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**IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY**

**REUSE PERMIT**

**WRU M-028-3**

**(formerly LA-000028-03)**

University of Idaho (hereafter “permittee”) is hereby authorized to construct, install, and operate a reuse facility in accordance with 1) this permit; 2) IDAPA 58.01.17–*Recycled Water Rules*; 3) an approved plan of operation; and 4) all other applicable federal, state, and local laws, statutes and rules. This permit is effective from the date of signature and expires on **(120 months from issue date)**.

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Signature

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Date

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Clayton Steele  
Regional Administrator  
Lewiston Regional Office  
Idaho Department of Environmental Quality

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## 1. Abbreviations and Definitions

<b>CA</b>	compliance activity
<b>CFU</b>	colony forming units
<b>COD</b>	chemical oxygen demand
<b>CQA</b>	construction quality assurance
<b>DEQ</b>	Idaho Department of Environmental Quality
<b>Director</b>	Director of the Idaho Department of Environmental Quality or the Director's Designee unless otherwise specified
<b>Ei</b>	irrigation efficiency
<b>FM</b>	flow monitoring
<b>GW</b>	ground water
<b>GWQR</b>	Ground Water Quality Rule
<b>HMU</b>	hydraulic management unit
<b>IDAPA</b>	Idaho Administrative Procedures Act.
<b>IWR</b>	irrigation water requirement
<b>LG</b>	lagoons
<b>MG</b>	million gallons
<b>MU</b>	management unit
<b>NTU</b>	nephelometric turbidity unit
<b>NVDS</b>	non-volatile (fixed) dissolved solids
<b>PS</b>	point serial (plant tissue monitoring)
<b>PO</b>	plan of operation
<b>QAPP</b>	quality assurance project plan
<b>SU</b>	soil monitoring unit
<b>WW</b>	wastewater

## 2. Facility Information

Information type	Information specific for this permit
Type(s) of recycled water (check relevant boxes)	<input checked="" type="checkbox"/> Municipal  <input type="checkbox"/> Industrial
Facility location address	709 S Deakin Ave, Moscow, ID 83843 Latah County
Facility mailing address and phone and fax	P.O. Box 442281 Moscow, Idaho 83844-2281 (208) 885-6246; (208) 885-5748
Facility contact information	Joseph Kline, P.E. Director of Utilities and Engineering (208) 885-6246 facilities@uidaho.edu

## 3. Compliance Schedule for Required Activities

Compliance activity number and Completion due date	Compliance activity description
CA-028-01 One (1) year after permit issuance	<p><b>Plan of Operation:</b> Permittee shall submit to DEQ for review and approval a Plan of Operations (PO). The Plan of Operations shall comply with requirements stated in IDAPA 58.01.17.300.05. The Plan of Operations should generally include or address all of the information in the latest revision of the Plan of Operation Checklist, found in Section 1.9.3, page 1-72, of DEQ's "<i>Guidance for Wastewater Reclamation and Reuse</i>".</p> <p>The plan shall include a Quality Assurance Project Plan (QAPP) for monitoring required in this permit. The plan shall cover field activities; data verification and validation; data storage; retrieval and assessment; and monitoring program evaluation and improvement.</p> <p>The approved Plan of Operation will be included by reference and shall be an enforceable part of this permit.</p>

Compliance activity number and Completion due date	Compliance activity description
CA-028-02 One (1) year after permit issuance	<p><b>Golf Course Storage Lagoons:</b> The facility includes two storage lagoons associated with the golf course in which the condition of the liner is unknown. The permittee must conduct a Ground Water Impact Assessment that assumes the lagoons are not lined to demonstrate that the addition of treated wastewater to the lagoons does not violate IDAPA 58.01.11, "Ground Water Quality Rule" (GWQR). The Ground Water Impact Assessment must be submitted to DEQ for review and approval within one (1) year of permit issuance.</p> <p>If the assessment indicates that the requirements of the GWQR are not met, then the permittee shall submit to DEQ a schedule for implementation of necessary modifications/actions required for compliance with the GWQR. Upon approval of the schedule, the permittee shall implement the items in accordance with the approved schedule.</p>
CA-028-03 One (1) year after permit issuance	<p><b>Turbidity Monitoring:</b> The permittee shall install one (1) in-line recording turbidimeter prior to University of Idaho disinfection that will continuously monitor the turbidity levels to demonstrate compliance with the turbidity limit as required in the Recycled Water Rules (IDAPA 58.01.17) for the Class B effluent: the daily arithmetic mean of all measurements of turbidity shall not exceed five (5) NTU, and turbidity shall not exceed ten (10) NTU at any time.</p>
CA-028-04 One hundred eighty (180) days after permit issuance	<p><b>Irrigation Management Plan:</b> The permittee shall submit to DEQ for review and approval an Irrigation Management Plan to ensure that areas listed in Section 4.1 Hydraulic Management Units and Descriptions required to be irrigated during periods of non-use will be segregate and the plan shall demonstrate how the system will comply with the requirement.</p>
CA-028-05 Meeting due one (1) year prior to permit expiration date  Application due one hundred eighty (180) prior to the expiration date	<p><b>Permit Renewal Pre-Application Meeting and Application Submittal:</b> If the permittee anticipates continuation of the operations under a reuse permit, than the permittee shall schedule a pre-application meeting with DEQ at least one (1) year prior to the expiration of the permit</p> <p>In accordance with IDAPA 58.01.17.400, "Recycled Water Rules", the permittee must submit an application for permit renewal to DEQ one hundred eighty (180) day prior to expiration of the existing permit.</p>

## 4. Permit Limits and Conditions

### 4.1. Hydraulic Management Unit Descriptions

Serial Number	Description	Type of recycled water allowed	Irrigation System Type/Irrigation Efficiency (E <sub>i</sub> ) (a proportion)	Acres
MU-028-01	Lawns, Play Fields, Arboretum (See maps in Section 10 for details)	Class B	Commercial in-ground Turf Sprinkler System/ (E <sub>i</sub> = 0.90)	348
MU-028-02	UI Golf Course	Class B	Commercial in-ground Turf Sprinkler System/ (E <sub>i</sub> = 0.90)	134

### 4.2. Hydraulic Loading Limits, Vegetation and Grazing

Serial Number	Growing season hydraulic loading	Non-growing season maximum hydraulic loading	Allowed vegetation	Grazing [2]/ Waiting period between recycled water application & grazing
MU-028-01	Substantially at the irrigation water requirement [1]	Not allowed	Turf/ Landscape/ Pastures	Not allowed without a DEQ-approved Grazing Management Plan
MU-028-02	Substantially at the irrigation water requirement [1]	Not allowed	Turf	Not allowed

[1] Irrigation Water Requirement – Any combination of wastewater and supplemental irrigation water applied at rates commensurate to the moisture requirements of the crop, and calculated monthly during the growing season (GS). The equation used to calculate the IWR is:

$$IWR = P_{\text{def}} / E_i$$

$P_{\text{def}}$  is the precipitation deficit and is synonymous with the net irrigation water requirement of the crop. The

$P_{\text{def}}$  can be found at the following website: <http://www.kimberly.uidaho.edu/ETIdaho/>.

$E_i$  is the irrigation system efficiency.

[2] Grazing management plans should be written in accordance DEQ's "Guidance for Wastewater Reclamation and Reuse"

### 4.3. Constituent Loading Limits

Serial Number	Constituent loading (from all sources)				
	Nitrogen (lb/acre/year)	Phosphorus (lb/acre/ year)	Salt (Non-volatile dissolved solids, NVDS) (lb/acre/year)	COD: growing season / non-growing season (lb/ac-day)	Other (lb/acre/ year)
MU-028-01	190	N/A	N/A	N/A	N/A
MU-028-02	190	N/A	N/A	N/A	N/A

### 4.4. Hydraulic Management Unit Buffer Zones, Fencing, and Posting

Serial Number	Buffer distances (in feet) from Hydraulic Management Units				
	Inhabited dwellings/ Areas accessible to the public	Fencing and Posting	Permanent and intermittent surface water	Irrigation ditches and canals	Private water supplies/ Public water supplies
MU-028-01	60 / 0	Posting required for irrigated public areas and on the fence surrounding the main chlorination/pumping facility by the wastewater treatment plant see Note [1]	60	50	500/1,000
MU-028-02	60 / 0	Posting required for irrigated public areas and on the fence surrounding the main chlorination/pumping facility by the wastewater treatment plant see Note [1]	60	50	500/1,000

Note [1]: Signs shall read "Caution: Recycled Water– Do not Drink", or equivalent in both English and Spanish. Signs are to be posted every 500 feet and at each corner of the outer perimeter of the buffer zone(s) of the site.

#### 4.5. Other Permit Limits and Conditions

Category	Permit Limits and Conditions
Growing Season	May 1 through October 31 (184 days)
Non-growing Season	November 1 through April 31 (181 days)
Reporting Year for Annual Loading Rates	November 1 through October 31
Operator Certification Required	The wastewater treatment facility and reuse systems shall be operated by personnel certified and licensed in the State of Idaho wastewater operator training program at the operator class level specified in IDAPA 58.01.16.203 of the "Wastewater Rules" and properly trained to operate and maintain the system. Operation of the wastewater treatment system shall be monitored on a 24-hour basis for alarm conditions, including notification of the qualified operating personnel under alarm conditions.
Disinfection Limits in Recycled Water	The median number of total coliform organisms shall not exceed 2.2 CFU/100 mL, as determined from the bacteriological results of the last 7 days for which analyses have been completed. No sample shall exceed 23 CFU/100 mL in any confirmed sample, as determined from the bacteriological results of the last 7 days for which analyses have been completed.
Disinfection requirements contact time	<ul style="list-style-type: none"> <li>Total chlorine at the point of compliance of not less than one (1) mg/L total chlorine residual after a contact time of thirty (30) minutes at peak flow, or</li> <li>An alternate process that is comparable. Any alternate process must be pre-approved by DEQ.</li> </ul>
Wastewater Treatment System Effluent, Turbidity Limit, Nephelometric Turbidity Units (NTUs)	<ul style="list-style-type: none"> <li>Instantaneous maximum shall not exceed 10 NTU at any time</li> <li>Daily arithmetic mean shall not exceed 5 NTU</li> </ul>
Total Nitrogen (Total Kjeldahl Nitrogen+Nitrate-N+Nitrite-N Effluent Concentration Limit (mg/L)	No limit at the issuance of the permit. However, a limit may be established based on the Ground Water Impact Assessment required in CA-028-02.
Irrigation Period	Irrigation of the management units is only allowed during periods of non-use by the public
Runoff and Ponding Restrictions	The permittee shall, to the maximum extent reasonably possible, operate the land application site to prevent ponding and runoff.
Ground Water Quality Requirement	Wastewater reuse activities conducted by permittee shall not cause a violation of the IDAPA 58.01.11, "Ground Water Quality Rule".

Construction Plans	Prior to construction, modification, or expansion of any wastewater facilities associated with the reuse systems, detailed plans and specifications shall be submitted to and approved by DEQ. Within 30 days of completion of construction, the permittee shall submit record plans and specifications to DEQ.
Annually, or as recommended by manufacturer	Document the flow measurement calibration of all flow meters and pumps used directly or indirectly to measure all wastewater, tail water, flushing water, and supplemental irrigation water flows applied to each HMU

## 5. Monitoring Requirements

### 5.1. Recycled Water and Irrigation Water Monitoring, Sampling, and Analyses

#### 5.1.1. Microbial and Constituent Monitoring

Monitoring point serial number and location	Sample description	Sample type/Frequency	Constituents (units in mg/L unless otherwise specified)
WW-028-01 Filtration effluent prior to disinfection	Turbidity of filtered wastewater treatment plant effluent	In-line continuously monitoring and recording turbidimeter	- NTU
WW-028-02 Treated and disinfected effluent	Recycled water to MU-028-01 and MU-028-02	Grab/ Daily, when applying wastewater	- Total Chlorine Residual - Total Cliform (CFU/100 mL)
		Grab/Monthly, when applying wastewater	Total Kjeldahl nitrogen, nitrate + nitrite-nitrogen, total phosphorous

#### 5.1.2. Flow Monitoring

Monitoring point serial number and location	Sample description	Sample type/Frequency	Measured Parameter
FM-028-01 Pump from the chlorine contact chamber to the reuse sites	Flow from LG-028-01 to MU-028-01 and MU-028-02	- Daily reading; - Monthly compilation of data;	- flow (MG/month)

Monitoring point serial number and location	Sample description	Sample type/Frequency	Measured Parameter
FM-028-02 Flow from the chlorine contact chamber to each of the golf course lagoons	Flow from LG-028-01 to LG-028-02 and LG-028-03	- Daily reading; - Monthly compilation of data;	- flow (MG/month) to each pond

## 5.2. Soil Monitoring

### 5.2.1. Soil Monitoring Unit Descriptions

Monitoring point serial number	Description	Associated MU
SU-028-01	Lawns, Play Fields, Arboretum	MU-028-01
SU-028-02	UI Golf Course	MU-028-02

### 5.2.2. Soil Monitoring, Sampling and Analyses

Monitoring point serial number	Sample type	Sample frequency	Constituents (units in mg/kg soil unless otherwise specified)
SU-028-01 SU-028-02	Composite samples	March of 2016 and March of 2021	- electrical conductivity (umhos/cm in saturated paste extract) - nitrate-nitrogen - ammonium nitrogen - plant available phosphorus

Five (5) locations in each soil monitoring unit (SU) shall be sampled. At each location, samples shall be obtained from three depths: 0 – 12 inches; 12 – 24 inches; and 24 – 36 inches or refusal. The five (5) subsamples obtained from each depth shall be composited by depth to yield three composite samples for each soil monitoring unit; one composite sample for each depth.

## 5.3. Lagoon Information

Serial number	Description
LG-028-01	Concrete storage basin
LG-028-02	Golf Course Pond No. 1
LG-028-03	Golf Course Pond No. 2

## 6. Reporting Requirements

### 6.1. Annual Report Requirements

The permittee shall submit to DEQ an annual report prepared by a competent environmental professional covering the previous reporting year. The report shall be in the format as prescribed by DEQ.

#### 6.1.1. Due Date

The annual report is due no later than January 31 of each year, which shall cover the previous reporting year.

#### 6.1.2. Required Contents

The Annual Report shall include the following:

- 6.1.2.1. an interpretive discussion of all required monitoring data. The report shall address data quality objectives and facility environmental impacts. The reporting year for this permit is specified in Section 4.5.
- 6.1.2.2. the results of the required monitoring as described in Section 5 of this permit. If the Permittee monitors any parameter more frequently than required by this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the annual report.
- 6.1.2.3. written status of all work described in Section 3 of this permit.
- 6.1.2.4. written summary of all noncompliance events that occurred during the reporting year.
- 6.1.2.5. submittal of the calculations and observations for HMUs specified in the table below:

#### Hydraulic Management Unit Reporting

Monitoring point serial number	Parameter (calculate for each HMU)	Units
MU-028-01 MU-028-02	Recycled water loading rate	Million gallons/month Inches/month
	Irrigation water loading rate	Million gallons/month Inches/month
	Recycled water nitrogen and phosphorus loading rates	Pounds/acre-year
	Irrigation water nitrogen and phosphorus loading rates	Pounds/acre-year
	Fertilizer nitrogen and phosphorus application rates	Pounds/acre-year

### 6.1.3. Submittal

The annual report shall be submitted to the following DEQ Regional Office at this address:

Clayton Steele, Regional Administrator  
Idaho Department of Environmental Quality  
Lewiston Regional Office  
1118 "F" St.  
Lewiston, ID 83501  
(208) 799-4370 / (208) 799-3451

### 6.2. Emergency and Non-compliance Reporting

Report noncompliance incidents to the DEQ Regional Office. See Section 6.1.3 for the Regional Office phone number.

In case of emergencies, call the Emergency 24 Hour Number: 1-800-632-8000 as well as the DEQ Regional Office.

See also Section 7, Standard Permit Conditions and IDAPA 58.01.17.500.06 for reporting requirements for facilities.

## 7. Standard Permit Conditions

The following Standard Permit Conditions are included as terms of this permit as required by the Recycled Water Rules, IDAPA 58.01.17.500.

#### 500. STANDARD PERMIT CONDITIONS.

*The following conditions shall apply to and be included in all permits.* (4-1-88)

- 01. Compliance Required.** *The permittee shall comply with all conditions of the permit.* (4-1-88)
- 02. Renewal Responsibilities.** *If the permittee intends to continue operation of the permitted facility after the expiration of an existing permit, the permittee shall apply for a new permit in accordance with these rules.* (4-1-88)
- 03. Operation of Facilities.** *The permittee shall at all times properly maintain and operate all structures, systems, and equipment for treatment, control and monitoring, which are installed or used by the permittee to achieve compliance with the permit or these rules.* (4-1-88)
- 04. Provide Information.** *The permittee shall furnish to the Director within a reasonable time, any information including copies of records, which may be requested by the Director to determine whether cause exists for modifying, revoking, re-issuing, or terminating the permit, or to determine compliance with the permit or these rules.* (4-1-88)
- 05. Entry and Access.** *The permittee shall allow the Director, consistent with Title 39, Chapter 1, Idaho Code, to:* (4-1-88)
  - a.** *Enter the permitted facility.* (4-1-88)

- b. Inspect any records that must be kept under the conditions of the permit. (4-1-88)*
- c. Inspect any facility, equipment, practice, or operation permitted or required by the permit.(4-1-88)*
- d. Sample or monitor for the purpose of assuring permit compliance, any substance or any parameter at the facility. (4-1-88)*
- 06. Reporting.** *The permittee shall report to the Director under the circumstances and in the manner specified in this section: (4-1-88)*
- a. In writing at least thirty (30) days before any planned physical alteration or addition to the permitted facility or activity if that alteration or addition would result in any significant change in information that was submitted during the permit application process. When the alteration or addition results in a need for a major modification, such alteration or addition shall not be made prior to Department approval issued in accordance with these rules. (4-7-11)*
- b. In writing thirty (30) days before any anticipated change which would result in noncompliance with any permit condition or these rules. (4-1-88)*
- c. Orally within twenty-four (24) hours from the time the permittee became aware of any noncompliance which may endanger the public health or the environment at telephone numbers provided in the permit by the Director. (4-1-88)*
- d. In writing as soon as possible but within five (5) days of the date the permittee knows or should know of any noncompliance unless extended by the Department. This report shall contain: (4-1-88)*
- i. A description of the noncompliance and its cause; (4-1-88)*
- ii. The period of noncompliance including to the extent possible, times and dates and, if the noncompliance has not been corrected, the anticipated length of time it is expected to continue; and (4-7-11)*
- iii. Steps taken or planned, including timelines, to reduce or eliminate the continuance or reoccurrence of the noncompliance. (4-7-11)*
- e. In writing as soon as possible after the permittee becomes aware of relevant facts not submitted or incorrect information submitted, in a permit application or any report to the Director. Those facts or the correct information shall be included as a part of this report. (4-1-88)*
- 07. Minimize Impacts.** *The permittee shall take all necessary actions to eliminate and correct any adverse impact on the public health or the environment resulting from permit noncompliance. (4-1-88)*
- 08. Compliance with “Ground Water Quality Rule.”** *Permits issued pursuant to these rules shall require compliance with IDAPA 58.01.11, “Ground Water Quality Rule.” (4-7-11)*

## 8. General Permit Conditions

The following General Permit Conditions are identical to the cited rules at the time of issuance and are enforceable as part of this permit. Note that the rules cited in this section, and elsewhere in this permit, are supplemented by the rules themselves. Rules applicable to your facility are enforceable whether or not they appear in this permit.

## 8.1. Operations

### 8.1.1. Backflow Prevention

Reuse facilities with existing or planned cross-connections or interconnections between the recycled water system and any water supply (potable or non-potable), shall have backflow prevention assemblies as required by applicable rule or regulation and approved by DEQ. Such assemblies shall be adequately maintained, and shall be tested annually by a certified backflow assembly tester, and repaired or replaced as necessary to maintain operational status. Records of backflow assembly test results, repairs, and replacements shall be kept at the reuse facility along with other operational records, and shall be discussed in the Annual Report and made available for inspection by DEQ. Other approved means of backflow prevention, such as siphons and air-gap structures that cannot be tested, shall be maintained in operable order.

Backflow prevention may be required on a case-by-case basis, as determined by DEQ, to isolate different classes of recycled water.

### 8.1.2. Restricted to Premises

Wastewater(s) or recharge waters applied to the land surface must be restricted to the premises of the application site. Wastewater discharges to surface water that require a permit under the Clean Water Act must be authorized by the U.S. Environmental Protection Agency (IDAPA 58.01.16.600.02).

### 8.1.3. Health Hazards, Nuisances and Odors Prohibited

Health hazards, nuisances, and odors are prohibited as follows:

- Wastewater must not create a public health hazard or nuisance condition. (IDAPA 58.01.16.600.03)
- No person shall allow, suffer, cause or permit the emission of odorous gases, liquids or solids into the atmosphere in such quantities as to cause air pollution, (IDAPA 58.01.01.776.01)
- Air Pollution. The presence in the outdoor atmosphere of any air pollutant or combination thereof in such quantity of such nature and duration and under such conditions as would be injurious to human health or welfare, to animal or plant life, or to property, or to interfere unreasonably with the enjoyment of life or property. (IDAPA 58.01.01.006.06)

### 8.1.4. Solids Management

Solids must be managed as follows:

- Solid waste regulated under *IDAPA 58.01.06 - Solid Waste Management Rules and*

*Standards* shall be managed to comply with such rules and, where applicable, this permit.

- Sludge usage regulated under *IDAPA 58.01.16.650 – Wastewater Rules* shall be managed to comply with such rules and, where applicable, this permit.

Note: Biosolids use is regulated by federal law, and may be regulated by local ordinances.

### **8.1.5. Temporary Cessation of Operations and Closure (IDAPA 58.01.17.801)**

Temporary cessation of operations and closure must be addressed as follows:

**01. Temporary Cessation.** *A permittee shall implement any applicable conditions specified in the permit for temporary cessation of operations. When the permit does not specify applicable temporary cessation conditions, the permittee shall notify the Director prior to a temporary cessation of operations at the facility greater than sixty (60) days in duration and any cessation not for regular maintenance or repair. Cessation of operations necessary for regular maintenance or repair of a duration of sixty (60) days or less are not required to notify the Department under this section. All notifications required under this section shall include a proposed temporary cessation plan that will ensure the cessation of operations will not pose a threat to human health or the environment.*

(4-7-11)

**02. Closure.** *A closure plan shall be required when a facility is closed voluntarily and when a permit is revoked or expires. A permittee shall implement any applicable conditions specified in the permit for closure of the facility. Unless otherwise directed by the terms of the permit or by the Director, the permittee shall submit a closure plan to the Director for approval at least ninety (90) days prior to ceasing operations. The closure plan shall ensure that the closed facility will not pose a threat to human health and the environment. Closure plan approval may be conditioned upon a permittee's agreement to complete such site investigations, monitoring, and any necessary remediation activities that may be required.*

(4-7-11)

### **8.1.6. Plan of Operation (IDAPA 58.01.17.300.05)**

The Plan of Operation must comply with the following:

**05. Reuse Facility Operation and Maintenance Manual or Plan of Operations.** *A facility's operation and maintenance manual must contain all system components relating to the reuse facility in order to comply with IDAPA 58.01.16 "Wastewater Rules," Section 425. Manuals and manual amendments are subject to the review and approval provision therein. In addition to the content required by IDAPA 58.01.16.425, manuals for reuse facilities shall include, if applicable: operation and management responsibility, permits and standards, general plant description, operation and control of unit operations, land application site maps, wastewater characterization, cropping plan, hydraulic loading rate, constituent loading rates, compliance activities, seepage rate testing, site management plans, monitoring, site operations and maintenance, solids handling and processing, laboratory testing, general maintenance, records and reports, store room and inventory, personnel, an emergency operating plan, and any other information required by the Department.*

(4-7-11)

### **8.1.7. 10-Year Lagoon Seepage Testing (IDAPA 58.01.16.493.02)**

Seepage testing must meet the following requirements:

*c. Subsequent Tests. All lagoons covered under these rules must be seepage tested by an Idaho licensed professional engineer, an Idaho licensed professional geologist, or by individuals under their supervision every ten (10) years after the initial testing.*

(5-8-09)

*e. Procedures for Performing a Seepage Test. The procedure for performing a seepage test or alternative analysis must be approved by the Department, and the test results must be submitted to the Department.*

*If an existing lagoon has passed a seepage test before April 15, 2012 and submitted the results to the Department, the owner of that lagoon has ten (10) years from the date of the testing to comply with this requirement. (5-8-09)*

### **8.1.8. Ground Water Quality (IDAPA 58.01.11)**

The permittee shall comply with the requirements of IDAPA 58.01.11 – Ground Water Quality Rule.

## **8.2. Administrative**

Requirements for administration of the permit are defined as follows.

### **8.2.1. Permit Modification (IDAPA 58.01.17.700)**

**01. Modification of Permits.** *A permit modification may be initiated by the receipt of a request for modification from the permittee, or may be initiated by the Department if one (1) of more of the following causes for modification exist: (4-7-11)*

**a. Alterations.** *There are material and substantial alterations or additions to the permitted facility or activity which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit. (4-7-11)*

**b. New standards or regulations.** *The standards or regulations on which the permit was based have been changed by promulgation of amended standards or regulations or by judicial decision after the permit was issued. (4-7-11)*

**c. Compliance schedules.** *The Department determines good cause exists for modification of a compliance schedule or terms and conditions of a permit. (4-7-11)*

**d. Non-limited pollutants.** *When the level of discharge of any pollutant which is not limited in the permit exceeds the level which may cause an adverse impact to surface or ground waters. (4-7-11)*

**e. To correct technical mistakes,** *such as errors in calculation, or mistaken interpretations of law made in determining permit conditions. (4-7-11)*

**f. When a treatment technology proposed,** *installed, and properly operated and maintained by the permittee fails to achieve the requirements of the permit. (4-7-11)*

**02. Minor Modifications.** *Minor modifications are those which if granted would not result in any increased hazard to the environment or to the public health. If a permit modification satisfies the criteria for “minor modifications,” the permit may be modified without issuance of a draft permit or public review. Minor modifications are normally limited to: (4-7-11)*

**a. The correction of typographical errors or formatting changes;** (4-7-11)

**b. Transfer of ownership or operational control, or responsible official;** (4-7-11)

**c. A change in monitoring or reporting frequency requirements, or revision of a laboratory method;** (4-7-11)

- d.* Change compliance due date in a schedule of compliance, provided the new date does not exceed six (6) months; (4-7-11)
- e.* Change or add a sampling location; (4-7-11)
- f.* Change to a higher level of treatment without a change in end uses; (4-7-11)
- g.* Change in terminology; (4-7-11)
- h.* Removal of an allowed use; (4-7-11)
- i.* Correct minor technical errors, such as citations of law, and citations of construction specifications; (4-7-11)
- j.* Change in a contingency plan resulting in equal or more efficient responsiveness; or (4-7-11)
- k.* Removal of acreage from irrigation without an increase in loadings. (4-7-11)
- 03. Major Modifications.** All modifications not considered minor shall be considered major modifications. The procedure for making major modifications shall be the same as that used for a new permit under these rules. Some examples of the major modifications are: (4-7-11)
- a.* Changes in the treatment system; (4-7-11)
- b.* Adding an allowed use; (4-7-11)
- c.* Changes to a lower (less treated) class of water; (4-7-11)
- d.* Addition of acreage used for irrigation; or (4-7-11)
- e.* Changes to less stringent discharge limitations. (4-7-11)

### 8.2.2. Permit Transfer (IDAPA 58.01.17.800)

- 01. General.** A permit may be transferred only upon approval of the Department. No transfer is required for a corporate name change as long as the secretary of state can verify that a change in name alone has occurred. An attempted transfer is not effective for any purpose until approved in writing by the Department. (4-7-11)
- 02. Request for Transfer.** Either the permit holder (permittee) or the person to whom the permit is proposed to be transfer (transferee) shall submit to the department a request for transfer at least thirty (30) days before the proposed transfer date. The request for transfer shall include: (4-7-11)
- a.* Legal name and address of the permittee; (4-7-11)
- b.* Legal name and address of the transferee; (4-7-11)
- c.* Location and the common name of the facility; (4-7-11)
- d.* Date of proposed transfer; (4-7-11)
- e.* Sufficient documentation for the Department to determine that the transferee will meet the requirements listed in IDAPA 58.01.16 "Wastewater Rules," Section 409, relating to technical, financial and

managerial capacity; (4-7-11)

f. A signed declaration by the transferee that the transferee has reviewed the permit and understands the terms of the permit; (4-7-11)

g. A sworn statement that the request is made with the full knowledge and consent of the permittee if the transferee is submitting the request; (4-7-11)

h. Identification of any judicial decree, compliance agreement, enforcement order, or other outstanding obligating instrument, the terms of which have not been met, along with legal instruments sufficient to address liabilities under such decree, agreement, order, or other obligating instrument; and (4-7-11)

i. Any other information the director may reasonably require. (4-7-11)

**03. Effective Date of Transfer.** Responsibility for compliance with the terms and conditions of the permit and liability for any violation associated therewith is assumed by the transferee, effective on the date indicated in the approved transfer. (4-7-11)

**04. Compliance with Permit Conditions Pending Transfer Approval.** Prior to a transfer approval, the permittee shall continue to be responsible for compliance with the terms and conditions of the permit and be liable for any violation associated therewith, regardless of whether ownership or operational control of the permitted facility has been transferred. (4-7-11)

**05. Transferee Liability Prior to Transfer Approval.** If a proposed transferee causes or allows operation of the facility under his ownership or control before approval of the permit transfer, such transferee shall be considered to be operating without a permit or authorization required by these rules and may be cited for additional violations as applicable. (4-7-11)

**06. Compliance Record of Transferee.** The director may consider the prior compliance record of the transferee, if any, in the decision to approve or disapprove a transfer. (4-7-11)

### 8.2.3. Permit Revocation (IDAPA 58.01.17.920)

**01. Conditions for Revocation.** The Director may revoke a permit if the permittee violates any permit condition or these rules, or the Director becomes aware of any omission or misrepresentation of condition or information relied upon when issuing the permit. (4-7-11)

**02. Notice of Revocation.** Except in cases of emergency, the Director shall issue a written notice of intent to revoke to the permittee prior to final revocation. Revocation shall become final within thirty-five (35) days of receipt of the notice by the permittee, unless within that time the permittee requests an administrative hearing in writing. The hearing shall be conducted in accordance with IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality.” (5-3-03)

**03. Emergency Action.** If the Director finds the public health, safety or welfare requires emergency action, the Director shall incorporate findings in support of such action in a written notice of emergency revocation issued to the permittee. Emergency revocation shall be effective upon receipt by the permittee. Thereafter, if requested by the permittee in writing, the Director shall provide the permittee a revocation hearing and prior notice thereof. Such hearings shall be conducted in accordance with IDAPA 58.01.23, Rules of Administrative Procedure Before the Board of Environmental Quality.” (3-15-02)

**04. Revocation and Closure.** A permittee shall perform the closure requirements in a permit, the closure requirements of these rules, and complete all closure plan activities notwithstanding the revocation of the permit. (4-7-11)

#### **8.2.4. Violations (IDAPA 58.01.17.930)**

*Any person violating any provision of these rules or any permit or order issued thereunder shall be liable for a civil penalty not to exceed ten thousand dollars (\$10,000) or one thousand dollars (\$1,000) for each day of a continuing violation, whichever is greater. In addition, pursuant to Title 39, Chapter 1, Idaho Code, any willful or negligent violation may constitute a misdemeanor.* (4-1-88)

#### **8.2.5. Severability**

The provisions of this permit are severable, and if a provision or its application is declared invalid or unenforceable for any reason, that declaration will not affect the validity or enforceability of the remaining provisions.

### **9. Other Applicable Laws**

The Department may refer enforcement of the following provisions to the state agency authorized to enforce that rule. The permittee shall comply with all applicable provisions identified in this section, as well as all other applicable federal, state, and local laws, statutes and rules.

#### **9.1. Owners Responsibilities for Well Use and Maintenance**

##### **9.1.1. Well Use**

The well owner must not operate any well in a manner that causes waste or contamination of the ground water resource. Failure to operate, maintain, knowingly allow the construction of any well in a manner that violates these rules, or failure to repair or properly decommission (abandon) any well as herein required will subject the well owner to civil penalties as provided by statute. See IDAPA 37.03.09.036.01 and consult the Idaho Department of Water Resources (IDWR) for more information.

##### **9.1.2. Well Maintenance**

The well owner must maintain the well to prevent waste or contamination of ground waters through leaky casings, pipes, fittings, valves, pumps, seals or through leakage around the outside of the casings, whether the leakage is above or below the land surface. Any person owning or controlling a non-compliant well must have the well repaired by a licensed well driller under a permit issued by the Director of the IDWR in accordance with the applicable rules. See IDAPA 37.03.09.036.02 and consult the IDWR for more information.

### **9.1.3. Wells Posing a Threat to Human Health and Safety or Causing Contamination of the Ground Water Resource**

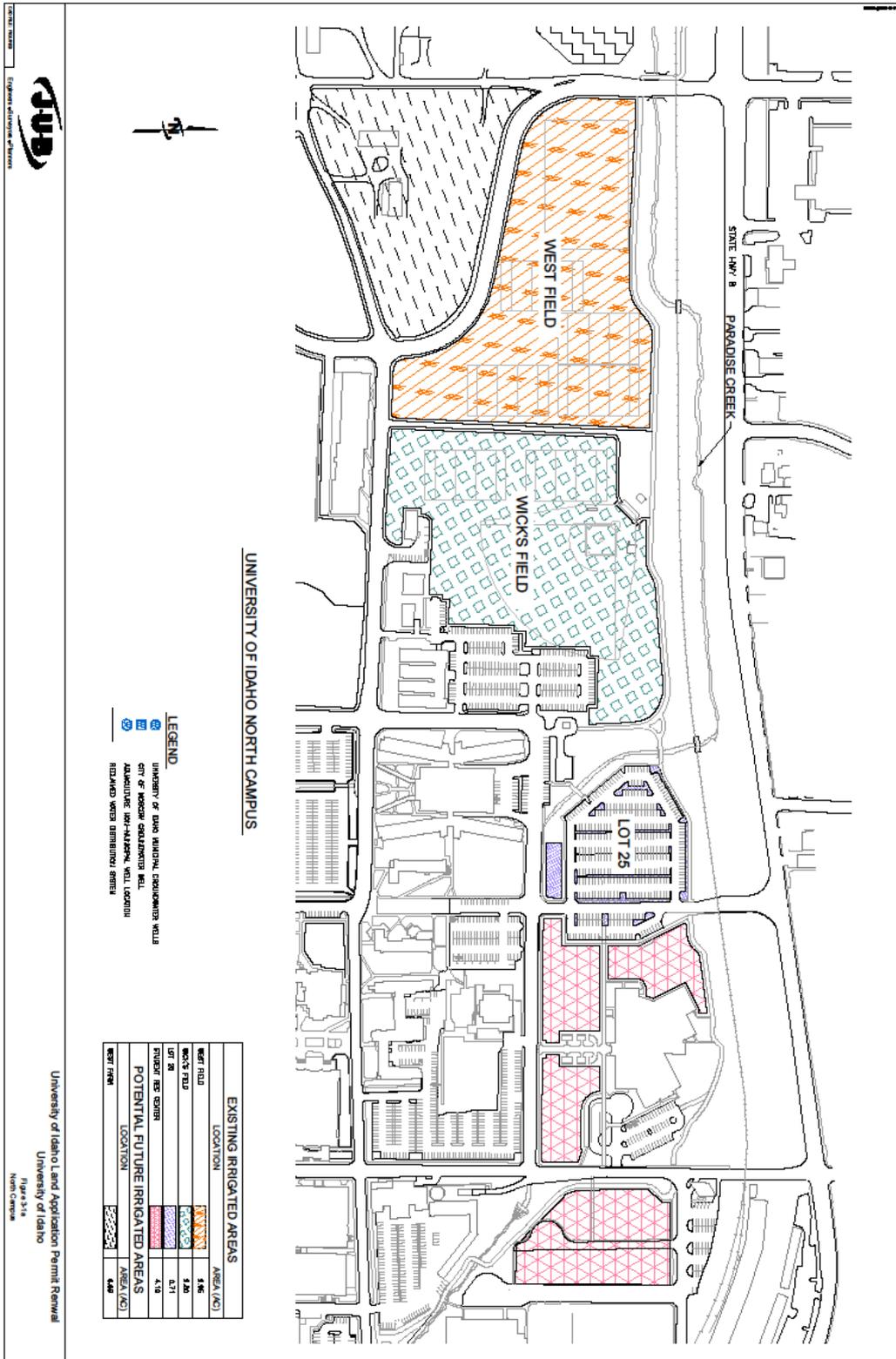
The well owner must have any well shown to pose a threat to human health and safety or cause contamination of the ground water resource immediately repaired or decommissioned (abandoned) by a licensed well driller under a permit issued by the Director of the IDWR in accordance with the applicable rules. See IDAPA 37.03.09.036.06 and consult the IDWR for more information.

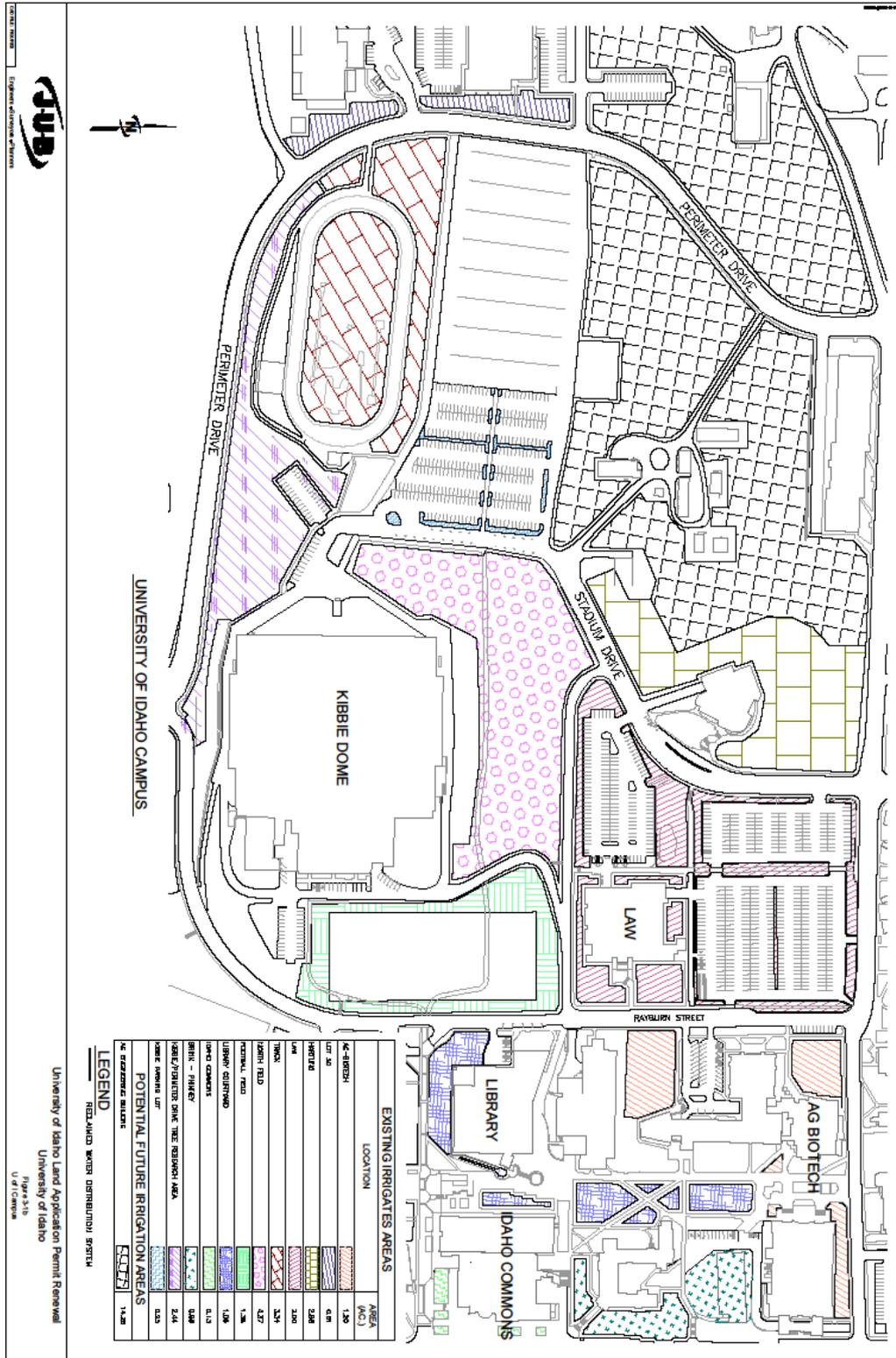
## **10. Site Maps**

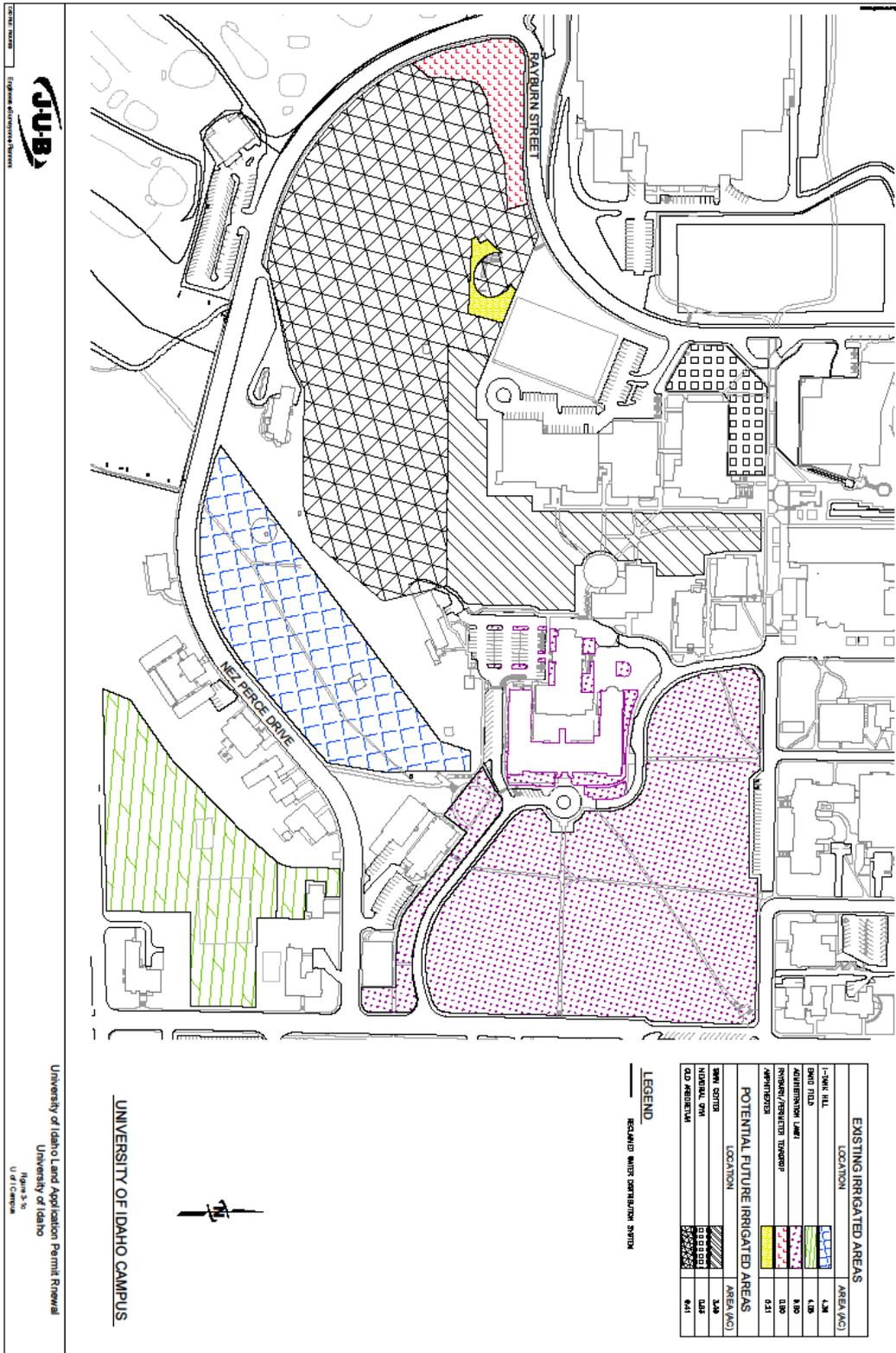
### **10.1. Facility Map(s)**

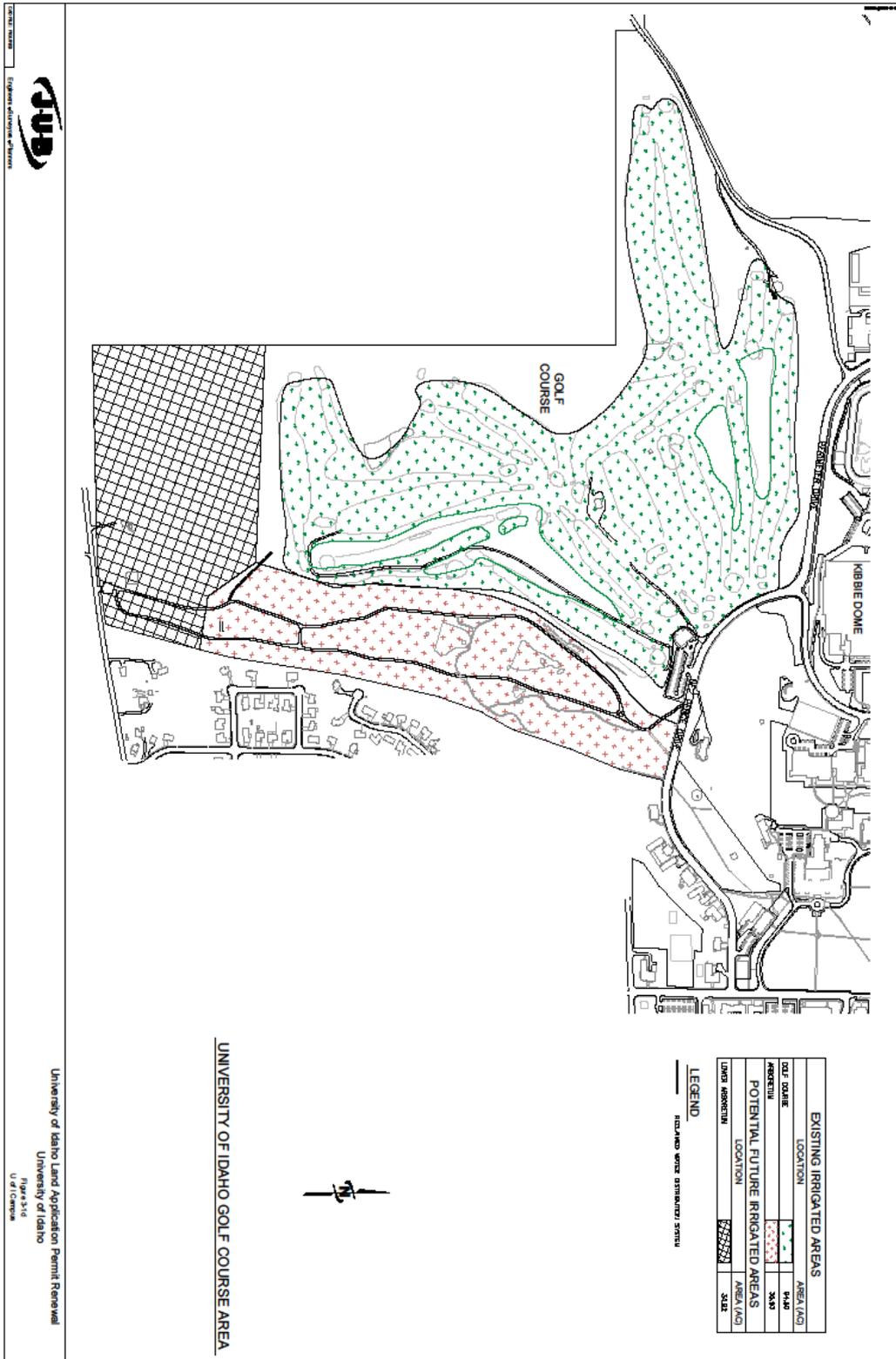
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### 10.2. General Area Map(s)

