

Idaho's Application for NPDES Delegated Authority



IDAHO DEQ
DECEMBER 2, 2014

Where we are



- EPA administers all parts of NPDES in Idaho
- DEQ certifies that permits drafted and issued by EPA comply with Idaho Water Quality Standards
- DEQ & EPA have a partnership agreement regarding compliance inspection and enforcement

Current EPA issued NPDES permits



A. Municipal	Total number of facilities
i. Major > 10 mgd	6
ii. Major 5-10 mgd	5
iii. Major 2-5 mgd	16
iv. Major 1-2 mgd	5
v. Minor < 1 mgd	93
<i>Sub-Total</i>	125

B. Industrial	Total number of facilities
i. Major	9
ii. Minor, Medium	7
iii. Minor, Small	34
<i>Sub-Total</i>	50

Current EPA issued NPDES permits



C. Aquaculture	Total number of facilities
i. Major	25
ii. Minor	69
<i>Sub-Total</i>	94

D. Stormwater	Total number of facilities
i. Medium & Large MS4	1
ii. Small MS4	15
iii. Construction	278
iv. Industrial	7
<i>Sub-Total</i>	301

Where we are headed



- Idaho DEQ applies for authorization to write NPDES permits for facilities
- Phased approach to gain delegated authority
 - A. Municipalities
 - B. Industrial discharges
 - C. General permits
 - D. Federal Facilities and stormwater

What does authorization mean for Idaho



- Idaho drafts & issues permits for individual dischargers
- Idaho drafts & issues general permits
- Idaho controls interpretation of water quality standards
- Seamless integration of various water quality programs
 - Grants & Loans
 - Surface Water Antidegradation
 - Wastewater Rules
 - TMDL Load Allocations

How do we get there



- Application for delegated authority
 - Need laws/regulations in place to provide state authorization for program
 - Guidance development
 - Memorandum of Agreement
- Funding
- Staffing
 - Capacity Development Plan
 - Legislative Authority
- Program Development

Scheduling



- June 2015: Complete negotiated rulemaking
- August 2015: Notice in Admin. Bulletin with proposed rule
- September 2015: Public Comment on proposed rule
- October 2015: Response to public comment
- November 2015 :Present proposed rule to Board
- January – March 2016: Present pending rule to Board
- January – September 2016: Complete application, MOA, letter from Governor & Attorney General, Capacity Development plan, Guidance Documents, etc.

Rules to consider



- Incorporation by reference vs. reprinting
 - 40 CFR 122
- Fee schedule
- Permits
 - Application deadlines and review process
 - Term of permit
 - Public notice and comment
 - Modifications, revocations, termination, and transfer
 - Confidential business information
 - Appeals
 - Application requirements

Rules to consider



- Permits (con't)
 - Compliance schedules
 - Sampling methods
 - Analytical methods
 - General permits and notice of intent for coverage
- Pretreatment
- Compliance
 - Right of Entry
 - Inspection Monitoring
- Enforcement

Guidance Development



- Writing an IPDES Permit
 - Application completeness review
 - Technology based effluent limits
 - Water quality based effluent limits
 - Calculating reasonable potential to exceed
 - Implementing antidegradation and anti-backsliding
 - Interpreting Idaho's narrative criteria
- Permit Compliance
 - Inspection monitoring
 - Monthly Discharge Monitoring Reports
- Enforcement

Guidance Development



- Data Management
 - Permit Application Data
 - Discharge Monitoring Reports
 - Inspection Data and Reporting
 - Permit Quality Review
- Forms
 - Permit Application
 - Inspection report(s)
 - Discharge Monitoring reports
 - Draft Permit forms
 - Fact Sheet(s)

Memorandum of Agreement



- Craft MOA terms with EPA
- Purpose of the MOA
- MOA considerations include:
 - Jurisdiction, Permit Issuance and Review
 - Pretreatment Program Responsibilities
 - Reporting and Transmittal of Information
 - Review of New or Revised State Rules, Regulations or Statutes
 - Compliance and Evaluation Program
 - Enforcement

Funding



- Determining Fee Schedule
- Setting up fee administration
- Invoicing/fee collection authorization
- Combining rule sections for fee collection

Program Development



- Capacity Development Plan
- Hiring Strategy
- Permit Quality Review
- Data Management Strategy
- Continuing Planning Process
- Training Procedures
- Laboratory Accreditation
- Inspector Accreditation
- Compliance tracking and enforcement

Questions?



Rulemaking Schedule



Date	Proposed Topic(s)
January 23, 2015	Incorporation by reference, Confidentiality, Program costs, Limits set by Idaho Code Chapter 39-175
February 20, 2015	Application requirements, Permitting process (deadlines & review), Public notice and comment in permitting
March 20, 2015	Permit conditions, Compliance schedules, Modifications, Revocations, Termination, and Transfer
April 17, 2015	Public notice and comment regarding rules/guidance, Sampling and analytical methods, General permits, Notice of intent for coverage, Pretreatment, Compliance
May 15, 2015	Fee Schedule
June 12, 2015	Appeals process and Conflict of interest