amount received annually of each hazardous waste; and (3-20-20)T

ii. If the POTW receives, or has been notified that it will receive, wastewater that originates from

remedial activities, including those undertaken under Comprehensive Environmental Response, Compensation, and Liability Act, and the Resource Conservation and Recovery Act sections 3004(u) or 3008(h), the applicant must report the following: (3-20-20)T

- (1) The identity and description of each site or facility at which the wastewater originates; (3-20-20)T
- (2) The identity of any known hazardous constituents specified in IDAPA 58.01.05, "Rules and Standards for Hazardous Waste," in the wastewater; and (3-20-20)T
- (3) The extent of any treatment the wastewater receives or will receive before entering the POTW. (3-20-20)T

b. An applicant under this subsection is exempt from the requirements of Subsection 105.14.a.ii. if the applicant receives no more than fifteen (15) kilograms per month of hazardous wastes, unless the wastes are acute hazardous wastes as specified in IDAPA 58.01.05, "Rules and Standards for Hazardous Waste." (3-20-20)T

15. Individual Permit Application Requirements for POTWs with Combined Sewer Systems and Overflows. A POTW applicant with a combined sewer system must provide the following information on the combined sewer system and outfalls: (3-20-20)T

- a.** A system map indicating the location of: (3-20-20)T
 - i. All combined sewer overflow discharge points; (3-20-20)T
 - ii. Any sensitive use areas potentially affected by combined sewer overflows including beaches, drinking water supplies, shellfish beds, sensitive aquatic ecosystems; (3-20-20)T
 - iii. Outstanding national resource waters potentially affected by combined sewer overflows; and (3-20-20)T
 - iv. Waters supporting threatened and endangered species potentially affected by combined sewer overflows; (3-20-20)T
- b.** A system diagram of the combined sewer collection system that includes the locations of: (3-20-20)T
 - i. Major sewer trunk lines, both combined and separate sanitary; (3-20-20)T
 - ii. Points where separate sanitary sewers feed into the combined sewer system; (3-20-20)T
 - iii. In-line and off-line storage structures; (3-20-20)T
 - iv. Flow-regulating devices; and (3-20-20)T
 - v. Pump stations; (3-20-20)T
- c.** Information on each outfall for each combined sewer overflow discharge point covered by the permit application, including: (3-20-20)T
 - i. The outfall number; (3-20-20)T
 - ii. The county and city or town in which the outfall is located; (3-20-20)T
 - iii. The latitude and longitude, to the nearest second; and (3-20-20)T
 - iv. The distance from shore and depth below surface; (3-20-20)T
- d.** A statement whether the applicant monitored any of the following in the past year for a combined sewer overflow: (3-20-20)T

- i. Rainfall; (3-20-20)T
- ii. Overflow volume; (3-20-20)T
- iii. Overflow pollutant concentrations; (3-20-20)T
- iv. Receiving water quality; (3-20-20)T
- v. Overflow frequency; and (3-20-20)T
- vi. The number of storm events monitored in the past year; (3-20-20)T
- e. Information regarding the number of combined sewer overflows from each outfall in the past year and, if available: (3-20-20)T
 - i. The average duration per event; (3-20-20)T
 - ii. The average volume for each event; and (3-20-20)T
 - iii. The minimum rainfall that caused a combined sewer overflow event in the last year; (3-20-20)T
- f. The name of each receiving water; (3-20-20)T
- g. A description of any known water quality impact caused by the combined sewer overflow operations, including permanent or intermittent beach closings, permanent or intermittent shellfish bed closings, fish kills, fish advisories, other recreational loss, or the exceedance of any applicable state water quality standard, on the receiving water; and (3-20-20)T
- h. All applicants must provide the name, mailing address, e-mail address, telephone number, and responsibilities of all contractors responsible for any operational or maintenance aspects of the facility. ~~(3-20-20)T~~

16. Individual Permit Application Requirements for New Sources and New Discharges. ~~(3-20-20)T~~

- a. An applicant for an IPDES permit for a new manufacturing, commercial, mining, silviculture, or other discharge, except for a new discharge from a facility subject to the requirements of Subsection 105.08 or a new discharge of storm water associated with industrial activity that is subject to the requirements of Subsection 105.19, except as provided by Subsection 105.19.c., shall must provide the following information to the Department, using the applicable forms specified in Subsection 105.04.b.: ~~(3-20-20)T~~
 - i. The latitude and longitude to the nearest second of the expected outfall location and the name of each receiving water; (3-20-20)T
 - ii. The expected date the discharge will commence; (3-20-20)T
 - iii. The following information on flows, sources of pollution, and treatment technologies: (3-20-20)T
 - (1) A narrative describing the treatment that the wastewater will receive, identifying all operations contributing wastewater to the effluent, stating the average flow contributed by each operation, and describing the ultimate disposal of any solid or liquid wastes not discharged; (3-20-20)T
 - (2) A line drawing of the water flow through the facility with a water balance as described in Subsection 105.07.b.; and (3-20-20)T
 - (3) If any of the expected discharges will be intermittent or seasonal, a description of the frequency, duration, and maximum daily flow rate of each discharge occurrence, except for storm water runoff, spillage, or leaks; (3-20-20)T

iv. If a new source performance standard promulgated under the Clean Water Act section 306 or an effluent limitation guideline applies to the applicant and is expressed in terms of production or other measure of operation, a reasonable calculation of the applicant's expected actual production reported in the units used in the applicable effluent guideline or new source performance standard, as required by Subsection 303.02.b., for each of the first three (3) years. The applicant may submit alternative estimates if production is likely to vary; (3-20-20)T

v. The effluent characteristics information as described in Subsection 105.16.b.; (3-20-20)T

vi. The existence of any technical evaluation concerning the applicant's wastewater treatment, along with the name and location of similar plants of which the applicant has knowledge; (3-20-20)T

vii. Any optional information the permittee wishes the Department to consider. (3-20-20)T

b. An applicant under this section must provide the following effluent characteristics information: (3-20-20)T

i. Estimated daily maximum, daily average, and the source of that information for each outfall for the following pollutants or parameters: (3-20-20)T

(1) Five (5)-day biochemical oxygen demand (BOD5); (3-20-20)T

(2) Chemical oxygen demand (COD); (3-20-20)T

(3) Total organic carbon (TOC); (3-20-20)T

(4) Total suspended solids (TSS); (3-20-20)T

(5) Flow; (3-20-20)T

(6) Ammonia, as N; (3-20-20)T

(7) Temperature, in both winter and summer; and (3-20-20)T

(8) pH. (3-20-20)T

ii. Estimated daily maximum, daily average, and the source of that information for each outfall for all the conventional and nonconventional pollutants in Table IV of Appendix D to 40 CFR Part 122, if the applicant knows or has reason to believe any of the pollutants will be present or if any of the pollutants are limited by an effluent limitation guideline or new source performance standard either directly or indirectly through limitations on an indicator pollutant; (3-20-20)T

iii. Estimated daily maximum, daily average, and the source of that information for the following pollutants for each outfall, if the applicant knows or has reason to believe the pollutants will be present in the discharge from any outfall: (3-20-20)T

(1) All pollutants in Table IV of Appendix D to 40 CFR Part 122; (3-20-20)T

(2) The toxic metals, total cyanide, and total phenols listed in Table III of Appendix D to 40 CFR Part 122; (3-20-20)T

(3) The organic toxic pollutants in Table II of Appendix D to 40 CFR Part 122 except bis (chloromethyl) ether, dichlorofluoromethane, and trichlorofluoromethane; however, this requirement is waived for: (3-20-20)T

(a) An applicant with expected gross sales of less than two hundred eighty-seven thousand three hundred dollars (\$287,300) per year in 2014 dollars for the next three (3) years (see also Subsection 105.07.~~h~~^o.ii.); or ~~(3-20-20)T~~

(b) A coal mine with expected average production of less than one hundred thousand (100,000) tons of

coal per year (see also Subsection 105.07.~~h~~i.);

~~(3-20-20)T~~

iv. The information that 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) may be discharged if the applicant uses or manufactures one (1) of the following compounds, or if the applicant knows or has reason to believe that TCDD will or may be present in an effluent:

(3-20-20)T

- (1) 2,4,5-trichlorophenoxy acetic acid (2,4,5-T); Chemical Abstract Service (CAS) #93-76-5; (3-20-20)T
- (2) 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5-TP) (CAS #93-72-1); (3-20-20)T
- (3) 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon) (CAS #136-25-4); (3-20-20)T
- (4) o,o-dimethyl o-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel) (CAS #299-84-3); (3-20-20)T
- (5) 2,4,5-trichlorophenol (TCP) (CAS #95-95-4); or (3-20-20)T
- (6) Hexachlorophene (HCP) (CAS #70-30-4); and (3-20-20)T

v. The potential presence of any of the pollutants listed in Table V of Appendix D to 40 CFR Part 122 if the applicant believes these pollutants will be present in any outfall, except that quantitative estimates are not required unless they are already available at the time the applicant applies for the permit.

(3-20-20)T

c. No later than ~~two (2) years~~ twenty-four (24) months after the commencement of discharge from the proposed facility, the applicant is required to complete and submit Items V and VI of EPA application Form 2C or the Department equivalent. The applicant need not complete those portions of Item V or the Department equivalent requiring tests already performed and reported under the discharge monitoring requirements of its permit.

~~(3-20-20)T~~

d. The effluent characteristics requirements in Subsections 105.08.b., c., and e. that an applicant must provide estimates of certain pollutants expected to be present do not apply to pollutants present in a discharge solely as a result of their presence in intake water. However, an applicant must report that a pollutant is present. For purposes of this subsection, net credits may be provided for the presence of pollutants in intake water if the requirements of Subsection 303.07 are met, and (except for discharge flow, temperature, and pH) all levels must be estimated as concentration and as total mass.

(3-20-20)T

e. The Department may waive the reporting requirements for any of the pollutants and parameters in Subsection 105.16.b. if the applicant requests a waiver with its application, or earlier, and demonstrates that information adequate to support issuance of the permit can be obtained through less stringent reporting requirements.

(3-20-20)T

17. Individual Permit Application Requirements for Treatment Works Treating Domestic Sewage (TWTDS). All TWTDS with a currently effective NPDES or IPDES permit must submit a permit application at the time of the next IPDES permit renewal application, using Form 2S or another application form approved by the Department. New applicants must submit all information available at the time of permit application. The information may be provided by referencing information previously submitted to the Department.

~~(3-20-20)T~~

a. The Department may waive any requirement of this subsection if there is access to substantially identical information. The Department may also waive any requirement of this subsection that is not of material concern for a specific permit, if approved by the EPA Regional Administrator. The waiver request to the Regional Administrator must include the Department's justification for the waiver. A Regional Administrator's disapproval of a Department's proposed waiver does not constitute final agency action, but does provide notice to the state and permit applicant(s) that EPA may object to any state-issued permit issued in the absence of the required information.

(3-20-20)T

b. All applicants must submit the following information: (3-20-20)T

- i. The name, mailing address, and location of the TWTDS for which the application is submitted; (3-20-20)T

- ii. The name, mailing address, e-mail address, EIN or Department equivalent, and telephone number of the applicant and indication whether the applicant is the owner, operator, or both; (3-20-20)T
 - iii. Whether the facility is a Class I Sludge Management Facility; (3-20-20)T
 - iv. The design flow rate in million gallons per day (MGD); (3-20-20)T
 - v. The total population and equivalent dwelling units (EDU) served; and (3-20-20)T
 - vi. The TWTDS's status as federal, state, private, public, or other entity. (3-20-20)T
- c.** All applicants must submit the facility's NPDES or IPDES permit number, if applicable, and a listing of all other federal, state, and local permits or construction approvals received or applied for under any of the following programs: (3-20-20)T
- i. Hazardous waste management program under IDAPA 58.01.05, "Rules and Standards for Hazardous Waste"; (3-20-20)T
 - ii. 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"; (3-20-20)T
 - iii. IPDES program under IDAPA 58.01.25, "Rules Regulating the Idaho Pollutant Discharge Elimination System Program"; (3-20-20)T
 - iv. Prevention of significant deterioration (PSD) program under IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho"; (3-20-20)T
 - v. Nonattainment program under IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho"; (3-20-20)T
 - vi. National emission standards for hazardous pollutants (NESHAPS) preconstruction approval under IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho"; (3-20-20)T
 - vii. Dredge or fill permits under the Clean Water Act section 404; (3-20-20)T
 - viii. Sludge Management Program under IDAPA 58.01.16.650, "Wastewater Rules," and Section 380 (Sewage Sludge) of these rules; and (3-20-20)T
 - ix. Other relevant environmental permits, programs or activities, including those subject to state jurisdiction, approval, and permits. (3-20-20)T
- d.** All applicants must identify any generation, treatment, storage, land application, or disposal of sewage sludge that occurs in Indian country. (3-20-20)T
- e.** All applicants must submit a topographic map (or other map if a topographic map is unavailable) extending one (1) mile beyond property boundaries of the facility and showing the following information:(3-20-20)T
- i. All sewage sludge management facilities, including on-site treatment, storage, and disposal sites; and (3-20-20)T
 - ii. Wells, springs, and other surface water bodies that are within one-quarter (1/4) mile of the property boundaries and listed in public records or otherwise known to the applicant. (3-20-20)T
- f.** All applicants must submit a line drawing and/or a narrative description that identifies all sewage sludge management practices employed during the term of the permit, including all units used for collecting, dewatering, storing, or treating sewage sludge, the destination(s) of all liquids and solids leaving each such unit, and all processes used for pathogen reduction and vector attraction reduction. (3-20-20)T

g. The applicant must submit sewage sludge monitoring data for the pollutants for which limits in sewage sludge have been established in 40 CFR Part 503 for the applicant's use or disposal practices on the date of permit application. (3-20-20)T

i. The Department may require sampling for additional pollutants, as appropriate, on a case-by-case basis; (3-20-20)T

ii. Applicants must provide data from a minimum of three (3) samples taken within four and one-half (4 ½) years prior to the date of the permit application. Samples must be representative of the sewage sludge and should be taken at least one (1) month apart. Existing data may be used in lieu of sampling done solely for the purpose of this application; (3-20-20)T

iii. Applicants must collect and analyze samples in accordance with analytical methods approved under SW-846 (Test Methods for Evaluating Solid Waste, Physical/Chemical Methods) unless an alternative has been specified in an existing sewage sludge permit; and (3-20-20)T

iv. The monitoring data provided must include at least the following information for each parameter: (3-20-20)T

(1) Average monthly concentration for all samples (mg/kg dry weight), based upon actual sample values; (3-20-20)T

(2) The analytical method used; and (3-20-20)T

(3) The method detection level. (3-20-20)T

h. If the applicant is either the person who generates sewage sludge during the treatment of domestic sewage in a treatment works or the person who derives a material from sewage sludge, the following information must be provided: (3-20-20)T

i. If the applicant's facility generates sewage sludge, the total dry metric tons per three hundred sixty-five (365)-day period generated at the facility; (3-20-20)T

ii. If the applicant's facility receives sewage sludge from another facility, the following information for each facility from which sewage sludge is received: (3-20-20)T

(1) The name, mailing address, and location of the other facility; (3-20-20)T

(2) The total dry metric tons per three hundred sixty-five (365)-day period received from the other facility; and (3-20-20)T

(3) A description of any treatment processes occurring at the other facility, including blending activities and treatment to reduce pathogens or vector attraction characteristics; (3-20-20)T

iii. If the applicant's facility changes the quality of sewage sludge through blending, treatment, or other activities, the following information must be submitted: (3-20-20)T

(1) Whether the Class A pathogen reduction requirements in 40 CFR 503.32(a) or the Class B pathogen reduction requirements in 40 CFR 503.32(b) are met, and a description of any treatment processes used to reduce pathogens in sewage sludge; (3-20-20)T

(2) Whether any of the vector attraction reduction options of 40 CFR 503.33(b)(1) through (b)(8) are met, and a description of any treatment processes used to reduce vector attraction properties in sewage sludge; and (3-20-20)T

(3) A description of any other blending, treatment, or other activities that change the quality of sewage sludge; (3-20-20)T

iv. If sewage sludge from the applicant's facility meets the ceiling concentrations in 40 CFR 503.13(b)(1), the pollutant concentrations in 40 CFR 503.13(b)(3), the Class A pathogen requirements in 40 CFR 503.32(a), and one (1) of the vector attraction reduction requirements in 40 CFR 503.33(b)(1) through (b)(8), and if the sewage sludge is applied to the land, the applicant must provide the total dry metric tons per three hundred sixty-five (365)-day period of sewage sludge subject to this subsection that is applied to the land; (3-20-20)T

v. If sewage sludge from the applicant's facility is sold or given away in a bag or other container for application to the land, and the sewage sludge is not subject to Subsection 105.17.h.iv., the applicant must provide the following information: (3-20-20)T

(1) The total dry metric tons per three hundred sixty-five (365)-day period of sewage sludge subject to this subsection that is sold or given away in a bag or other container for application to the land; and (3-20-20)T

(2) A copy of all labels or notices that accompany the sewage sludge being sold or given away; and (3-20-20)T

vi. If sewage sludge from the applicant's facility is provided to another person who generates sewage sludge during the treatment of domestic sewage in a treatment works or a person who derives a material from sewage sludge, and the sewage sludge is not subject to Subsection 105.17.h.iv., the applicant must provide the following information for each facility receiving the sewage sludge: (3-20-20)T

(1) The name, e-mail address, and mailing address of the receiving facility; ~~(3-20-20)T~~

(2) The total dry metric tons per three hundred sixty-five (365)-day period of sewage sludge subject to this subsection that the applicant provides to the receiving facility; (3-20-20)T

(3) A description of any treatment processes occurring at the receiving facility, including blending activities and treatment to reduce pathogens or vector attraction characteristic; (3-20-20)T

(4) A copy of the notice and necessary information that the applicant is required to provide the receiving facility under 40 CFR 503.12(g); and (3-20-20)T

(5) If the receiving facility places sewage sludge in bags or containers for sale or give-away to application to the land, a copy of any labels or notices that accompany the sewage sludge. (3-20-20)T

i. If sewage sludge from the applicant's facility is applied to the land in bulk form, and is not subject to Subsection 105.17.h.iv., v., or vi., the applicant must provide the following information: (3-20-20)T

i. The total dry metric tons per three hundred sixty-five (365)-day period of sewage sludge subject to this subsection that is applied to the land; (3-20-20)T

ii. If any land application sites are located in states other than the state where the sewage sludge is prepared, a description of how the applicant will notify the permitting authority for the state(s) where the land application sites are located; (3-20-20)T

iii. The following information for each land application site that has been identified at the time of permit application: (3-20-20)T

(1) The name (if any), and location for the land application site; (3-20-20)T

(2) The site's latitude and longitude to the nearest second, and method of determination; (3-20-20)T

(3) A topographic map (or other map if a topographic map is unavailable) that shows the site's location; (3-20-20)T

(4) The name, mailing address, e-mail address, and telephone number of the site owner, if different from the applicant; ~~(3-20-20)T~~

(5) The name, mailing address, e-mail address, and telephone number of the person who applies sewage

sludge to the site, if different from the applicant; ~~(3-20-20)T~~

(6) Whether the site is agricultural land, forest, a public contact site, or a reclamation site, as such site types are defined under 40 CFR 503.11; (3-20-20)T

(7) The type of vegetation grown on the site, if known, and the nitrogen requirement for this vegetation; (3-20-20)T

(8) Whether either of the vector attraction reduction options of 40 CFR 503.33(b)(9) or (b)(10) is met at the site, and a description of any procedures employed at the time of use to reduce vector attraction properties in sewage sludge; and (3-20-20)T

(9) Other information that describes how the site will be managed, as specified by the permitting authority. (3-20-20)T

iv. The following information for each land application site that has been identified at the time of permit application, if the applicant intends to apply bulk sewage sludge subject to the cumulative pollutant loading rates in 40 CFR 503.13(b)(2) to the site: (3-20-20)T

(1) Whether the applicant has contacted the permitting authority in the state where the bulk sewage sludge subject to 40 CFR 503.13(b)(2) will be applied, to ascertain whether bulk sewage sludge subject to 40 CFR 503.13(b)(2) has been applied to the site on or since July 20, 1993, and if so, the name of the permitting authority and the name, ~~and~~ phone number, and e-mail address, if available, of a contact person at the permitting authority; ~~(3-20-20)T~~

(2) Identification of facilities other than the applicant's facility that have sent, or are sending, sewage sludge subject to the cumulative pollutant loading rates in 40 CFR 503.13(b)(2) to the site since July 20, 1993, if, based on the inquiry in Subsection 105.17.i.iv-(1) bulk sewage sludge subject to cumulative pollutant loading rates in 40 CFR 503.13(b)(2) has been applied to the site since July 20, 1993; ~~(3-20-20)T~~

v. If not all land application sites have been identified at the time of permit application, the applicant must submit a land application plan that, at a minimum: (3-20-20)T

(1) Describes the geographical area covered by the plan; (3-20-20)T

(2) Identifies the site selection criteria; (3-20-20)T

(3) Describes how the site(s) will be managed; (3-20-20)T

(4) Provides for advance notice to the permit authority of specific land application sites and reasonable time for the permit authority to object prior to land application of the sewage sludge; and (3-20-20)T

(5) Provides for advance public notice of land application sites in the manner prescribed by state and local law. When state or local law does not require advance public notice, it must be provided in a manner reasonably calculated to apprise the general public of the planned land application. (3-20-20)T

j. If sewage sludge from the applicant's facility is placed on a surface disposal site, the applicant must provide the following information: (3-20-20)T

i. The total dry metric tons of sewage sludge from the applicant's facility that is placed on surface disposal sites per three hundred sixty-five (365)-day period; (3-20-20)T

ii. The following information for each surface disposal site receiving sewage sludge from the applicant's facility that the applicant does not own or operate: (3-20-20)T

(1) The site name or number, contact person, mailing address, e-mail address, and telephone number for the surface disposal site; and ~~(3-20-20)T~~

(2) The total dry metric tons from the applicant's facility per three hundred sixty-five (365)-day period

- placed on the surface disposal site; (3-20-20)T
- iii. The following information for each active sewage sludge unit at each surface disposal site that the applicant owns or operates: (3-20-20)T
- (1) The name or number and the location of the active sewage sludge unit; (3-20-20)T
 - (2) The unit's latitude and longitude to the nearest second, and method of determination; (3-20-20)T
 - (3) If not already provided, a topographic map (or other map if a topographic map is unavailable) that shows the unit's location; (3-20-20)T
 - (4) The total dry metric tons placed on the active sewage sludge unit per three hundred sixty-five (365)-day period; (3-20-20)T
 - (5) The total dry metric tons placed on the active sewage sludge unit over the life of the unit;(3-20-20)T
 - (6) A description of any liner for the active sewage sludge unit, including whether it has a maximum permeability of 1×10^{-7} cm/sec; (3-20-20)T
 - (7) A description of any leachate collection system for the active sewage sludge unit, including the method used for leachate disposal, and any federal, state, and local permit number(s) for leachate disposal;(3-20-20)T
 - (8) If the active sewage sludge unit is less than one hundred fifty (150) meters from the property line of the surface disposal site, the actual distance from the unit boundary to the site property line; (3-20-20)T
 - (9) The remaining capacity (dry metric tons) for the active sewage sludge unit; (3-20-20)T
 - (10) The date on which the active sewage sludge unit is expected to close, if such a date has been identified; (3-20-20)T
 - (11) The following information for any other facility that sends sewage sludge to the active sewage sludge unit: (3-20-20)T
 - (a) The name, contact person, and mailing address of the facility; and (3-20-20)T
 - (b) Available information regarding the quality of the sewage sludge received from the facility, including any treatment at the facility to reduce pathogens or vector attraction characteristics; (3-20-20)T
 - (12) Whether any of the vector attraction reduction options of 40 CFR 503.33(b)(9) through (b)(11) is met at the active sewage sludge unit, and a description of any procedures employed at the time of disposal to reduce vector attraction properties in sewage sludge; (3-20-20)T
 - (13) The following information, as applicable to any ground water monitoring occurring at the active sewage sludge unit: (3-20-20)T
 - (a) A description of any ground water monitoring occurring at the active sewage sludge unit;(3-20-20)T
 - (b) Any available ground water monitoring data, with a description of the well locations and approximate depth to ground water; (3-20-20)T
 - (c) A copy of any ground water monitoring plan that has been prepared for the active sewage sludge unit; and (3-20-20)T
 - (d) A copy of any certification that has been obtained from a qualified ground water scientist that the aquifer has not been contaminated; and (3-20-20)T
 - (14) If site-specific pollutant limits are being sought for the sewage sludge placed on this active sewage sludge unit, information to support such a request. (3-20-20)T

k. If sewage sludge from the applicant's facility is fired in a sewage sludge incinerator, the applicant must provide the following information: (3-20-20)T

i. The total dry metric tons of sewage sludge from the applicant's facility that is fired in sewage sludge incinerators per three hundred sixty-five (365)-day period; (3-20-20)T

ii. The following information for each sewage sludge incinerator firing the applicant's sewage sludge that the applicant does not own or operate: (3-20-20)T

(1) The name and/or number, contact person, mailing address, e-mail address, and telephone number of the sewage sludge incinerator; and (3-20-20)T

(2) The total dry metric tons from the applicant's facility per three hundred sixty-five (365)-day period fired in the sewage sludge incinerator; (3-20-20)T

iii. The following information for each sewage sludge incinerator that the applicant owns or operates: (3-20-20)T

(1) The name and/or number and the location of the sewage sludge incinerator; (3-20-20)T

(2) The incinerator's latitude and longitude to the nearest second, and method of determination; (3-20-20)T

(3) The total dry metric tons per three hundred sixty-five (365)-day period fired in the sewage sludge incinerator; (3-20-20)T

(4) Information, test data, and documentation of ongoing operating parameters indicating that compliance with the National Emission Standard for Beryllium in 40 CFR Part 61 will be achieved; (3-20-20)T

(5) Information, test data, and documentation of ongoing operating parameters indicating that compliance with the National Emission Standard for Mercury in 40 CFR Part 61 will be achieved; (3-20-20)T

(6) The dispersion factor for the sewage sludge incinerator, as well as modeling results and supporting documentation; (3-20-20)T

(7) The control efficiency for parameters regulated in 40 CFR 503.43, as well as performance test results and supporting documentation; (3-20-20)T

(8) Information used to calculate the risk specific concentration (RSC) for chromium, including the results of incinerator stack tests for hexavalent and total chromium concentrations, if the applicant is requesting a chromium limit based on a site-specific RSC value; (3-20-20)T

(9) Whether the applicant monitors total hydrocarbons (THC) or Carbon Monoxide (CO) in the exit gas for the sewage sludge incinerator; (3-20-20)T

(10) The type of sewage sludge incinerator; (3-20-20)T

(11) The maximum performance test combustion temperature, as obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies; (3-20-20)T

(12) The following information on the sewage sludge feed rate used during the performance test: (3-20-20)T

(a) Sewage sludge feed rate in dry metric tons per day; (3-20-20)T

(b) Identification of whether the feed rate submitted is average use or maximum design; and (3-20-20)T

(c) A description of how the feed rate was calculated; (3-20-20)T

(13) The incinerator stack height in meters for each stack, including identification of whether actual or creditable stack height was used; (3-20-20)T

(14) The operating parameters for the sewage sludge incinerator air pollution control device(s), as obtained during the performance test of the sewage sludge incinerator to determine pollutant control efficiencies; (3-20-20)T

(15) Identification of the monitoring equipment in place, including (but not limited to) equipment to monitor the following: (3-20-20)T

(a) Total hydrocarbons or Carbon Monoxide; (3-20-20)T

(b) Percent Oxygen; (3-20-20)T

(c) Percent moisture; and (3-20-20)T

(d) Combustion temperature; and (3-20-20)T

(16) A list of all air pollution control equipment used with this sewage sludge incinerator. (3-20-20)T

l. If sewage sludge from the applicant's facility is sent to a municipal solid waste landfill (MSWLF), the applicant must provide the following information for each MSWLF to which sewage sludge is sent: (3-20-20)T

i. The name, contact person, mailing address, e-mail address location, and all applicable permit numbers of the MSWLF; ~~(3-20-20)T~~

ii. The total dry metric tons per three hundred sixty-five (365)-day period sent from this facility to the MSWLF; (3-20-20)T

iii. A determination of whether the sewage sludge meets applicable requirements for disposal of sewage sludge in a MSWLF, including the results of the paint filter liquids test and any additional requirements that apply on a site-specific basis; and (3-20-20)T

iv. Information, if known, indicating whether the MSWLF complies with criteria set forth in 40 CFR Part 258. (3-20-20)T

m. All applicants must provide the name, mailing address, e-mail address, telephone number, and responsibilities of all contractors responsible for any operational or maintenance aspects of the facility related to sewage sludge generation, treatment, use, or disposal. ~~(3-20-20)T~~

n. At the request of the Department, the applicant must provide any other information necessary to determine the appropriate standards for permitting under 40 CFR Part 503, and must provide any other information necessary to assess the sewage sludge use and disposal practices, determine whether to issue a permit, or identify appropriate permit requirements. ~~(3-20-20)T~~

o. TWTDS facilities using or disposing of sewage sludge to which a standard applicable to its sewage sludge use or disposal practices have been published shall must submit the following information on EPA Form 2S, Part I, or on the Department equivalent form: ~~(3-20-20)T~~

i. The TWTDS's name, mailing address, location, and status as federal, state, private, public, or other entity; (3-20-20)T

ii. The applicant's name, address, e-mail address, telephone number, and ownership status; ~~(3-20-20)T~~

iii. A description of the sewage sludge use or disposal practices. Unless the sewage sludge meets the requirements of Subsection 105.17.h.iv., the description must include the name and address of any facility where sewage sludge is sent for treatment or disposal, and the location of any land application sites; (3-20-20)T

- iv. Annual amount of sewage sludge generated, treated, used or disposed (estimated dry weight basis); and (3-20-20)T
- v. The most recent data the TWTDS may have on the quality of the sewage sludge. (3-20-20)T

18. Individual Permit Application Requirements for Municipal Separate Storm Sewer Discharges. The operator of a discharge from a large or medium municipal separate storm sewer or a municipal separate storm sewer that is designated by the Department under 40 CFR 122.26(a)(1)(v), may submit a jurisdiction-wide or system-wide permit application. Where more than one (1) public entity owns or operates a municipal separate storm sewer within a geographic area (including adjacent or interconnected municipal separate storm sewer systems), such operators may be a co-applicant to the same application. Permit applications for discharges from large and medium municipal storm sewers or municipal storm sewers designated under 40 CFR 122.26 (a)(1)(v) ~~shall~~ **must** include: (3-20-20)T

a. ~~In~~ Part 1 of the application ~~shall consist of~~: (3-20-20)T

i. The applicants' name, address, ~~e-mail address~~, ~~EIN~~ ~~or Department equivalent~~, telephone number of contact person, ownership status and status as a state or local government entity; (3-20-20)T

ii. A description of existing legal authority to control discharges to the municipal separate storm sewer system. When existing legal authority is not sufficient to meet the criteria provided in Subsection 105.18.b.i., the description ~~shall~~ **must** list additional authorities as will be necessary to meet the criteria and ~~shall~~ include a schedule and commitment to seek such additional authority that will be needed to meet the criteria; (3-20-20)T

iii. A description of the historic use of ordinances, guidance or other controls which limited the discharge of non-storm water discharges to any POTW serving the same area as the municipal separate storm sewer system. ~~The , including all of the following information shall be provided~~: (3-20-20)T

(1) A USGS seven point five (7.5) minute topographic map (or equivalent topographic map with a scale between one to ten thousand (1:10,000) and one to twenty-four thousand (1:24,000) if cost effective) extending one (1) mile beyond the service boundaries of the municipal storm sewer system covered by the permit application; (3-20-20)T

(2) The location of known municipal storm sewer system outfalls discharging to waters of the United States; (3-20-20)T

(3) A description of the land use activities (e.g. divisions indicating undeveloped, residential, commercial, agricultural and industrial uses) accompanied with estimates of population densities and projected growth for a ten (10) year period within the drainage area served by the separate storm sewer. ~~For each land use type, and~~ an estimate of an average runoff coefficient ~~for each land use type shall be provided~~; (3-20-20)T

(4) The location and a description of the activities of the facility of each currently operating or closed municipal landfill or other treatment, storage or disposal facility for municipal waste; (3-20-20)T

(5) The location and the permit number of any known discharge to the municipal storm sewer that has been issued a NPDES or IPDES permit; (3-20-20)T

(6) The location of major structural controls for storm water discharge (retention basins, detention basins, major infiltration devices, etc.); and (3-20-20)T

(7) The identification of publicly owned parks, recreational areas, and other open lands. (3-20-20)T

iv. A description of the discharge including: (3-20-20)T

(1) Monthly mean rain and snow fall estimates (or summary of weather bureau data) and the monthly average number of storm events; (3-20-20)T

(2) Existing quantitative data describing the volume and quality of discharges from the municipal storm

sewer, including a description of the outfalls sampled, sampling procedures and analytical methods used; (3-20-20)T

(3) A list of water bodies that receive discharges from the municipal separate storm sewer system, including downstream segments, lakes and estuaries, where pollutants from the system discharges may accumulate and cause water degradation and a brief description of known water quality impacts. At a minimum, the description of impacts ~~shall must~~ include a description of whether the water bodies receiving such discharges have been: (3-20-20)T

(a) Assessed and reported in the Clean Water Act section 305(b) reports submitted by the Department, the basis for the assessment (evaluated or monitored), a summary of designated use support and attainment of Clean Water Act goals (fishable and swimmable waters), and causes of nonsupport of designated uses; (3-20-20)T

(b) Listed under the Clean Water Act section 304(l)(1)(A)(i), 304(l)(1)(A)(ii), or 304(l)(1)(B) that is not expected to meet water quality standards or water quality goals; (3-20-20)T

(c) Listed in state Nonpoint Source Assessments required by the Clean Water Act section 319(a), without additional action to control nonpoint sources of pollution, cannot reasonably be expected to attain or maintain water quality standards due to storm sewers, construction, highway maintenance and runoff from municipal landfills and municipal sludge adding significant pollution (or contributing to a violation of water quality standards); (3-20-20)T

(d) Identified and classified according to eutrophic condition of publicly owned lakes listed in state reports required under the Clean Water Act section 314(a) (include the following: A description of those publicly owned lakes for which uses are known to be impaired, a description of procedures, processes and methods to control the discharge of pollutants from municipal separate storm sewers into such lakes, and a description of methods and procedures to restore the quality of such lakes); (3-20-20)T

(e) Recognized by the applicant as highly valued or sensitive waters; (3-20-20)T

(f) Defined by the state as wetlands; and (3-20-20)T

(g) Found to have pollutants in bottom sediments, fish tissue, or biosurvey data. (3-20-20)T

(4) Results of a field screening analysis for illicit connections and illegal dumping for either selected field screening points or major outfalls covered in the permit application. At a minimum, a screening analysis ~~shall~~ include a narrative description, for either each field screening point or major outfall, of visual observations made during dry weather periods. If any flow is observed, two (2) grab samples ~~shall are to~~ be collected during a twenty-four (24)-hour period with a minimum period of four (4) hours between samples. For all such samples, a narrative description of the color, odor, turbidity, the presence of an oil sheen or surface scum as well as any other relevant observations regarding the potential presence of non-storm water discharges or illegal dumping ~~shall must~~ be provided. In addition, a narrative description of the results of a field analysis using suitable methods to estimate pH, total chlorine, total copper, total phenol, and detergents (or surfactants) ~~shall must~~ be provided along with a description of the flow rate. Where the field analysis does not involve analytical methods approved under 40 CFR Part 136, the applicant ~~shall must~~ provide a description of the method used including the name of the manufacturer of the test method along with the range and accuracy of the test. Field screening points ~~shall be are~~ either major outfalls or other outfall points (or any other point of access such as manholes) randomly located throughout the storm sewer system by placing a grid over a drainage system map and identifying those cells of the grid which contain a segment of the storm sewer system or major outfall. The field screening points ~~shall be are~~ established using the following guidelines and criteria: (3-20-20)T

(a) ~~Overlay A~~ a grid system consisting of perpendicular north-south and east-west lines spaced one-quarter (1/4) mile apart ~~shall be overlaid~~ on a map of the municipal storm sewer system, creating a series of cells; (3-20-20)T

(b) ~~Identify A~~ all cells that contain a segment of the storm sewer system ~~shall be identified~~; ~~select~~ one (1) field screening point ~~shall be selected~~ in each cell; major outfalls may be used as field screening points; (3-20-20)T

(c) Field screening points should be located downstream of any sources of suspected illegal or illicit

activity; (3-20-20)T

(d) **Locate Field** screening points ~~shall be located~~ to the degree practicable at the farthest manhole or other accessible location downstream in the system, within each cell; however, safety of personnel and accessibility of the location should be considered in making this determination; (3-20-20)T

(e) Hydrological conditions, total drainage area of the site, population density of the site, traffic density, age of the structures or buildings in the area, history of the area, and land use types; (3-20-20)T

(f) For medium municipal separate storm sewer systems, no more than two hundred fifty (250) cells need to have identified field screening points; in large municipal separate storm sewer systems, no more than five hundred (500) cells need to have identified field screening points; cells established by the grid that contain no storm sewer segments will be eliminated from consideration; if fewer than two hundred fifty (250) cells in medium municipal sewers are created, and fewer than 500 in large systems are created by the overlay on the municipal sewer map, then all those cells which contain a segment of the sewer system ~~shall be are~~ subject to field screening (unless access to the separate storm sewer system is impossible); and (3-20-20)T

(g) Large or medium municipal separate storm sewer systems which are unable to utilize the procedures described in Subsection 105.18.a.iv-(4)(a) through (f), because a sufficiently detailed map of the separate storm sewer systems is unavailable, ~~shall must~~ field screen no more than five hundred (500) or two hundred fifty (250) major outfalls respectively (or all major outfalls in the system, if less). In such circumstances, the applicant ~~shall must~~ establish a grid system consisting of north-south and east-west lines spaced one-quarter (1/4) mile apart as an overlay to the boundaries of the municipal storm sewer system, thereby creating a series of cells. The applicant will then select major outfalls in as many cells as possible until at least five hundred (500) major outfalls (large municipalities) or two hundred fifty (250) major outfalls (medium municipalities) are selected; a field screening analysis ~~shall be undertaken~~ ~~must occur~~ at these major outfalls; and (3-20-20)T

(5) Information and a proposed program to meet the requirements of Subsection 105.18.b.iii., ~~which shall include including at least~~: the location of outfalls or field screening points appropriate for representative data collection under Subsection 105.18.b.iii-(1), a description of why the outfall or field screening point is representative, the seasons during which sampling is intended, a description of the sampling equipment. The proposed location of outfalls or field screening points for such sampling should reflect water quality concerns (see Subsection 105.18.a.iv-(3)) to the extent practicable; (3-20-20)T

v. A description of the existing management programs to control pollutants from the municipal separate storm sewer system, ~~which shall provide information on including~~ existing ~~structural and~~ source controls, ~~including and~~ operation and maintenance measures for structural controls that are currently being implemented. Such controls may include, but are not limited to: procedures to control pollution resulting from construction activities; floodplain management controls; wetland protection measures; best management practices for new subdivisions; and emergency spill response programs. The description may address controls established under state law as well as local requirements; (3-20-20)T

vi. A description of the existing program to identify illicit connections to the municipal storm sewer system, ~~which should that~~ include inspection procedures and methods for detecting and preventing illicit discharges, and describes areas where this program has been implemented; and (3-20-20)T

vii. A description of the financial resources currently available to the municipality to complete part 2 of the permit application. A description of the municipality's budget for existing storm water programs, including an overview of the municipality's financial resources and budget, including overall indebtedness and assets, and sources of funds for storm water programs. (3-20-20)T

b. **In** Part 2 of the application ~~shall consist of~~; (3-20-20)T

i. A demonstration that the applicant can operate pursuant to legal authority established by statute, ordinance, or series of contracts which authorizes or enables the applicant at a minimum to: (3-20-20)T

(1) Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the municipal storm sewer by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity; (3-20-20)T

(2) Prohibit through ordinance, order or similar means, illicit discharges to the municipal separate storm sewer; (3-20-20)T

(3) Control through ordinance, order or similar means the discharge to a municipal separate storm sewer of spills, dumping or disposal of materials other than storm water; (3-20-20)T

(4) Control through interagency agreements among co-applicants the contribution of pollutants from a portion of the municipal system to another portion of the municipal system; (3-20-20)T

(5) Require compliance with conditions in ordinances, permits, contracts or orders; and (3-20-20)T

(6) Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the municipal separate storm sewer. (3-20-20)T

ii. The location of any major outfall that discharges to waters of the United States that was not reported under Subsection 105.18.a.iii-(2). Provide an inventory, organized by watershed of the name and address, and a description (such as Standard Industrial Classification (SIC) codes) which best reflects the principal products or services provided by each facility which may discharge, to the municipal separate storm sewer, storm water associated with industrial activity; ~~(3-20-20)T~~

iii. When quantitative data for a pollutant are required under Subsection 105.18.b.iii-(1)(c), the applicant must collect a sample of effluent in accordance with Subsection 105.07.c. through 105.07.m. and analyze it for the pollutant in accordance with analytical methods approved under 40 CFR Part 136. When no analytical method is approved the applicant may use any suitable method but must provide a description of the method. The applicant must provide information characterizing the quality and quantity of discharges covered in the permit application, including: ~~(3-20-20)T~~

(1) Quantitative data from representative outfalls designated by the Department developed as follows (based on information received in part 1 of the application. The Department ~~shall will~~ designate between five (5) and ten (10) outfalls or field screening points as representative of the commercial, residential and industrial land use activities of the drainage area contributing to the system or, where there are less than five (5) outfalls covered in the application, the Department ~~shall will~~ designate all outfalls): ~~(3-20-20)T~~

(a) For each outfall or field screening point designated under this subsection, samples ~~shall must~~ be collected of storm water discharges from three (3) storm events occurring at least one (1) month apart in accordance with the requirements at Subsection 105.07.c. through 105.07.m. (the Department may allow exemptions to sampling three (3) storm events when climatic conditions create good cause for such exemptions); ~~(3-20-20)T~~

(b) A narrative description ~~shall must~~ be provided of the date and duration of the storm event(s) sampled, rainfall estimates of the storm event which generated the sampled discharge and the duration between the storm event sampled and the end of the previous measurable (greater than one-tenth (0.1) inch rainfall) storm event; ~~(3-20-20)T~~

(c) For samples collected and described under Subsections 105.18.b.iii-(1)(a) and (b), quantitative data ~~shall will~~ be provided for the organic pollutants listed in Table II and the pollutants listed in Table III (toxic metals, cyanide, and total phenols) of Appendix D of 40 CFR Part 122, and for the following pollutants: ~~(3-20-20)T~~

(i) Total suspended solids (TSS); (3-20-20)T

(ii) Total dissolved solids (TDS); (3-20-20)T

(iii) Chemical oxygen demand (COD); (3-20-20)T

(iv) Five (5)-day biochemical oxygen demand (BOD5); (3-20-20)T

(v) Oil and grease; (3-20-20)T

- (vi) Fecal coliform (~~including *E. coli*~~); ~~(3-20-20)T~~
- (vii) ~~Enterococci (previously known as fecal streptococcus)~~; ~~(3-20-20)T~~
- (viii) pH; (3-20-20)T
- (ix) Total Kjeldahl nitrogen; (3-20-20)T
- (x) Nitrate plus nitrite; (3-20-20)T
- (xi) Total ammonia plus organic nitrogen; (3-20-20)T
- (xii) Dissolved phosphorus; and (3-20-20)T
- (xiii) Total phosphorus; (3-20-20)T

(d) Additional limited quantitative data required by the Department for determining permit conditions (the Department may require that quantitative data be provided for additional parameters, and may establish sampling conditions such as the location, season of sample collection, form of precipitation (snow melt, rainfall) and other parameters necessary to insure representativeness); (3-20-20)T

(2) Estimates of the annual pollutant load of the cumulative discharges to waters of the United States from all identified municipal outfalls and the event mean concentration of the cumulative discharges to waters of the United States from all identified municipal outfalls during a storm event for BOD5, COD, TSS, dissolved solids, total nitrogen, total ammonia plus organic nitrogen, total phosphorus, dissolved phosphorus, cadmium, copper, lead, and zinc. Estimates ~~shall-must~~ be accompanied by a description of the procedures for estimating constituent loads and concentrations, including any modelling, data analysis, and calculation methods; ~~(3-20-20)T~~

(3) A proposed schedule to provide estimates for each major outfall identified in either Subsection 105.18.b.ii. or 105.18.a.iii-(2) of the seasonal pollutant load and of the event mean concentration of a representative storm for any constituent detected in any sample required under Subsection 105.18.b.iii-(1); and ~~(3-20-20)T~~

(4) A proposed monitoring program for representative data collection for the term of the permit that describes the location of outfalls or field screening points to be sampled (or the location of instream stations), why the location is representative, the frequency of sampling, parameters to be sampled, and a description of sampling equipment; (3-20-20)T

iv. A proposed management program covering the duration of the permit, ~~which shall that~~ includes a comprehensive planning process ~~which involves involving~~ public participation and where necessary intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable using management practices, control techniques and system, design and engineering methods, and such other provisions which are appropriate. The program ~~shall-must~~ also include a description of staff and equipment available to implement the program. Separate proposed programs may be submitted by each co-applicant. Proposed programs may impose controls on a system wide basis, a watershed basis, a jurisdiction basis, or on individual outfalls. Proposed programs will be considered by the Department when developing permit conditions to reduce pollutants in discharges to the maximum extent practicable. Proposed management programs ~~shall-must~~ describe priorities for implementing controls. Such programs ~~shall-must~~ be based on: ~~(3-20-20)T~~

(1) A description of structural and source control measures to reduce pollutants from runoff from commercial and residential areas that are discharged from the municipal storm sewer system that are to be implemented during the life of the permit, accompanied with an estimate of the expected reduction of pollutant loads and a proposed schedule for implementing such controls. At a minimum, the description ~~shall-must~~ include: ~~(3-20-20)T~~

(a) A description of maintenance activities and a maintenance schedule for structural controls to reduce pollutants (including floatables) in discharges from municipal separate storm sewers; (3-20-20)T

(b) A description of planning procedures including a comprehensive master plan to develop, implement and enforce controls to reduce the discharge of pollutants from municipal separate storm sewers which receive

discharges from areas of new development and significant redevelopment. Such plan ~~shall~~ **must** address controls to reduce pollutants in discharges from municipal separate storm sewers after construction is completed (controls to reduce pollutants in discharges from municipal separate storm sewers containing construction site runoff are addressed in Subsection 105.18.b.iv.(4)); ~~(3-20-20)T~~

(c) A description of practices for operating and maintaining public streets, roads and highways and procedures for reducing the impact on receiving waters of discharges from municipal storm sewer systems, including pollutants discharged as a result of deicing activities; (3-20-20)T

(d) A description of procedures to assure that flood management projects assess the impacts on the water quality of receiving water bodies and that existing structural flood control devices have been evaluated to determine if retrofitting the device to provide additional pollutant removal from storm water is feasible; (3-20-20)T

(e) A description of a program to monitor pollutants in runoff from operating or closed municipal landfills or other treatment, storage, or disposal facilities for municipal waste, ~~which shall that identifies~~ priorities and procedures for inspections and establishing and implementing control measures for such discharges (this program can be coordinated with the program developed under Subsection 105.18.b.iv.(3)); and ~~(3-20-20)T~~

(f) A description of a program to reduce to the maximum extent practicable, pollutants in discharges from municipal separate storm sewers associated with the application of pesticides, herbicides, and fertilizer which will include, as appropriate, controls such as educational activities, permits, certifications and other measures for commercial applicators and distributors, and controls for application in public right-of-ways and at municipal facilities; (3-20-20)T

(2) A description of a program, including a schedule, to detect and remove (or require the discharger to the municipal separate storm sewer to obtain a separate IPDES permit for) illicit discharges and improper disposal into the storm sewer. The proposed program ~~shall~~ **must** include: ~~(3-20-20)T~~

(a) A description of a program, including inspections, to implement and enforce an ordinance, orders or similar means to prevent illicit discharges to the municipal separate storm sewer system. This program description ~~shall~~ **must** address all types of illicit discharges; however, the following categories of non-storm water discharges or flows ~~shall~~ **must** be addressed where such discharges are identified by the municipality as sources of pollutants to waters of the United States: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration (as defined in Section 010) to separate storm sewers, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water (program descriptions ~~shall~~ **must** address discharges or flows from firefighting only where such discharges or flows are identified as significant sources of pollutants to waters of the United States); ~~(3-20-20)T~~

(b) A description of procedures to conduct on-going field screening activities during the life of the permit, including areas or locations that will be evaluated by such field screens; (3-20-20)T

(c) A description of procedures to be followed to investigate portions of the separate storm sewer system that, based on the results of the field screen, or other appropriate information, indicate a reasonable potential of containing illicit discharges or other sources of non-storm water (such procedures may include: sampling procedures for constituents such as fecal coliform (including *E. coli*), enterococci (previously known as fecal streptococcus), surfactants (MBAS), residual chlorine, fluorides and potassium; testing with fluorometric dyes; or conducting in storm sewer inspections where safety and other considerations allow. Such description ~~shall~~ **must** include the location of storm sewers that have been identified for such evaluation); ~~(3-20-20)T~~

(d) A description of procedures to prevent, contain, and respond to spills that may discharge into the municipal separate storm sewer; (3-20-20)T

(e) A description of a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or water quality impacts associated with discharges from municipal separate storm sewers; (3-20-20)T

(f) A description of educational activities, public information activities, and other appropriate activities

to facilitate the proper management and disposal of used oil and toxic materials; and (3-20-20)T

(g) A description of controls to limit infiltration of seepage from municipal sanitary sewers to municipal separate storm sewer systems where necessary; (3-20-20)T

(3) A description of a program to monitor and control pollutants in storm water discharges to municipal systems from municipal landfills, hazardous waste treatment, disposal and recovery facilities, industrial facilities that are subject to section 313 of title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA), and industrial facilities that the municipal permit applicant determines are contributing a substantial pollutant loading to the municipal storm sewer system. The program ~~shall must~~: (3-20-20)T

(a) Identify priorities and procedures for inspections and establishing and implementing control measures for such discharges; and (3-20-20)T

(b) Describe a monitoring program for storm water discharges associated with the industrial facilities identified in Subsection 105.18.b.iv-(3), to be implemented during the term of the permit, including the submission of quantitative data on the following constituents: any pollutants limited in effluent guidelines subcategories, where applicable; any pollutant listed in an existing NPDES or IPDES permit for a facility; oil and grease, COD, pH, BOD5, TSS, total phosphorus, total Kjeldahl nitrogen, nitrate plus nitrite nitrogen, and any information on discharges required under Subsections 105.07.j. through l.; (3-20-20)T

(4) A description of a program to implement and maintain structural and non-structural best management practices to reduce pollutants in storm water runoff from construction sites to the municipal storm sewer system, ~~which shall that~~ includes: (3-20-20)T

(a) A description of procedures for site planning which incorporate consideration of potential water quality impacts; (3-20-20)T

(b) A description of requirements for nonstructural and structural best management practices; (3-20-20)T

(c) A description of procedures for identifying priorities for inspecting sites and enforcing control measures which consider the nature of the construction activity, topography, and the characteristics of soils and receiving water quality; and (3-20-20)T

(d) A description of appropriate educational and training measures for construction site operators; (3-20-20)T

v. Estimated reductions in loadings of pollutants from discharges of municipal storm sewer constituents from municipal storm sewer systems expected as the result of the municipal storm water quality management program. The assessment ~~shall must~~ also identify known impacts of storm water controls on ground water; (3-20-20)T

vi. For each fiscal year to be covered by the permit, a fiscal analysis of the necessary capital and operation and maintenance expenditures necessary to accomplish the activities of the programs under Subsections 105.18.b.iii. and iv. Such analysis ~~shall must~~ include a description of the source of funds that are proposed to meet the necessary expenditures, including legal restrictions on the use of such funds; (3-20-20)T

vii. Where more than one (1) legal entity submits an application, the application ~~shall must~~ contain a description of the roles and responsibilities of each legal entity and procedures to ensure effective coordination; and (3-20-20)T

viii. Where requirements under Subsections 105.18.a.iv-(5), 105.18.b.ii., 105.18.b.iii-(2), and 105.18.b.iv. are not practicable or are not applicable, the Department may exclude any operator of a discharge from a municipal separate storm sewer which is designated under 40 CFR 122.26(a)(1)(v), (b)(4)(ii) or (b)(7)(ii) from such requirements. The Department ~~shall may~~ not exclude the operator of a discharge from a municipal separate storm sewer identified in Appendix F, G, H or I of 40 CFR Part 122, from any of the permit application requirements under this subsection except where authorized under this section. (3-20-20)T

19. ~~Individual Permit~~ Application Requirements for Industrial and Construction Storm Water Discharges. Application requirements for storm water discharges associated with industrial activity and storm water discharges associated with small construction activity. (3-20-20)T

a. Dischargers of storm water associated with industrial activity and with small construction activity are required to apply for an individual permit or seek coverage under a promulgated storm water general permit. Facilities that are required to obtain an individual permit or any discharge of storm water which the Department is evaluating for designation (see Section 130, General Permits) under 40 CFR 122.26(a)(1)(v) and is not a municipal storm sewer, ~~shall~~ must submit an IPDES application in accordance with the requirements of Section 105 (Application for an Individual IPDES Permit) as modified and consistent with this subsection. (3-20-20)T

b. Except as provided in Subsections 105.19.c. through e., the operator of a storm water discharge associated with industrial activity subject to this section ~~shall~~ must provide: (3-20-20)T

i. A site map showing topography (or indicating the outline of drainage areas served by the outfall(s) covered in the application if a topographic map is unavailable) of the facility including: (3-20-20)T

(1) Each of its drainage and discharge structures; (3-20-20)T

(2) The drainage area of each storm water outfall; (3-20-20)T

(3) Paved areas and buildings within the drainage area of each storm water outfall, each past or present area used for outdoor storage or disposal of significant materials, each existing structural control measure to reduce pollutants in storm water runoff, materials loading and access areas, areas where pesticides, herbicides, soil conditioners and fertilizers are applied, each of its hazardous waste treatment, storage or disposal facilities (including each area not required to have a Resource Conservation and Recovery Act permit which is used for accumulating hazardous waste under 40 CFR 262.34); (3-20-20)T

(4) Each well where fluids from the facility are injected underground; and (3-20-20)T

(5) Springs, and other surface water bodies which receive storm water discharges from the facility; (3-20-20)T

ii. An estimate of the area of impervious surfaces (including paved areas and building roofs) and the total area drained by each outfall (within a mile radius of the facility) and a narrative description of the following: (3-20-20)T

(1) Significant materials that in the three (3) years prior to the submittal of this application have been treated, stored, or disposed in a manner to allow exposure to storm water; (3-20-20)T

(2) Method of treatment, storage or disposal of such materials; materials management practices employed, in the three (3) years prior to the submittal of this application, to minimize contact by these materials with storm water runoff; (3-20-20)T

(3) Materials loading and access areas; (3-20-20)T

(4) The location, manner and frequency in which pesticides, herbicides, soil conditioners and fertilizers are applied; (3-20-20)T

(5) The location and a description of existing structural and non-structural control measures to reduce pollutants in storm water runoff; and (3-20-20)T

(6) A description of the treatment the storm water receives, including the ultimate disposal of any solid or fluid wastes other than by discharge; (3-20-20)T

iii. A certification that all outfalls ~~that should containing~~ storm water discharges associated with industrial activity have been tested or evaluated for the presence of non-storm water discharges which are not covered by an IPDES permit, including a description of the method used, the date of any testing, and the on-site drainage points that were directly observed during a test. Tests for such non-storm water discharges may include smoke tests,

fluorometric dye tests, analysis of accurate schematics, as well as other appropriate tests. ~~The certification shall include a description of the method used, the date of any testing, and the on-site drainage points that were directly observed during a test;~~ (3-20-20)T

iv. Existing information regarding significant leaks or spills of toxic or hazardous pollutants at the facility that have taken place within the three (3) years prior to the submittal of this application; (3-20-20)T

v. Quantitative data based on samples collected during storm events and collected in accordance with Subsection 105.07 from all outfalls containing a storm water discharge associated with industrial activity for the following parameters: (3-20-20)T

(1) Any pollutant limited in an effluent guideline to which the facility is subject; (3-20-20)T

(2) Any pollutant listed in the facility's NPDES or IPDES permit for its process wastewater (if the facility is operating under an existing NPDES or IPDES permit); (3-20-20)T

(3) Oil and grease, pH, BOD5, COD, TSS, total phosphorus, total Kjeldahl nitrogen, and nitrate plus nitrite nitrogen; (3-20-20)T

(4) Any information on the discharge required under Subsections 105.07.j. through l.; (3-20-20)T

(5) Flow measurements or estimates of the flow rate, and the total amount of discharge for the storm event(s) sampled, and the method of flow measurement or estimation; and (3-20-20)T

(6) The date and duration (in hours) of the storm event(s) sampled, rainfall measurements or estimates of the storm event (in inches) which generated the sampled runoff and the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than one-tenth (0.1) inch rainfall) storm event; (3-20-20)T

vi. Operators of a discharge which is composed entirely of storm water are exempt from the requirements of Subsections 105.07.b., 105.07.a.i.(2) through ~~105.07.a.i.(5)~~, 105.07.a.ii., 105.07.a.iii., 105.07.g., 105.07.h., 105.07.i., and 105.07.m.; and (3-20-20)T

vii. Operators of new sources or new discharges (as defined in Section 010, Definitions) which are composed in part or entirely of storm water must include estimates for the pollutants or parameters listed in Subsection 105.19.b.v. instead of actual sampling data, along with the source of each estimate. Operators of new sources or new discharges composed in part or entirely of storm water must provide quantitative data for the parameters listed in Subsection 105.19.b.v. within two (2) years after commencement of discharge, unless such data has already been reported under the monitoring requirements of the IPDES permit for the discharge. Operators of a new source or new discharge which is composed entirely of storm water are exempt from the requirements of Subsections 105.16.a.iii.(2), 105.16.a.iii.(3), and 105.16.b. (3-20-20)T

c. An operator of an existing or new storm water discharge that is associated with industrial activity solely under 40 CFR 122.26(b)(14)(x) or is associated with small construction activity solely under 40 CFR 122.26 (b)(15), is exempt from the requirements of Subsection 105.07 and Subsection 105.19.b. Such operator ~~shall must~~ provide a narrative description of: (3-20-20)T

i. The location (including a map) and the nature of the construction activity; (3-20-20)T

ii. The total area of the site and the area of the site that is expected to undergo excavation during the life of the permit; (3-20-20)T

iii. Proposed measures, including best management practices, to control pollutants in storm water discharges during construction, including a brief description of applicable state and local erosion and sediment control requirements; (3-20-20)T

iv. Proposed measures to control pollutants in storm water discharges that will occur after construction operations have been completed, including a brief description of applicable state or local erosion and sediment control requirements; (3-20-20)T

v. An estimate of the runoff coefficient of the site and the increase in impervious area after the construction addressed in the permit application is completed, the nature of fill material and existing data describing the soil or the quality of the discharge; and (3-20-20)T

vi. The name of the receiving water. (3-20-20)T

d. The operator of an existing or new discharge composed entirely of storm water from an oil or gas exploration, production, processing, or treatment operation, or transmission facility is not required to submit a permit application in accordance with Subsection 105.19.b., unless the facility: (3-20-20)T

i. Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or (3-20-20)T

ii. Has had a discharge of storm water resulting in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or (3-20-20)T

iii. Contributes to a violation of a water quality standard. (3-20-20)T

e. The operator of an existing or new discharge composed entirely of storm water from a mining operation is not required to submit a permit application unless the discharge has come into contact with, any overburden, raw material, intermediate products, finished product, byproduct or waste products located on the site of such operations. (3-20-20)T

f. Applicants ~~shall~~ **must** provide such other information the Department may reasonably require under Subsection 105.07.o. to determine whether to issue a permit and may require any facility subject to Subsection 105.19.c. to comply with Subsection 105.19.b. ~~(3-20-20)T~~

106. INDIVIDUAL PERMIT APPLICATION REVIEW.

(Break)

07. **Impact of Waiver Delay.** If a person required to reapply for a permit submits a waiver request to the ~~EPA-Department~~ more than two hundred ten (210) days before an existing permit expires, and the EPA does not disapprove the waiver request one hundred eighty-one (181) days before the permit expires, the Department will consider the permit application to be complete without the information that is the subject of the waiver request. ~~(3-20-20)T~~

(Break)

109. PUBLIC NOTIFICATION AND COMMENT.

01. **Public Notification.** (3-20-20)T

a. The Department will give notice to the public that: (3-20-20)T

i. A draft permit has been prepared under Subsection 108.01; (3-20-20)T

ii. The Department intends to deny a permit application under Subsection 107.01; (3-20-20)T

iii. A public meeting is scheduled; or (3-20-20)T

iv. An IPDES new source determination has been made. (3-20-20)T

b. A public notice may describe more than one (1) permit or permit action. (3-20-20)T

c. The Department will allow at least thirty (30) days for public comment on the items in the notice, and will provide at least thirty (30) days' notice before the public meeting. Notice of the draft permit and the meeting may be combined and given at the same time. (3-20-20)T

- d. Public notice that a draft permit has been prepared, and any public meeting on the draft permit must be given by the following methods: (3-20-20)T
- i. By mailing a copy of the notice to the following persons, unless any person entitled to receive notice under this subsection waives that person's right to receive notice for any classes and categories of permits: (3-20-20)T
- (1) The applicant, unless there is no applicant for an IPDES general permit; (3-20-20)T
 - (2) Any other agency (including EPA when the draft permit is prepared by the state) that the Department knows has issued or is required to issue a permit for the same facility or activity under the following laws and programs: (3-20-20)T
 - (a) Resource Conservation and Recovery Act, under IDAPA 58.01.05, "Rules and Standards for Hazardous Waste"; (3-20-20)T
 - (b) Underground Injection Control (UIC) Program under Idaho Department of Water Resources as authorized under Idaho Code Title 42 Chapter 39 and regulated under IDAPA 37.03.03, "Rules and Minimum Standards for the Construction and Use of Injection Wells"; (3-20-20)T
 - (c) Clean Air Act, under IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho"; (3-20-20)T
 - (d) Idaho Pollution Discharge Elimination System Program, under IDAPA 58.01.25, "Rules Regulating the Idaho Pollutant Discharge Elimination System Program"; or (3-20-20)T
 - (e) Sludge Management Program, under IDAPA 58.01.16.650, "Wastewater Rules"; and (3-20-20)T
 - (f) Dredge and Fill Permit Program (Clean Water Act section 404); (3-20-20)T
 - (3) Affected federal and state agencies with jurisdiction over fish, shellfish, wildlife, and other natural resources, state historic preservation officers, and any affected Indian tribe; (3-20-20)T
 - (4) Any state agency responsible for plan development under the Clean Water Act sections 208(b)(2), 208(b)(4), or 303(e), and the United States Army Corps of Engineers, the United States Fish and Wildlife Service, and the National Marine Fisheries Service; (3-20-20)T
 - (5) Any user identified in the permit application of a privately owned treatment works; (3-20-20)T
 - (6) Persons on a mailing list developed by: (3-20-20)T
 - (a) Recording those who request in writing to be on the list; (3-20-20)T
 - (b) Soliciting persons for area lists from participants in past permit proceedings in that area; and (3-20-20)T
 - (c) Publishing notice of the opportunity to be on the mailing list on the Department's website and through periodic publication in the local press and in regional and state-funded newsletters, environmental bulletins, state law journals or similar publications. The Department may update the mailing list from time to time by requesting written indication of continued interest from those listed, and may delete from the list the name of any person who fails to respond to the Department's request; (3-20-20)T
 - (7) Any unit of local government having jurisdiction over the area where the facility is proposed to be located; and (3-20-20)T
 - (8) Each state agency having any authority under state law with respect to the construction or operation of the facility; (3-20-20)T
- ii. For a major facility permit, a general permit, and a permit that includes sewage sludge land

application plans, by publishing a notice in a daily or weekly newspaper within the area affected by the facility or activity; and (3-20-20)T

iii. By any other method reasonably calculated to give actual notice of the action in question to the persons potentially affected by it, including press releases or use of any other forum or media to elicit public participation. For IPDES major permits and general permits, in lieu of the requirement for publication of a notice in a daily or weekly newspaper, the Department may publish all notices of activities described in Subsection 109.01.a. to the Department's website. If the Department selects this option for a draft permit, in addition to meeting the requirements in Subsection 109.01.e., the Department will post the draft permit and fact sheet on the website for the duration of the public comment period. The Department will ensure the methods of public notice effectively inform all interested communities and allow access to the permitting process for those seeking to participate. (3-20-20)T

e. A public notice issued under this subsection must contain at least the following information: (3-20-20)T

i. Name and address of the office processing the permit action for which notice is being given and where comments may be submitted; (3-20-20)T

ii. Name and address of the permittee or permit applicant and, if different, of the facility or activity regulated by the permit, except in the case of IPDES draft general permits; (3-20-20)T

iii. A brief description of the business conducted at the facility or activity described in the permit application, or for general permits when there is no application, in the draft permit; (3-20-20)T

iv. Name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit or draft general permit, fact sheet, and the application; (3-20-20)T

v. A brief description of the comment and public meeting procedures required by this subsection and the time and place of any meeting that will be held; if no meeting has already been scheduled, a statement of procedures to request a meeting and other procedures by which the public may participate in the final permit decision; (3-20-20)T

vi. A general description of the location of each existing or proposed discharge point and the name of the receiving water; (3-20-20)T

vii. The sludge use and disposal practices and the location of each sludge TWTDS and use or disposal sites known at the time of permit application; (3-20-20)T

viii. A description of requirements applicable to cooling water intake structures under the Clean Water Act section 316(b), in accordance with 40 CFR 125.80 through 89, 125.90 through 99, and 125.130 through 139; and (3-20-20)T

ix. Directions to the Department's website where interested parties can obtain copies of the draft permit, fact sheet, and the permit application, if any; and (3-20-20)T

f. In addition to the information required by Subsection 109.01.e., the public notice for a draft permit for a discharge for which a request has been filed under the Clean Water Act section 316(a) must include: (3-20-20)T

i. A statement that the thermal component of the discharge is subject to effluent limitations under the Clean Water Act sections 301 or 306, and a brief description, including a quantitative statement, of the thermal effluent limitations proposed under the Clean Water Act sections 301 or 306; (3-20-20)T

ii. A statement that a request has been filed under the Clean Water Act section 316(a), that alternative less stringent effluent limitations may be imposed on the thermal component of the discharge under the Clean Water Act section 316(a), and a brief description, including a quantitative statement, of the alternative effluent limitations, if any, included in the request; and (3-20-20)T

iii. If the applicant has filed an early screening request under 40 CFR 125.72 for a variance under the

Clean Water Act section 316(a), a statement that the applicant has submitted that early screening request. (3-20-20)T

g. In addition to the general public notice described in Subsection 109.01.e., the public notice of a meeting under this section must contain the following information: (3-20-20)T

- i. Reference to the date of previous public notices relating to the permit; (3-20-20)T
- ii. Date, time, and place of the meeting; and (3-20-20)T
- iii. A brief description of the nature and purpose of the meeting, including the applicable rules and procedures. (3-20-20)T

h. The Department ~~shall will~~ mail a copy of the general public notice described in Subsection 109.01.e. to all persons identified in Subsections 109.01.d.i-(1), (2), (3), and (4). ~~(3-20-20)T~~

i. The Department will hold a public meeting whenever the Department finds, on the basis of requests, a significant degree of public interest in a draft permit. The Department may also hold a public meeting if a meeting might clarify one (1) or more issues involved in the permit decision or for other good reason in the Department's discretion. (3-20-20)T

02. Public Comment. (3-20-20)T

a. During the public comment period, any interested person may submit written comments on the draft permit. Written comments ~~shall must~~ be submitted to the person identified in the notice and as specified in Subsection 109.01.e. ~~(3-20-20)T~~

b. During the public comment period, any interested person may request a public meeting if no public meeting has been scheduled. The Department ~~shall will~~ schedule and hold a public meeting if the Department determines that significant public interest exists in the draft permit. ~~(3-20-20)T~~

i. A request for a public meeting ~~shall must~~ be in writing and ~~must~~ be submitted to the Department within fourteen (14) days after the date of the public notice required by Subsection 109.01. ~~(3-20-20)T~~

ii. If a public meeting is held for the purpose of receiving comments, the Department will make an audio recording or hire a court reporter to record the meeting and ~~shall will~~ prepare a transcript of the meeting if an appeal is filed. ~~(3-20-20)T~~

c. If, during the comment period for an IPDES draft permit, the district engineer of the United States Army Corps of Engineers advises the Department in writing that anchorage and navigation of any of the waters of the United States would be substantially impaired by the granting of a permit, the Department will deny the permit and notify the applicant of the denial. If the district engineer advises the Department that imposing specified conditions upon the permit is necessary to avoid any substantial impairment of anchorage or navigation, the Department will include the specified conditions in the permit. Review or appeal of denial of a permit or of conditions specified by the district engineer must be sought through the applicable procedures of the United States Army Corps of Engineers and not through the state procedures. If a court of competent jurisdiction stays the conditions or if applicable procedures of the United States Army Corps of Engineers result in a stay of the conditions, those conditions must be considered stayed in the IPDES permit for the duration of the stay. (3-20-20)T

d. If, during the comment period for an IPDES draft permit, the United States Fish and Wildlife Service, the National Marine Fisheries Service, or any other state or federal agency with jurisdiction over fish, wildlife, or public health advises the Department in writing that the imposition of specified conditions upon the permit is necessary to avoid substantial impairment of fish, shellfish, or wildlife resources, the Department may include the specified conditions in the permit to the extent the Department determines they are necessary to comply with the provisions of the Clean Water Act. (3-20-20)T

e. In some cases, the Department may confer with one (1) or more of the agencies referred to in Subsections 109.02.c. and 109.02.d. before issuing a draft permit and may set out an agency's view in the fact sheet or the draft permit. (3-20-20)T

f. The Department will consider all comments in making the final decision and will answer the comments as provided in this subsection. (3-20-20)T

g. Requests for extending a public comment period must be received in writing by the Department prior to the last day of the comment period. (3-20-20)T

h. After the close of the public comment period and prior to the issuance of the final permit decision, the Department ~~shall will~~ afford the permit applicant an opportunity to provide additional information to respond to public comments. In addition, in order to respond to comments, the Department may request the applicant provide additional information. (3-20-20)T

03. Response to Comments. When the Department issues a final permit, the Department will issue a response to comments, ~~which must that will~~ be available to the public. The response must: (3-20-20)T

a. Specify which provisions, if any, of the draft permit have been changed in the final permit decision, and the reasons for the change; and (3-20-20)T

b. Briefly describe and respond to all significant comments on the draft permit raised during the public comment period, or during any meeting. (3-20-20)T

110. FEE SCHEDULE FOR IPDES PERMITTED FACILITIES.

01. Effective Date. Annual fees ~~shall-must~~ be paid for each fee year beginning one (1) year after the effective date of the IPDES program for the affected category of discharger and continuing for each succeeding year. (3-20-20)T

02. Fee Schedule. (3-20-20)T

a. Publicly and privately owned treatment works, and any other discharger designated by the Department (Subsection 105.11.a.), ~~shall-must~~ pay an annual fee based on the number of equivalent dwelling units (EDUs). The fee ~~shall be is~~ \$1.74 per EDU. EDUs and the appropriate annual fee will be calculated according to the definition of EDUs in Section 010 by the following: (3-20-20)T

i. The Department calculates facility EDUs ~~according to the definition of EDUs in Section 010~~; or (3-20-20)T

ii. Existing facilities may annually report to the Department the number of EDUs served; or (3-20-20)T

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. (3-20-20)T

b. All other permitted IPDES dischargers, excluding small scale suction dredges, ~~shall-must~~ pay an annual fee, an application fee, or both according to the following schedule:

Permit Type	Application	Annual
Industrial-Non-POTW Individual Permits		
Major	\$0	\$13,000
Minor	\$0	\$4,000

<u>Permit Type</u>	<u>Application</u>	<u>Annual</u>
Storm Water <u>General</u> Permits		

Construction (CGP)		
1-10 acres¹	\$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

¹This includes NOIs for construction that will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.

~~(3-20-20)T~~

03. Fee Assessment.

(3-20-20)T

a. An annual fee assessment will be generated for each IPDES-permitted facility for which an annual fee is required as set forth in Subsection 110.02. Annual fees will be determined based on the twelve (12) months between October 1 and September 30 of the following calendar year.

(3-20-20)T

b. Application Fees and Annual Fees:

~~(3-20-20)T~~

i. Application fees, as identified in Subsection 110.02.b., are assessed at the time of application for coverage under an individual permit, or notice of intent for coverage under a general permit.

(3-20-20)T

ii. 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 through September) immediately following the receipt of the application or notice of intent for coverage.

(3-20-20)T

c. Assessment of annual fees will consider the number of months a permittee was covered under either a general or an individual permit in a given year (October through September of the following calendar year). If the permittee was covered for less than a full twelve (12) months, the assessed fee shall will be pro-rated to account for less than a full year's coverage under the permit.

~~(3-20-20)T~~

04. Billing. For those permitted facilities subject to an annual fee, the annual fee shall will be assessed and a statement will be mailed by the Department on or before July 1 of each year.

~~(3-20-20)T~~

05. Payment.

(3-20-20)T

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

~~(3-20-20)T~~

b. If a POTW serves five hundred seventy-five (575) EDUs or more, the facility 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.

(3-20-20)T

i. The Department will notify an applicable POTW, in writing, of approval or denial of a requested

monthly or quarterly installment plan within ten (10) business days of the Department receiving such a request. (3-20-20)T

ii. If a POTW has been approved to pay monthly installments then each installment ~~shall be is~~ due by the first day of each month, unless it is a Saturday, a Sunday, or a legal holiday, in which event the installment ~~shall be is~~ due on the ~~successive-next~~ business day. (3-20-20)T

iii. If a POTW has been approved to pay quarterly installments then each installment ~~shall be is~~ due by the first day of the month of each quarter (October 1, January 1, April 1, and July 1), unless it is a Saturday, a Sunday, or a legal holiday, in which event the installment ~~shall be is~~ due on the ~~first successive next~~ business day. (3-20-20)T

c. Payment of the application fee is due with the application for an individual permit or notice of intent for coverage under a general permit. (3-20-20)T

06. Delinquent Unpaid Fees. A permittee covered under either a general permit or an individual permit will be delinquent in payment if the annual fee assessed has not been received by the Department by November 1; or if having first opted to pay monthly or quarterly installments, its monthly or quarterly installment has not been received by the Department by the last day of the month in which the monthly or quarterly payment is due. (3-20-20)T

07. Suspension of Services and Disapproval Designation. ~~For any permittee delinquent in payment of fees assessed under Subsections 110.02 and 110.06;~~ (3-20-20)T

a. ~~For any permittee delinquent in payment of fee assessed under Subsections 110.02 and 110.06, in~~ excess of ninety (90) days, ~~technical services provided by the Department shall be will~~ suspended ~~all technical services it provides~~. The permittee will ~~be informed of the fee delinquency in receive~~ a warning letter, ~~which shall that~~ identifies administrative enforcement actions the Department may pursue if the permittee does not comply with the terms of the permit. (3-20-20)T

b. ~~For any permittee delinquent in payment of fee assessed under Subsections 110.02 and 110.06, in~~ excess of one hundred and eighty (180) days, the Department ~~shall suspend all technical services provided by the Department and will~~ consider the permittee in non-compliance with permit conditions and these rules, and subject to provisions described in Section 500 (Enforcement) of these rules. (3-20-20)T

08. Reinstatement of Suspended Services and Approval Status. For any permittee for which delinquency of fee payment pursuant to Subsection 110.07 has resulted in the suspension of technical services, determination of non-compliance of permit condition, or both, the continuation of technical services, determination of compliance based on payment of fee, or both will occur upon payment of delinquent annual fee assessments. (3-20-20)T

09. Enforcement Action. Nothing in Section 110 (Fee Schedule for IPDES Permitted Facilities) waives the Department's right to undertake a non-fee related enforcement action at any time, including seeking penalties, as provided in Sections 39-108, 39-109, and 39-117, Idaho Code. (3-20-20)T

10. Responsibility to Comply. Subsection 110.07 ~~shall in no way does not~~ relieve any permittee from its obligation to comply with all applicable state and federal statutes, rules, regulations, permits, or orders. (3-20-20)T

(Break)

130. GENERAL PERMITS.

01. Coverage. The Department may issue a general permit in accordance with the following:(3-20-20)T

a. Within a geographic area, the general permit ~~shall will~~ be written to cover one (1) or more categories or subcategories of discharges or sludge use or disposal practices or facilities described in the permit under Subsection 130.01.b.ii., except those covered by individual permits within a geographic area. The area should correspond to existing geographic or political boundaries such as: (3-20-20)T

i. Designated planning areas under the Clean Water Act sections 208 and 303; (3-20-20)T

- ii. Sewer districts or sewer authorities; (3-20-20)T
- iii. City, county, or state political boundaries; (3-20-20)T
- iv. State highway systems; (3-20-20)T
- v. Standard metropolitan statistical areas as defined by state or federal agencies; (3-20-20)T
- vi. Urbanized areas as designated by the U.S. Census Bureau; or (3-20-20)T
- vii. Any other appropriate division or combination of boundaries. (3-20-20)T

b. The general permit may be written to regulate one (1) or more categories or subcategories of discharges or sludge use or disposal practices or facilities, within the area described in Subsection 130.01.a., where the sources within a covered subcategory of discharges are either: (3-20-20)T

- i. Storm water point sources; or (3-20-20)T
- ii. One (1) or more categories or subcategories of point sources other than storm water point sources or TWTDS, if the point sources or TWTDS within each category or subcategory all: (3-20-20)T
 - (1) Involve the same or substantially similar types of operations; (3-20-20)T
 - (2) Discharge the same types of wastes or engage in the same types of sludge use or disposal practices; (3-20-20)T
 - (3) Require the same effluent limitations, operating conditions, or standards for sewage sludge use or disposal; (3-20-20)T
 - (4) Require the same or similar monitoring; and (3-20-20)T
 - (5) In the opinion of the Department, are more appropriately controlled under a general permit than under individual permits. (3-20-20)T

c. Where sources within a specific category or subcategory of dischargers are subject to water quality-based limits imposed pursuant to Section 302 (Establishing Permit Provisions), the sources in that specific category or subcategory ~~shall be~~ **are** subject to the same water quality-based effluent limitations. ~~(3-20-20)T~~

- d.** Other requirements: (3-20-20)T
 - i. The general permit must clearly identify the applicable conditions for each category or subcategory of dischargers or TWTDS covered by the permit; and (3-20-20)T
 - ii. The general permit may exclude specified sources or areas from coverage. (3-20-20)T
 - iii. For general permits issued under Subsection 130.01.b. for small MS4s, the Department must establish the terms and conditions necessary to meet the requirements of 40 CFR 122.34 using one (1) of the two (2) permitting approaches described in Subsections 130.01.d.iii-(1) and (2). The Department must indicate in the permit or fact sheet which approach is being used. ~~(3-20-20)T~~

(Break)

05. Administration. (3-20-20)T

a. General permits may be issued, modified, revoked and reissued, or terminated in accordance with Sections 201 (Modification, or Revocation and Reissuance of IPDES Permits) and 203 (Termination of IPDES Permits). (3-20-20)T

b. Authorization to discharge, or authorization to engage in sludge use and disposal practices ~~shall will~~ follow these procedures: (3-20-20)T

i. Except as provided in Subsections 130.05.b.xi. and 130.05.b.xii., a discharger ~~shall-must~~ submit, in accordance with general permit requirements, a complete and timely notice of intent which will fulfill the requirements for permit applications; (3-20-20)T

ii. A discharger (or TWTDS) who fails to submit a notice of intent in accordance with the terms of the permit is not authorized to discharge (or in the case of sludge disposal permit, to engage in a sludge use or disposal practice) under the terms of the general permit unless: (3-20-20)T

(1) The general permit, in accordance with Subsections 130.05.b.xi., contains a provision that a notice of intent is not required; or (3-20-20)T

(2) The Department notifies a discharger (or TWTDS) that it is covered by a general permit in accordance with Subsection 130.05.b.xii.; (3-20-20)T

iii. All notices of intent ~~shall-must~~ be signed as required in Section 090 (Signature Requirements); (3-20-20)T

iv. The ~~general permit will specify the~~ contents of the notice of intent ~~shall be specified in the general permit~~ and ~~shall~~ require the submission of information necessary for adequate program implementation, including at a minimum: (3-20-20)T

(1) The legal name, address, and EIN ~~or Department equivalent~~ of the owner or operator; (3-20-20)T

(2) The facility name and address; (3-20-20)T

(3) Type of facility or discharges; and (3-20-20)T

(4) The receiving stream(s); (3-20-20)T

(Break)

203. TERMINATION OF IPDES PERMITS.

01. Request to Terminate or Termination Initiated by the Department. Permits may be terminated either at the request of any interested person (including the permittee) or upon the Department's own initiative. However, permits may only be terminated for the reasons specified in Subsection 203.03 or 203.04. (3-20-20)T

a. Request for termination by persons other than the permittee ~~shall-must~~ be submitted in writing to the Department. (3-20-20)T

b. As of December 21, 2020, all NOTs submitted in compliance with this section must be submitted electronically by the permittee to the Department in compliance with this section and 40 CFR Part 127 unless waived pursuant to 40 CFR 127.15. 40 CFR Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR Part 127, the permittee may be required to report electronically if specified by a particular permit. (3-20-20)T

02. Tentative Permit Termination. Except as provided in Subsection 203.04, if the Department tentatively decides to terminate a permit under Subsection 203.03, the Department ~~shall will~~ issue a notice of intent to terminate. A notice of intent to terminate ~~shall will~~ be available for public comment, and the Department ~~shall will~~ give notice of an opportunity for public meetings, as specified in Section 109 (Public Notification and Comment). (3-20-20)T

03. Cause to Terminate Permits. The following are causes for terminating a permit during its term, or for denying a permit renewal application: (3-20-20)T

a. Noncompliance by the permittee with any condition of the permit; (3-20-20)T

b. The permittee's failure in the application or during the permit issuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time; (3-20-20)T

c. A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination; or (3-20-20)T

d. A change in any condition that requires either a temporary or permanent reduction or elimination of any discharge or sludge use or disposal practice controlled by the permit (for example, plant closure or termination of discharge by connection to a POTW), or other situations where the Department has sufficiently reliable basis for determining discharge will cease. (3-20-20)T

04. Expedited Termination Process for Terminated or Eliminated Discharge. If the entire discharge is permanently terminated by elimination of the flow or by connection to a POTW (but not by land application or disposal into a well), the Department may terminate the permit by notice to the permittee. (3-20-20)T

a. Termination by notice ~~shall be~~ **becomes** effective thirty (30) days after notice is sent (expedited permit termination), unless the permittee objects within that time. (3-20-20)T

b. If the permittee objects during that period, the Department ~~shall will~~ follow procedures for termination in Subsection 203.02. (3-20-20)T

c. Expedited permit termination procedures are not available to permittees that are subject to pending state and/or federal enforcement actions including citizen suits brought under federal law. If requesting expedited permit termination procedures, a permittee must certify that it is not subject to any pending state or federal enforcement actions including citizen suits brought under federal law. (3-20-20)T

(Break)

205. CONTESTED PERMIT CONDITIONS.

01. Force and Effect of Conditions. As provided in Subsection 206.01, if an appeal of a permit decision is filed under Section 204 (Appeals Process), the force and effect of the contested conditions of the permit ~~shall be~~ **are** stayed until final Department action. The Department must notify the discharger and all interested parties of the uncontested conditions of the permit that are enforceable obligations of the discharger in accordance with Subsection 206.01.c. (3-20-20)T

02. Control Technologies. When effluent limitations are contested, but the underlying control technology is not, the notice must identify the installation of the technology in accordance with the permit compliance schedules as an uncontested, enforceable obligation of the permit. (3-20-20)T

03. Combination of Technologies. When a combination of technologies is contested, but a portion of the combination is not contested, that portion must be identified as uncontested if compatible with the combination of technologies proposed by the requester. (3-20-20)T

04. Inseverable Conditions. Uncontested conditions, if inseverable from a contested condition, must be considered contested. (3-20-20)T

05. Enforceable Dates. Uncontested conditions ~~shall~~ become enforceable thirty (30) days after the date of notice under Subsection 205.01. (3-20-20)T

06. Uncontested Conditions. Uncontested conditions ~~shall~~ include: (3-20-20)T

a. Preliminary design and engineering studies or other requirements necessary to achieve the final permit conditions which do not entail substantial expenditures; and (3-20-20)T

b. Permit conditions which will have to be met regardless of the outcome of the appeal under Section 204 (Appeals Procedure). (3-20-20)T

206. STAYS OF CONTESTED PERMIT CONDITIONS.

01. Stays. (3-20-20)T

a. If a Petition for Review of an IPDES permit under Section 204 (Appeals Process) is filed, the effect of the contested permit conditions ~~shall be~~ **are** stayed ~~and will not be subject to judicial review~~ pending final Department action. Uncontested permit conditions ~~shall be~~ **are** stayed only until the date specified in Subsection 206.01.b. If the permit involves a new facility or new injection well, new source, new discharger or a recommencing discharger, the applicant will not be issued a permit for the proposed new facility, injection well, source or discharger pending final Department action. (3-20-20)T

b. Uncontested conditions which are not severable from those contested ~~shall be~~ **are** stayed together with the contested conditions. The Department must identify the stayed provisions of permits for existing facilities, injection wells, and sources. All other provisions of the permit for the existing facility, injection well, or source become fully effective and enforceable thirty (30) days after the date of the notification required in Subsection 206.01.c. (3-20-20)T

c. As soon as possible after receiving notification from the Hearing Coordinator of the filing of a Petition for Review, the Department must notify the Hearing Authority, the applicant, and all other parties of the uncontested (and severable) conditions of the final permit that will become fully effective enforceable obligations of the permit as of the date specified in Subsection 206.01.b., and the notice must comply with the requirements of Section 205 (Contested Permit Conditions). (3-20-20)T

02. Stays Based on Cross Effects. (3-20-20)T

a. The Department may grant a stay based on the grounds that an appeal to the Hearing Authority under Section 204 (Appeals Process) of one permit may result in changes to another Department-issued IPDES permit only when each of the permits involved has been appealed to the Department. (3-20-20)T

b. No stay of an EPA-issued NPDES permit ~~shall~~ **may** be granted based on the staying of any Department-issued IPDES permit except at the discretion of the EPA Region 10 Administrator and only upon written request from the Department. (3-20-20)T

03. Permittee Responsibilities. Any facility or activity holding an existing permit must: (3-20-20)T

a. Comply with the conditions of that permit during any modification or revocation and reissuance proceeding under Section 201 (Modification, or Revocation and Reissuance of IPDES Permits); and (3-20-20)T

b. To the extent conditions of any new permit are stayed under this section, comply with the conditions of the existing permit which correspond to the stayed conditions, unless compliance with the existing conditions would be technologically incompatible with compliance with other conditions of the new permit which have not been stayed. (3-20-20)T

207. -- 299. (RESERVED)

300. CONDITIONS APPLICABLE TO ALL PERMITS.

The following conditions apply to all IPDES permits. Additional conditions applicable to IPDES permits are in Sections 301 (Permit Conditions for Specific Categories), 302 (Establishing Permit Provisions), and 40 CFR 122.42(e). All conditions applicable to IPDES permits ~~shall~~ **will** be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation must be given in the permit. (3-20-20)T

(Break)

12. Reporting Requirements. (3-20-20)T

a. The permittee ~~shall~~ **must** give notice to the Department as soon as possible of any planned physical alterations or additions to the permitted facility. ~~Notice is required only when if:~~ (3-20-20)T

i. The alteration or addition to a permitted facility may meet one (1) of the criteria for determining

whether a facility is a new source as defined in Section 120 (New Sources and New Discharges) and 010 (Definitions); (3-20-20)T

ii. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under Subsection 301.01.a.; or (3-20-20)T

iii. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites: (3-20-20)T

(1) Not reported during the permit application process, or (3-20-20)T

(2) Not reported pursuant to an approved land application or sludge disposal plan. (3-20-20)T

b. The permittee ~~shall~~**must** give advance notice to the Department of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements. (3-20-20)T

c. The permit is not transferable to any person except after notice to the Department. The Department may ~~require modification or revocation and reissuance of the~~ **modify or revoke and reissue a** permit to change the name of the permittee and incorporate such other requirements as may be necessary under Section 202 (Transfer of IPDES Permits). (3-20-20)T

d. Monitoring results ~~shall~~**must** be reported at the intervals specified in the permit, **and meet the following requirements:** (3-20-20)T

i. Monitoring results ~~must~~**will** be reported on a Discharge Monitoring Report (DMR) or forms (which may be electronic) provided or specified by the Department for reporting results of monitoring of sludge use or disposal practices. All reports and forms submitted in compliance with this section must be submitted electronically by the permittee to the Department in compliance with this section and 40 CFR Part 127 unless waived pursuant to 40 CFR 127.15. 40 CFR Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR Part 127, permittees may be required to report electronically if specified by a particular permit. (3-20-20)T

ii. If the permittee monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136, or another method required for an industry-specific waste stream specified in the permit or under 40 CFR Part 401 through 471 or Part 501 through Part 503, the results of such monitoring ~~shall~~**will** be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by the Department. (3-20-20)T

iii. Calculations for all limitations which require averaging of measurements ~~shall~~**will** utilize an arithmetic mean unless otherwise specified by the Department in the permit. (3-20-20)T

e. A permittee must submit reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of the permit no later than fourteen (14) days following each schedule date of each requirement. As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Department in compliance with this section and 40 CFR Part 127 unless waived pursuant to 40 CFR 127.15. 40 CFR Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR Part 127, permittees may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section by a particular permit. The Director may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (3-20-20)T

f. The permittee ~~shall~~**must** report to the Department any noncompliance which may endanger health or the environment as follows: (3-20-20)T

i. ~~Any information shall be provided orally within twenty-four (24) hours from the time the permittee becomes aware of the circumstances~~ **Within twenty-four (24) hours from the time the permittee becomes aware of the**

circumstances, provide any information orally; (3-20-20)T

ii. ~~A written submission shall also be provided within five (5) days of the time the permittee becomes aware of the circumstances. The written submission shall~~ Within five (5) days of the time the permittee becomes aware of the circumstances, provide a written submission that contains a description of: (3-20-20)T

- (1) The noncompliance and its cause; (3-20-20)T
- (2) The period of noncompliance, including exact dates and times; (3-20-20)T
- (3) If the noncompliance has not been corrected, the anticipated time it is expected to continue; and (3-20-20)T
- (4) Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance; (3-20-20)T

(5) For noncompliance events related to combined sewer overflows, sanitary sewer overflows, or bypass events, these reports must include the data described in Subsections 300.12.f.ii(1) through (4), as well as the type of event (combined sewer overflows, sanitary sewer overflows, or bypass events), type of sewer overflow structure (e.g., manhole, combine sewer overflow outfall), discharge volumes untreated by the treatment works treating domestic sewage, types of human health and environmental impacts of the sewer overflow event, and whether the noncompliance was related to wet weather.

~~(5)~~ As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Department in compliance with this section and 40 CFR Part 127 unless waived pursuant to 40 CFR 127.15. 40 CFR Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR Part 127, permittees may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section by a particular permit. The Director may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (3-20-20)T

iii. The following ~~shall be included as~~ information ~~which~~ must be reported within twenty-four (24) hours: (3-20-20)T

- (1) Any unanticipated bypass which exceeds any effluent limitation in the permit (see Subsection 300.07, Property Rights); (3-20-20)T
- (2) Any upset which exceeds any effluent limitation in the permit; and (3-20-20)T
- (3) Violation of a maximum daily discharge limitation for any of the pollutants listed by the Department in the permit to be reported within twenty-four (24) hours (see Subsection 302.09, Twenty-Four Hour Reporting); and (3-20-20)T

iv. The Department may waive the written report on a case-by-case basis for reports under Subsection 300.12.f.iii. if the oral report has been received within twenty-four (24) hours. (3-20-20)T

g. The permittee ~~shall~~ must report all instances of noncompliance not reported under Subsections 300.12.d., e., and f., at the time monitoring reports are submitted. The reports of noncompliance ~~shall~~ must contain the information listed in Subsection 300.12.f. As of December 21, 2020, all reports related to combined sewer overflows, sanitary sewer overflows, or bypass events submitted in compliance with this section must be submitted electronically by the permittee to the Department in compliance with this section and 40 CFR Part 127 unless waived pursuant to 40 CFR 127.15. 40 CFR Part 127 is not intended to undo existing requirements for electronic reporting. Prior to this date, and independent of 40 CFR Part 127, permittees may be required to electronically submit reports related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section by a particular permit. The Director may also require permittees to electronically submit reports not related to combined sewer overflows, sanitary sewer overflows, or bypass events under this section. (3-20-20)T

h. Where the permittee becomes aware that it failed to submit any relevant facts in a permit

application, or submitted incorrect information in a permit application or in any report to the Department, it ~~shall must~~ promptly submit such facts or correct information. ~~(3-20-20)T~~

(Break)

14. Upset Terms and Conditions. (3-20-20)T

a. In any enforcement action for noncompliance with technology-based permit effluent limitations, a permittee may claim upset, as defined in Section 010 (Definitions), as an affirmative defense. A permittee seeking to establish the occurrence of an upset has the burden of proof. (3-20-20)T

b. Any determination made in administrative review of a claim that noncompliance was caused by upset, before an action for noncompliance is commenced, is not final administrative action subject to judicial review. (3-20-20)T

c. The following conditions are necessary for a permittee to demonstrate that an upset occurred. A permittee who wishes to establish the affirmative defense of upset ~~shall must~~ demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that: ~~(3-20-20)T~~

i. An upset occurred and that the permittee can identify the cause(s) of the upset; (3-20-20)T

ii. The permitted facility was at the time being properly operated; (3-20-20)T

iii. The permittee submitted twenty-four (24)-hour notice of the upset as required Subsection 300.12.f.iii-(2); and ~~(3-20-20)T~~

iv. The permittee complied with any remedial measures required under Subsection 300.04. (3-20-20)T

(Break)

302. ESTABLISHING PERMIT PROVISIONS.

The Department ~~shall will~~ establish conditions, as required on a case-by-case basis, to provide for and ensure compliance with all applicable requirements of the Clean Water Act and state rules. ~~These shall, includinge~~ conditions under Section 101 (duration of permits), Section 305 (compliance schedules), Section 304 (monitoring), and electronic reporting requirements identified under 40 CFR Part 127. An IPDES permit must include conditions meeting the following requirements, when applicable, in addition to other applicable sections of these rules. ~~(3-20-20)T~~

(Break)

09. Twenty-Four (24) Hour Reporting. A permit ~~shall will~~ list pollutants for which the permittee is required to report violations of maximum daily discharge limitations within twenty-four (24) hours under Subsection 300.12.f.iii-(3). ~~This list shall, includinge~~ any toxic pollutant or hazardous substance, or any pollutant specifically identified as the method to control a toxic pollutant or hazardous substance. ~~(3-20-20)T~~

(Break)

303. CALCULATING PERMIT PROVISIONS.

(Break)

07. Pollutant Credits for Intake Water. (3-20-20)T

a. The following definitions apply to the consideration of intake credits in determining reasonable potential and establishing technology based and water quality based effluent limits for IPDES permits. (3-20-20)T

i. An intake pollutant is the amount of a pollutant that is present in waters of the United States (including ground water as provided in Subsection 303.07.a.iv.) at the time water is removed from the same body of

water by the discharger or other facility supplying the discharger with intake water. (3-20-20)T

ii. An intake pollutant must be from the same body of water as the discharge in order to be eligible for an intake credit. An intake pollutant is considered to be from the same body of water as the discharge if the Department finds that the intake pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee. This finding will be established if: (3-20-20)T

(1) The background concentration of the pollutant in the receiving water (excluding any amount of the pollutant in the facility's discharge) is similar to that in the intake water; (3-20-20)T

(2) There is a direct hydrological connection between the intake and discharge points; and (3-20-20)T

(3) Water quality characteristics (e.g., temperature, pH, hardness) are similar in the intake and receiving waters. (3-20-20)T

iii. The Department may also consider other site-specific factors relevant to the transport and fate of the pollutant to make the finding in a particular case that a pollutant would or would not have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee. (3-20-20)T

iv. An intake pollutant from ground water may be considered to be from the same body of water if the Department determines that the pollutant would have reached the vicinity of the outfall point in the receiving water within a reasonable period had it not been removed by the permittee, except that such a pollutant is not from the same body of water if the ground water contains the pollutant partially or entirely due to human activity, such as industrial, commercial, or municipal operations, disposal actions, or treatment processes. (3-20-20)T

v. The determinations made under Subsections 303.07.b. and c. will be made on a pollutant-by-pollutant and outfall-by-outfall basis. (3-20-20)T

vi. These provisions do not alter Department's obligation under Subsection 302.06.a.vii-(2) to develop effluent limitations consistent with the assumptions and requirements of any available waste load allocations for the discharge, that is part of a TMDL prepared by the Department and approved by EPA pursuant to 40 CFR 130.7, or prepared by EPA pursuant to 40 CFR 130.7(d). ~~(3-20-20)T~~

(Break)

310. VARIANCES.

01. Variance Requests by non-POTWs. (3-20-20)T

a. A discharger which is not a POTW may request a variance from otherwise applicable effluent limitations under the following statutory or regulatory provisions, within the times specified in this subsection. (3-20-20)T

i. A request for a variance based on the presence of fundamentally different factors from those on which the effluent limitations guideline was based ~~shall~~ **must** be filed as follows: ~~(3-20-20)T~~

(1) For a request from best practicable control technology currently available (BPT), by the close of the public comment period under Section 109 (Public Notification and Comment); or (3-20-20)T

(2) For a request from best available technology economically achievable (BAT) and/or best conventional pollutant control technology (BCT), by no later than one hundred eighty (180) days after the date on which an effluent limitation guideline is published in the Federal Register for a request based on an effluent limitation guideline promulgated on or after February 4, 1987. (3-20-20)T

ii. The request ~~shall~~ **must** explain how the requirements of the applicable regulatory and/or statutory criteria have been met. ~~(3-20-20)T~~

b. An applicant may request a variance for non-conventional pollutants under this section for the following: (3-20-20)T

i. A variance from the BAT requirements for Clean Water Act section 301(b)(2)(F) pollutants (commonly called non-conventional pollutants) pursuant to the Clean Water Act section 301(c) because of the economic capability of the owner or operator; or (3-20-20)T

ii. A variance pursuant to the Clean Water Act section 301(g) provided: (3-20-20)T

(1) The variance may only be requested for ammonia; chlorine; color; iron; total phenols (4AAP), when determined by the EPA Administrator to be a pollutant covered by the Clean Water Act section 301(b)(2)(F); and (3-20-20)T

(2) Any other pollutant which the EPA Administrator lists under the Clean Water Act section 301(g)(4). (3-20-20)T

c. The request for variance as outlined in Subsection 310.01.b. must be made as follows: (3-20-20)T

i. For those requests for a variance from an effluent limitation based upon an effluent limitation guideline, by submitting an initial request to the Department no later than two hundred seventy (270) days after promulgation of the applicable effluent limitation guideline followed by a completed request no later than the close of the public comment period under Section 109 (Public Notification and Comment). (3-20-20)T

(1) The initial request to the Department ~~shall~~ **must** contain: ~~(3-20-20)T~~

(a) The name of the discharger; (3-20-20)T

(b) The permit number; (3-20-20)T

(c) The outfall number(s); (3-20-20)T

(d) The applicable effluent guideline; and (3-20-20)T

(e) Whether the discharger is requesting a Clean Water Act section 301(c) or section 301(g) modification or both. (3-20-20)T

(2) The completed request ~~shall~~ **must** demonstrate that the applicable requirements of 40 CFR Part 125 have been met. Notwithstanding this provision, the complete application for a request under ~~the~~ Clean Water Act section 301(g) ~~shall~~ **must** be filed one hundred eighty (180) days before the Department must make a decision (unless the Department establishes a shorter or longer period). ~~(3-20-20)T~~

ii. For those requests for a variance from effluent limitations not based on effluent limitation guidelines, the request need only comply with Subsection 310.01.c.i.(2) and need not be preceded by an initial request under Subsection 310.01.c.i.(1). ~~(3-20-20)T~~

(Break)

601. -- 999. (RESERVED)