

FINAL PROPOSAL

RULES REGULATING THE IDAHO POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM, DOCKET NO. 58-0125-1401

The proposed rule was published in the Idaho Administrative Bulletin, September 2, 2015, Vol. 15-9, pages 313 through 426. DEQ recommends that the Board take the following action:

IDAPA 58.01.25

Sections 000 through 006	ADOPT AS PROPOSED
Section 010	ADOPT AS REVISED
Section 050	ADOPT AS PROPOSED
Section 090	ADOPT AS REVISED
Section 100	ADOPT AS PROPOSED
Sections 101 through 109	ADOPT AS REVISED
Sections 110, 120	ADOPT AS PROPOSED
Section 130	ADOPT AS REVISED
Section 200	ADOPT AS REVISED
Sections 201 through 203	ADOPT AS PROPOSED
Section 204	ADOPT AS REVISED
Sections 205, 206	ADOPT AS PROPOSED
Sections 300, 301, 302, 303	ADOPT AS REVISED
Section 304	ADOPT AS PROPOSED
Section 305	ADOPT AS REVISED
Section 310	ADOPT AS PROPOSED
Section 370	ADOPT AS REVISED
Sections 380, 400, 500, 600	ADOPT AS PROPOSED

IDAPA 58 - DEPARTMENT OF ENVIRONMENTAL QUALITY
58.01.25 – RULES REGULATING THE IDAHO POLLUTANT DISCHARGE
ELIMINATION SYTEM PROGRAM

DOCKET NO. 58-0125-1401

NOTICE OF RULEMAKING – ADOPTION OF PENDING RULE

EFFECTIVE DATE: This rule has been adopted by the Board of Environmental Quality (Board) and is now pending review by the 2016 Idaho State Legislature for final approval. The pending rule will become final and effective immediately upon the adjournment *sine die* of the Second Regular Session of the Sixty-third Idaho Legislature unless prior to that date the rule is rejected in whole or in part by concurrent resolution in accordance with Idaho Code §§ 67-5224 and 67-5291.

AUTHORITY: In compliance with Section 67-5224, Idaho Code, notice is hereby given that the Board has adopted a pending rule. This action is authorized by Sections 39-101 et seq., and 39-175A-C, Idaho Code.

DESCRIPTIVE SUMMARY: A detailed summary of the reason for adopting the rule is set forth in the initial proposal published in the Idaho Administrative Bulletin, September 2, 2015, Vol. 15-9, pages 313 through 426. After consideration of public comments, the rule has been revised at **Sections 010, 090, 101 through 109, 130, 200, 204, 300 through 303, 305, and 370**. The remainder of the rule has been adopted as initially proposed. The Rulemaking and Public Comment Summary can be obtained at www.deq.idaho.gov/58-0125-1401 or by contacting the undersigned.

IDAHO CODE SECTION 39-107D STATEMENT: This rule is not broader in scope, nor more stringent, than federal regulations and does not regulate an activity not regulated by the federal government.

FISCAL IMPACT STATEMENT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year when the pending rule will become effective: Not applicable.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning this rulemaking, contact Mary Anne Nelson at mary.anne.nelson@deq.idaho.gov, (208)373-0291.

Dated this 2nd day of December, 2015.

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Revisions to Proposed Rule for Board Consideration, Docket No. 58-0125-1401

The revisions made to the proposed rule are highlighted. Only those portions of the rule containing revisions are included.

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: ()

01. Animal Feeding Operation. A lot or facility (other than an aquatic animal production facility) where the following conditions are met: ()

a. Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of forty-five (45) days or more in any twelve (12)-month period; and ()

b. Crops, vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. ()

02. Applicable Standards and Limitations. All state, interstate, and federal standards and limitations to which a discharge, a sewage sludge use or disposal practice, or a related activity is subject under the Clean Water Act, including effluent limitations, water quality standards, standards of performance, toxic effluent standards or prohibitions, best management practices, pretreatment standards, and standards for sewage sludge use or disposal under the Clean Water Act sections 301, 302, 303, 304, 306, 307, 308, ~~403~~ 402 and 405. ()

(Break in Continuity)

14. Class I Sludge Management Facility. Any POTW identified under 40 CFR 403.8(a) as being required to have an approved pretreatment program (including such POTWs where the Department has elected to assume local program responsibilities pursuant to 40 CFR 403.10(e)) and any other treatment works treating domestic sewage (TWTDS) classified as a Class I sludge management facility by the Department, because of the potential for its sludge use or disposal practices to adversely affect public health and the environment. ()

(Break in Continuity)

21. Daily Discharge. The discharge of a pollutant measured during a calendar day or any twenty-four (24)-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurement, the daily discharge is calculated as the average measurement of the pollutant over the day. ()

(Break in Continuity)

51. Major Facility. A facility or activity that is: ()

a. A publicly or privately owned treatment works with a design flow equal to or greater than one million gallons per day (1 MGD), or serves a population of ten thousand (10,000) or more, or causes significant water quality impacts; or ()

b. A non-municipal facility that equals or exceeds the eighty (80) point accumulation obtained as described in the Score Summary of the NPDES Non-Municipal Permit Rating Work Sheet (June 27, 1990) or the Department equivalent guidance document. ()

(Break in Continuity)

60. Notice of Intent to Obtain Coverage under an IPDES General Permit. An applicant seeking discharge coverage under an IPDES general permit shall submit a notice of intent to obtain coverage for discharges to waters of the United States under general permit classifications, including, but not limited to: ()

- a. **Storm Water** Construction General Permit (CGP); ()
- b. Multi-Sector General Permit (MSGP) **for Industrial Storm Water Requirements**; ()
- c. Municipal Separate Storm Sewer System (MS4) General Permit; ()
- d. Concentrated Animal Feeding Operation (CAFO) General Permit; ()
- e. Concentrated Aquatic Animal Production (CAAP) Facility General Permit; ()
- f. Ground Water Remediation General Permit; ()
- g. Suction Dredge General Permit; ()
- h. Vessel General Permit (VGP); or ()
- i. Pesticide General Permit (PGP). ()

(Break in Continuity)

69. Primary Industry Category. Any industry category listed in **the NRDC settlement agreement (Natural Resources Defense Council et al. v. Train, 8 E.R.C. 2120 (D.D.C. 1976), modified 12 E.R.C. 1833 (D.D.C. 1979)); also listed in a** Appendix A of 40 CFR Part 122. ()

(Break in Continuity)

89. Sludge-Only Facility. Any **treatment works treating domestic sewage TWTDS** whose methods of sewage sludge use or disposal are subject to regulations promulgated pursuant to the Clean Water Act section 405(d) and is required to obtain an IPDES permit. ()

(Break in Continuity)

101. Upset. An exceptional incident in which there is unintentional and temporary noncompliance with **technology-based** permit effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. ()

(Break in Continuity)

090. SIGNATURE REQUIREMENTS.

01. Permit Applications and Notices of Intent. All IPDES permit applications and notices of intent must be signed **by a certifying official** as follows: ()

a. For a corporation, a responsible corporate officer shall sign the application or notice of intent. In this subsection, a responsible corporate officer means: ()

i. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or ()

ii. The manager of one (1) or more manufacturing, production, or operating facilities, if: ()

(1) The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental statutes and regulations; ()

(2) The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for IPDES permit application requirements; and ()

(3) Authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; ()

b. For a partnership or sole proprietorship, the general partner or the proprietor, respectively, shall sign the application; and ()

c. For a municipality, state, or other public agency, either a principal executive officer or ranking elected official shall sign the application. In this subsection, a principal executive officer of an agency means: ()

i. The chief executive officer of the agency; or ()

ii. A senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency. ()

(Break in Continuity)

101. DURATION.

01. Permit Term. IPDES permits shall be issued for a fixed duration not to exceed five (5) years. ()

a. The Department may issue a permit for a period of less than five (5) years. An explanation of the reasoning behind issuing a permit for a shorter period shall be provided in the fact sheet. ()

b. The duration of a permit may not be modified to lengthen the effective term of the permit past the maximum five (5) year duration. ()

c. A permit may be issued to expire on or after the statutory deadline set forth in the Clean Water Act sections 301(b)(2)(A), (C), and (E), if the permit includes effluent limitations to meet the requirements of the Clean Water Act sections 301(b)(2)(A), (C), (D), (E) and (F), whether or not applicable effluent limitations guidelines have been promulgated or approved. ()

d. A determination that a particular discharger falls within a given industrial category for purposes of setting a permit expiration date under Subsection 101.01.c. is not conclusive as to the discharger's inclusion in that industrial category for any other purposes, and does not prejudice any rights to challenge or change that inclusion at the time that a permit based on that determination is formulated. ()

e. A federally-issued NPDES permit, the administration of which has been transferred to the Department upon or after EPA approval of the IPDES program, shall continue in effect and be enforceable by the Department, subject to Subsections 101.02 and 101.03. ()

02. Continuation of Individual Permits. ()

a. The conditions of an expired individual permit, whether a federal NPDES permit (except for permits over which EPA retains authority) or a state-issued IPDES permit, will remain fully effective and enforceable until the effective date of a new permit or the date of the Department's final decision to deny the

application for the new permit, if: ()

i.a. The permittee has submitted a timely and complete application for a new permit under Section 105 (Application for an Individual IPDES Permit); and ()

ii.b. The Department, because of time, resource, or other constraints, but through no fault of the permittee, does not issue a new permit with an effective date on or before the expiration date of the previous permit. ()

~~**b.** Permits continued under this section shall be considered high priority for completion. ()~~

03. Continuation of General Permits. The conditions of an expired general permit, whether a federal NPDES permit or a state-issued IPDES permit, will remain fully effective and enforceable (except for permits over which EPA retains authority) until the date the authorization to discharge under the new permit is determined, if: ()

a. The permittee has submitted a timely notice of intent to obtain coverage under the new general permit as specified in Section 130 (General Permits); and ()

b. The Department, because of time, resource, or other constraints, but through no fault of the permittee, does not issue a new general permit with an effective date on or before the expiration date of the previous permit. ()

04. Continuation of Permits During an Appeal. Whether the conditions of an expired permit remain effective and enforceable during an appeal of a new permit, or an appeal of the denial of a permit application, is governed by Section 204 (Appeals Process). ()

102. OBLIGATION TO OBTAIN AN IPDES PERMIT.

01. Persons Who Must Obtain a Permit. Any person who discharges or proposes to discharge a pollutant from any point source into waters of the United States, or who owns or operates a sludge-only facility whose sewage sludge use or disposal practice is regulated by 40 CFR Part 503 or these rules, and who does not have an IPDES or NPDES permit in effect, shall submit a complete IPDES permit application to the Department, unless the discharge, proposed discharge, or TWTDS: ()

a. Is covered by one (1) or more general permits in compliance with Section 130 (General Permits). Any applicant must complete a notice of intent for any discharge or proposed discharge that is covered by one (1) or more general permits; ()

b. Is excluded from IPDES permit requirements under Subsection 102.9405; ()

c. Is by a user to a privately owned treatment works, and the Department, under Section 370 (Pretreatment Standards), does not otherwise require the person to apply for a permit; or ()

d. Is a TWTDS facility that uses or disposes of sewage sludge to which a standard applicable to its sewage sludge use or disposal practices have not been published. Such facilities shall submit limited background information, as specified in Subsection 105.17.o., within one (1) year after publication of applicable standards. ()

02. Operator's Duty to Obtain a Permit. When a facility or activity is owned by one person but is operated by another person, it is the operator's duty to obtain a permit. ()

03. Permits Under the Clean Water Act Section 405(f). All new and currently permitted TWTDS whose sewage sludge use or disposal practices are regulated by 40 CFR Part 503 must submit permit applications according to the applicable schedule in Subsection 105.17. The Department may require permit applications from any TWTDS at any time if the Department determines that a permit is necessary to protect public health and the

environment from any potential adverse effects that may occur from toxic pollutants in sewage sludge. ()

04. Designation of Small Municipal Separate Storm Sewer Systems (MS4s). DEQ shall designate a small MS4 that is not located in an urbanized area, as determined by the latest Decennial Census by the Bureau of Census, as a regulated small MS4 that must be covered by an IPDES permit if the Department determines that:

a. The storm water discharge results in or has the potential to result in exceedance of water quality standards or other significant water quality impacts; or

b. The storm water discharge contributes substantially to the pollutant loadings of a physically interconnected municipal separate storm sewer that is regulated by the IPDES storm water program.

04.05. Exclusions from Permit. A person shall not discharge pollutants from any point source into waters of the United States without first obtaining an IPDES permit from the Department or coverage under an IPDES general permit, unless the discharge is excluded from IPDES permit requirements or the discharge is authorized by an IPDES or NPDES permit that continues in effect. The Department will not require persons to obtain IPDES permits for facilities or activities that are not required to have obtain NPDES permits from EPA under the Clean Water Act and federal Clean Water Act regulations. Discharges excluded from IPDES permit requirements, but that may be regulated by other state or federal regulations include: ()

a. Any sewage discharge from vessels and any effluent from properly functioning marine engines, laundry, shower and galley sink wastes, or any other discharge incidental to the normal operation of a vessel of the U.S. Armed Forces within the meaning of the Clean Water Act section 312, and a recreational vessel within the meaning of the Clean Water Act section 502(25). None of these exclusions apply to: ()

i. Rubbish, trash, garbage, or other such materials discharged overboard; nor to ()

ii. Other discharges when the vessel is operating in a capacity other than as a means of transportation such as when used as: ()

(1) An energy or mining facility; ()

(2) A storage facility, or when secured to a storage facility; or ()

(3) When secured to the bed of the waters of the United States for the purposes of mineral or oil exploration or development; ()

b. Any discharge of dredged or fill material into waters of the United States that is regulated under the Clean Water Act section 404; ()

c. Sewage, industrial wastes, or other pollutants discharged into publicly owned treatment works (POTWs) by an indirect discharger who has received a will-serve letter authorizing the discharge to the POTW. Plans or agreements to switch to this method of disposal in the future do not relieve dischargers of the obligation to have and comply with permits until all discharges of pollutants to waters of the United States are eliminated. This exclusion does not apply to the introduction of pollutants to privately owned treatment works or to other discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other party not leading to treatment works; ()

d. Any discharge in compliance with the instructions of an on-scene coordinator under 40 CFR Part 300 (The National Oil and Hazardous Substances Pollution Contingency Plan), or 33 CFR 153.10(e) (Control of Pollution by Oil and Hazardous Substances, Discharge Removal); ()

e. Any introduction of pollutants from non-point source agricultural and silvicultural activities, including storm water runoff from orchards, cultivated crops, pastures, range lands, and forest lands; however, this exclusion does not apply to discharges from concentrated animal feeding operations (CAFO) as defined in 40 CFR 122.23, discharges from concentrated aquatic animal production (CAAP) facilities, discharges to aquaculture

projects, and discharges from silvicultural point sources; ()

f. Any return flow from irrigated agriculture; ()

g. Discharges into a privately owned treatment works, except as the Department may otherwise require under Subsection 302.15; and ()

h. Discharges from a water transfer. This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred. ()

103. PERMIT PROHIBITIONS.

The Department will not issue an IPDES permit for a discharge: ()

01. **Clean Water Act Compliance.** Unless the conditions of the permit provide for compliance with the applicable requirements of IDAPA 58.01.02, “Water Quality Standards” and 58.01.25 “Rules Regulating the Idaho Pollutant Discharge Elimination System Program”; ()

02. **EPA Objection.** When the Department has received written objection pursuant to 40 CFR 123.44 from the EPA Regional Administrator to issuance of the permit, and the Department has not addressed the objections to the satisfaction of the EPA Regional Administrator and until the objections are resolved according to the process identified in the Memorandum of Agreement between EPA and the Department; ()

03. **Water Quality Requirements.** When the imposition of conditions cannot ensure compliance with the applicable water quality requirements of all affected states; ()

04. **Anchorage and Navigation Impaired.** When, in the judgment of the Secretary of the United States Army through the Army Corp Chief of Engineers, anchorage and navigation in or on any of the waters of the United States would be substantially impaired by the discharge; ()

05. **Banned Content.** Of any radiological, chemical, or biological warfare agent or high level radioactive waste; ()

06. **Area Wide Waste Treatment Management Plans.** That is inconsistent with a plan or plan amendment approved under the Clean Water Act section 208(b); or ()

07. **New Sources or New Dischargers.** For a new source or new discharger, if the discharge from its construction or operation will cause or contribute to the violation of water quality standards. ()

a. When the owner or operator of a new source or new discharge proposes to discharge into a water segment that does not meet applicable water quality standards, or that is not expected to meet those standards even after the application of the effluent limitations required by Clean Water Act sections 301(b)(1)(A) and (B), and for which the state or interstate agency has performed a pollutant load allocation for the pollutant to be discharged, then the owner or operator must demonstrate that: ()

i. There are sufficient remaining pollutant load allocations to allow for the discharge; and ()

ii. The existing dischargers into that segment are subject to compliance schedules designed to bring the segment into compliance with applicable water quality standards. ()

b. The Department may waive the submission of the information by the permit applicant required in Subsection 103.07.a if the Department determines that it already has adequate information to evaluate the request. ()

c. An explanation of the development of limitations to meet the criteria of this section is to be included in the fact sheet to the permit. ()

104. PRE-APPLICATION PROCESS.

Any person who intends to apply for a permit or who proposes to discharge a pollutant into the waters of the United States should contact the Department to schedule a meeting prior to submitting an application to discuss: ()

01. IPDES Permit Applicability. Whether the actions or proposed facility will require an IPDES permit, and whether other suitable permitting options are available; ()

02. Application Content. The IPDES permit application requirements; and ()

03. Application Schedule. The IPDES permit application submittal schedule. ()

105. APPLICATION FOR AN INDIVIDUAL IPDES PERMIT.

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

02. Application Retention Schedule. An applicant shall 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. ()

03. Time to Apply. Any person required under Subsections 102.01 through 102.03 to obtain an IPDES permit shall 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). ()

a. A person proposing a new discharge shall 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 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. ()

b. Facilities described under 40 CFR 122.26(b)(14)(x) or (b)(15)(i) shall 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. ()

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. ()

d. A person discharging from a permitted facility with a currently effective permit shall 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. ()

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. ()

f. In no instance shall the application 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. ()

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 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: ()

a. All applicants, other than a POTW and other ~~treatment works treating domestic sewage~~ TWTDS (see Subsection 105.06), EPA Form 1, revised as of August 1, 1990, and the following additional forms, if applicable: ()

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; ()

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; ()

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

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

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 ()

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; ()

b. For an applicant that is a new or existing POTW (see Subsections 105.11 through ~~105.16~~ 105.15): ()

i. EPA Form 2A, revised January 14, 1999; and ()

ii. EPA Form 2S, revised January 14, 1999, if applicable. ()

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: ()

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"; ()

b. Information required to determine compliance with the mixing zone provisions set forth in IDAPA 58.01.02.060, "Water Quality Standards"; or ()

c. Information necessary for the Department to authorize a compliance schedule under IDAPA 58.01.02.400, "Water Quality Standards." ()

06. Individual Permit Application Requirements for Dischargers Other than Treatment Works Treating Domestic Sewage (TWTDS) and Publicly Owned Treatment Works (POTWs). An applicant for an

IPDES permit other than a POTW and other TWTDS, shall provide the following information to the Department, using the appropriate forms specified in Subsection 105.04: ()

- a. The applicant’s activity that requires an IPDES permit; ()
- b. The name, mailing address, electronic mail address, and location of the facility for which the application is submitted; ()
- c. Up to four (4) ~~North American Industry Code System (NAICS)~~ **Standard Industrial Classification (SIC)** codes that best identify the principal products or services provided by the facility; ()
- d. The operator’s name, mailing address, electronic mail address, telephone number, ownership status, **Employer Identification Number (EIN)**, and status as federal, state, private, public, or other entity; ()
- e. A statement that the facility is located in Indian country, if applicable; ()
- f. A listing of all permits or construction approvals received or applied for under any of the following programs: ()
 - i. Hazardous waste management program under IDAPA 58.01.05, “Rules and Standards for Hazardous Waste”; ()
 - 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”; ()
 - iii. IPDES program under IDAPA 58.01.25 “Rules Regulating the Idaho Pollutant Discharge Elimination System Program”; ()
 - iv. Prevention of significant deterioration (PSD) program under IDAPA 58.01.01, “Rules for Control of Air Pollution in Idaho”; ()
 - v. Nonattainment program under IDAPA 58.01.01, “Rules for Control of Air Pollution in Idaho”; ()
 - vi. National emission standards for hazardous pollutants (NESHAPS) preconstruction approval under IDAPA 58.01.01, “Rules for Control of Air Pollution in Idaho”; ()
 - vii. Dredge or fill permits under the Clean Water Act section 404; or ()
 - viii. Other relevant environmental permits, programs or activities, including those subject to state jurisdiction, approval, and permits; and ()
- 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: ()
 - i. The facility and each of its intake and discharge structures; ()
 - ii. The location of the facility’s hazardous waste treatment, storage, or disposal areas; ()
 - iii. The location of each well where fluids from the facility are injected underground; and ()
 - 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 ()
- h. A brief description of the nature of the business. ()

07. Individual Permit Application Requirements for Existing Manufacturing, Commercial, Mining and Silviculture Dischargers. ()

~~a. Facilities proposing to discharge to a POTW that does not have an established and effective pretreatment program shall submit an IPDES permit application after receiving a will serve letter from the POTW. The applicant shall complete the necessary forms stipulated in Subsection 105.04.~~ ()

b.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 provide the following information to the Department, using the applicable forms specified in Subsection 105.04: ()

i. For each outfall: ()

(1) The latitude and longitude to the nearest ~~fifteen (15)~~ seconds and the name of each receiving water; ()

(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) 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; ()

(4) For a privately owned treatment works, the identity of each user of the treatment works; and ()

(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; ()

ii. A description of the frequency, duration, and flow rate of each discharge occurrence for any of the discharges described in Subsection ~~105.07.b.i.(2)~~ **105.07.a.i.(2)** through ~~105.07.b.i.(5)~~ **105.07.a.i.(5)** that are intermittent or seasonal, except for storm water runoff, spillage, or leaks; ()

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.; ()

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; ()

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; ()

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

(2) The Department has adequate information to issue the permit; ()

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 ()

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.d~~, ~~105.07.c~~, through ~~h~~ ~~m~~. ()

~~e.b~~. The owner or operator of a facility subject to this subsection shall 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. ()

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 Subsection ~~105.07.b.i.(2)~~ ~~105.07.a.i.(2)~~ through ~~105.07.b.i.(5)~~ ~~105.07.a.i.(5)~~. ()

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

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. ()

~~d.c~~. In addition to the items of information listed in Subsections 105.07.a. through ~~105.07.e~~, ~~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.b~~, ~~105.07.a~~ shall: ()

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

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. ()

~~e.d~~. An applicant for an IPDES permit under this subsection shall: ()

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

ii. For all other pollutants, use twenty-four (24) hour composite 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; ()

~~f.e~~. For purposes of Subsection ~~105.07.d~~, ~~105.07.c~~, exceptions to testing and data provision requirements for effluent characteristics include: ()

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 ()

ii. An applicant's duty under Subsections ~~105.07.k~~, ~~105.07.j~~, ~~h~~ ~~k~~, and ~~m~~ ~~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 report that those pollutants are present. ()

~~g.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: ()

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 ()

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: ()

(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; ()

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

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, and fecal streptococcus; ()

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

(1) Sampling locations; ()

(2) The season in which the sampling takes place; ()

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

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

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

(6) Protocols for collecting samples under 40 CFR Part 136; and ()

(7) Additional time for submitting data; and ()

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. ()

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

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

ii. Chemical oxygen demand (COD); ()

- iii. Total organic carbon (TOC); ()
- iv. Total suspended solids (TSS); ()
- v. Ammonia, as N; ()
- vi. Temperature (both winter and summer); and ()
- vii. pH. ()

i.h. The Department may waive the reporting requirements under Subsection **105.07.h**, **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.h**, **105.07.g** if the applicant demonstrates that information adequate to support issuance of a permit can be obtained with less stringent requirements. ()

j.i. Except as provided in Subsection **105.07.o**, **105.07.n**, an applicant with an existing facility described in Subsection **105.07.b**, **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: ()

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: ()

(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 ()

(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**, **and 4** to 40 CFR 122.21; and ()

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

k.i. 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. ()

l.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.j**, **105.07.i**, are discharged from each outfall. Unless an applicant qualifies as a small business under Subsection **105.07.o**, **105.07.n**, the applicant must: ()

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

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 ()

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. ()

m.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. ()

n.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: ()

- i. Uses or manufactures the following: ()
 - (1) 2,4,5-trichlorophenoxy acetic acid (2,4,5,-T); ()
 - (2) 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5,-TP); ()
 - (3) 2-(2,4,5-trichlorophenoxy) ethyl, 2,2-dichloropropionate (Erbon); ()
 - (4) o,o-dimethyl o-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel); ()
 - (5) 2,4,5-trichlorophenol (TCP); or ()
 - (6) Hexachlorophene (HCP); or ()
- ii. Knows or has reason to believe that TCDD is or may be present in an effluent. ()

o.n. An applicant under this subsection is exempt from the quantitative data requirements in Subsections ~~105.07.j~~, ~~105.07.i~~, or ~~105.07.k~~, ~~105.07.i~~ 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: ()

- 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 ()
- 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. ()

p.o. In addition to the information reported on the application form, an applicant under this subsection shall provide to the Department, at the Department's request, any other information that the Department may reasonably require 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. ()

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

~~a. Facilities proposing to discharge to a POTW that does not have an established and effective pretreatment program shall submit an IPDES permit application after receiving a will serve letter from the POTW. The applicant shall complete the necessary forms stipulated in Subsection 105.04.~~ ()

b.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 provide the following information to the Department for all discharges, except for storm water discharges, using the applicable forms specified in Subsection 105.04: ()

i. The number of each outfall, the latitude and longitude to the nearest ~~fifteen (15)~~ seconds, and the name of each receiving water; ()

ii. For a new discharger, the date of expected commencement of discharge; ()

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; ()

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; ()

v. Effluent characteristics prepared and submitted as described in Subsections ~~105.08.e~~ **105.08.b**, and ~~105.08.d~~ **105.08.c**; ()

vi. A description of the frequency of flow and duration of any seasonal or intermittent discharge, except for storm water runoff, leaks, or spills; ()

vii. A brief description of any treatment system used or to be used; ()

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 ()

ix. The signature of the certifying official under Section 090 (Signature Requirements). ()

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

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

ii. Total suspended solids (TSS); ()

iii. Fecal coliform, if believed present or if sanitary waste is or will be discharged; ()

iv. Total residual chlorine (TRC), if chlorine is used; ()

v. Oil and grease; ()

vi. Chemical oxygen demand (COD), if non-contact cooling water is or will be discharged; ()

vii. Total organic carbon (TOC), if non-contact cooling water is or will be discharged; ()

viii. Ammonia, as N; ()

ix. Discharge flow; ()

x. pH; and ()

xi. Temperature, both in winter and summer, respectively. ()

~~d.c.~~ For purposes of the data required under Subsection ~~105.08.e~~ **105.08.b**: ()

i. Grab samples must be used for oil and grease, fecal coliform, and volatile organics. Temperature, pH, and TRC effluent data may be obtained from grab samples or from calibrated and properly maintained continuous monitors; ()

ii. Twenty-four (24) hour composite samples must be used for pollutants listed in Subsection ~~105.08.e~~, ~~105.08.b~~, other than those specified in Subsection ~~105.08.d~~, ~~105.08.c.i~~. 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; ()

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 ()

iv. The applicant shall collect and analyze samples in accordance with 40 CFR Part 136. ()

~~e.d.~~ The Department may waive the testing and reporting requirements for any of the pollutants or flow listed in Subsection ~~105.08.d~~, ~~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. ()

~~f.e.~~ If the applicant is a new discharger, the applicant shall: ()

i. Complete and submit Item IV of EPA Form 2E, or the Department equivalent, as required by 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 ()

ii. Include estimates and the source of each estimate instead of sampling data for the pollutants or parameters listed in Subsection ~~105.08.e~~, ~~105.08.b~~; ()

~~g.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 be accompanied by documents supporting the estimated value. ()

~~h.g.~~ An applicant's duty, under Subsections ~~105.08.e~~, ~~105.08.b~~, ~~d~~, ~~e~~, and ~~f 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 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. ()

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) shall provide the following information to the Department, using the applicable forms specified in Subsection 105.04: ()

a. The name of the owner or operator; ()

b. The facility location and mailing addresses; ()

c. Latitude and longitude of the production area **to the nearest second**, measured at the entrance to the production area; ()

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; ()

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; ()

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; ()

g. The total number of acres available and under the applicant's control for land application of manure, litter, or process wastewater; ()

h. Estimated amounts of manure, litter, and process wastewater generated per year in tons or gallons; ()

i. Estimated amounts of manure, litter, and process wastewater transferred to other persons per year in tons or gallons; and ()

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. ()

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 provide the following information to the Department, using the applicable forms specified in Subsection 105.04: ()

a. The maximum daily and average monthly flow from each outfall; ()

b. The number of ponds, raceways, and similar structures; ()

c. The name of the receiving water and the source of intake water; ()

d. For each species of aquatic animal, the total yearly and maximum harvestable weight; and ()

e. The calendar month of maximum feeding and the total mass of food fed during that month. ()

11. Individual Permit Application Requirements for New and Existing POTWs and Other Dischargers Designated by the Department. ()

a. Except as provided in Subsection 105.11.b., an applicant that is a POTW and any other discharger designated by the Department shall provide the information in this subsection to the Department, using the applicable forms specified in Subsection 105.04.b. A permit applicant under this subsection shall submit all information available at the time of permit application; however, an applicant may provide information by referencing information previously submitted to the Department. ()

b. The Department may waive any requirement of this subsection if the Department has access to substantially identical information. The Department may also waive any requirement of this subsection 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. ()

c. An applicant under this subsection must provide the following information: ()

i. Name, mailing address, and location of the facility for which the application is submitted; ()

ii. Name, mailing address, electronic mail address, **EIN**, and telephone number of the applicant, and a statement whether the applicant is the facility's owner, operator, or both; ()

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: ()

(1) Hazardous waste management program under IDAPA 58.01.05, "Rules and Standards for Hazardous Waste"; ()

(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) IPDES program under IDAPA 58.01.25, "Rules Regulating the Idaho Pollutant Discharge Elimination System Program"; ()

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

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

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

(7) Dredge or fill permits under the Clean Water Act section 404; ()

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

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

iv. The name and population or equivalent dwelling units (EDU) 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; ()

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; ()

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; ()

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; ()

viii. The following information for outfalls to waters of the United States and other discharge or

disposal methods: ()

(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; ()

(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) 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; ()

(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 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 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 ()

(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 ()

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

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: ()

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; ()

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: ()

(1) The treatment plant area and unit processes; ()

(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) Each well where fluids from the treatment plant are injected underground; ()

(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; ()

(5) Sewage sludge management facilities including on-site treatment, storage, and disposal sites; and ()

(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; ()

iii. A process flow diagram or schematic as follows: ()

- (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 ()
- (2) A narrative description of the diagram; and ()
- iv. The following information regarding scheduled improvements: ()
- (1) The outfall number of each affected outfall; ()
- (2) A narrative description of each required improvement; ()
- (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 ()
- (4) A description of permits and clearances concerning other federal and state requirements. ()
- e. An applicant under this subsection must provide the following information for each outfall, including bypass points, through which effluent is discharged, as applicable: ()
- i. For each outfall: ()
- (1) The outfall number; ()
- (2) The county, and city or town in which the outfall is located; ()
- (3) The latitude and longitude, to the nearest ~~fifteen (15)~~ seconds; ()
- (4) The distance from shore and depth below surface; ()
- (5) The average daily flow rate, in million gallons per day (MGD); ()
- (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 ()
- (7) A statement whether the outfall is equipped with a diffuser and the type of diffuser used, such as high-rate; ()
- ii. For each outfall discharging effluent to waters of the United States, the following receiving water information, if the information is available: ()
- (1) The name of each receiving water; ()
- (2) The critical flow of each receiving stream; and ()
- (3) The total hardness of the receiving stream at critical low flow; and ()
- iii. For each outfall discharging to waters of the United States, the following information describing the treatment of the discharges: ()
- (1) The highest level of treatment, including primary, equivalent to secondary, secondary, advanced, or other treatment level provided for: ()

- (a) The design biochemical oxygen demand removal percentage; ()
 - (b) The design suspended solids removal percentage; ()
 - (c) The design phosphorus removal percentage; ()
 - (d) The design nitrogen removal percentage; and ()
 - (e) Any other removals that an advanced treatment system is designed to achieve; and ()
- (2) A description of the type of disinfection used, and a statement whether the treatment plant de-chlorinates, if disinfection is accomplished through chlorination. ()

f. In addition to Subsection 105.11.a., and except as provided in Subsection 105.11.h., an applicant under this subsection shall 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: ()

i. Sampling and analysis for the pollutants listed in Appendix J, Table 1A to 40 CFR Part 122; ()

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; ()

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: ()

(1) A POTW that has a design flow rate equal to or greater than one (1) million (1,000,000) gallons per day (MGD); ()

(2) A POTW that has an approved pretreatment program; ()

(3) A POTW that is required to develop a pretreatment program; or ()

(4) Any POTW, as required by the Department to ensure compliance with these rules; ()

iv. Sampling and analysis for additional pollutants, as the Department may require, on a case-by-case basis; ()

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: ()

(1) Samples must be representative of the seasonal variation in the discharge from each outfall; ()

(2) Existing data may be used, if available, in lieu of sampling done solely for the purpose of this application; and ()

(3) Additional samples may be required by the Department on a case-by-case basis; and ()

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. ()

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

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; ()

ii. Use the following methods: ()

(1) Grab samples for pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, fecal coliform, and volatile organics. Temperature, pH, and residual chlorine data may be obtained from grab samples or from calibrated and properly maintained continuous monitors; ()

(2) Twenty-four (24) hour composite samples for all other pollutants; for a composite sample, only one (1) analysis of the composite of aliquots is required; and ()

iii. Provide at least the following information for each parameter: ()

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

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

(3) The analytical method used; and ()

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

iv. Report metals as total recoverable, unless the Department requires otherwise. ()

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." ()

~~**i.** An application under this subsection must be signed by a certifying official in compliance with Section 090 (Signature Requirements).~~ ()

12. Whole Effluent Toxicity (WET) Monitoring for POTWs and Other Designated Dischargers. ()

a. An applicant for a permit under Subsection 105.11 shall 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. ()

b. An applicant under Subsection 105.11 shall 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: ()

i. Has a design flow rate greater than or equal to one (1) million (1,000,000) gallons per day (MGD);

()

ii. Has an approved pretreatment program or is required to develop a pretreatment program; or ()

iii. Is required to comply with this subsection by the Department, based on consideration of the following factors: ()

(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; ()

(2) The ratio of effluent flow to receiving stream flow; ()

(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; ()

(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 ()

(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. ()

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. ()

d. An applicant under Subsection 105.12.b. that is required to perform WET testing must provide: ()

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; ()

ii. The number of chronic or acute whole effluent toxicity tests that have been conducted since the last permit reissuance; ()

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; ()

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 ()

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. ()

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 conduct acute or chronic testing based on the following dilutions: ()

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; ()

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 ()

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. ()

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

13. Individual Permit Application Requirements for POTWs Receiving Industrial Discharges. ()

a. An applicant for an IPDES permit as a POTW under Subsection 105.11 shall state in its application the number of significant industrial users (SIU) and categorical industrial users (CIU) discharging to the POTW. A POTW with one (1) or more SIUs shall provide the following information for each SIU that discharges to the POTW: ()

i. The name and mailing address of the SIU; ()

ii. A description of all industrial processes that affect or contribute to the SIU's discharge; ()

iii. The principal products and raw materials of each SIU that affects or contributes to that SIU's discharge; ()

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

v. A statement whether the SIU is subject to local limits; ()

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

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. ()

b. The information required in Subsection 105.1213.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.: ()

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

ii. A pretreatment program. ()

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

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: ()

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: ()

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

and ()

(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 ()

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: ()

(1) The identity and description of each site or facility at which the wastewater originates; ()

(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) The extent of any treatment the wastewater receives or will receive before entering the POTW. ()

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." ()

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: ()

a. A system map indicating the location of: ()

i. All combined sewer overflow discharge points; ()

ii. Any sensitive use areas potentially affected by combined sewer overflows including beaches, drinking water supplies, shellfish beds, sensitive aquatic ecosystems; ()

iii. Outstanding national resource waters potentially affected by combined sewer overflows; and ()

iv. Waters supporting threatened and endangered species potentially affected by combined sewer overflows; ()

b. A system diagram of the combined sewer collection system that includes the locations of: ()

i. Major sewer trunk lines, both combined and separate sanitary; ()

ii. Points where separate sanitary sewers feed into the combined sewer system; ()

iii. In-line and off-line storage structures; ()

iv. Flow-regulating devices; and ()

v. Pump stations; ()

c. Information on each outfall for each combined sewer overflow discharge point covered by the permit application, including: ()

i. The outfall number; ()

- ii. The county and city or town in which the outfall is located; ()
- iii. The latitude and longitude, to the nearest second; and ()
- iv. The distance from shore and depth below surface; ()
- d.** A statement whether the applicant monitored any of the following in the past year for a combined sewer overflow: ()
 - i. Rainfall; ()
 - ii. Overflow volume; ()
 - iii. Overflow pollutant concentrations; ()
 - iv. Receiving water quality; ()
 - v. Overflow frequency; and ()
 - vi. The number of storm events monitored in the past year; ()
- e.** Information regarding the number of combined sewer overflows from each outfall in the past year and, if available: ()
 - i. The average duration per event; ()
 - ii. The average volume for each event; and ()
 - iii. The minimum rainfall that caused a combined sewer overflow event in the last year; ()
- f.** The name of each receiving water according to the National Hydrography Dataset (NHD); ()
- 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 ()
- h.** All applicants must provide the name, mailing address, telephone number, and responsibilities of all contractors responsible for any operational or maintenance aspects of the facility. ()

16. Individual Permit Application Requirements for New Sources and New Discharges. ()

- 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 provide the following information to the Department, using the applicable forms specified in Subsection 105.04.b.: ()
 - i. The latitude and longitude to the nearest fifteen (15) seconds of the expected outfall location and the name of each receiving water; ()
 - ii. The expected date the discharge will commence; ()
 - iii. The following information on flows, sources of pollution, and treatment technologies: ()

(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; ()

(2) A line drawing of the water flow through the facility with a water balance as described in Subsection ~~105.07.c~~ 105.07.b; and ()

(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; ()

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; ()

v. The effluent characteristics information as described in Subsection 105.16.b.; ()

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; ()

vii. Any optional information the permittee wishes the Department to consider; and ()

~~viii. The signature of the certifying official under Section 090 (Signature Requirements).~~ ()

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

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

(1) 5-day Bbiochemical oxygen demand (BOD5); ()

(2) Chemical oxygen demand (COD); ()

(3) Total organic carbon (TOC); ()

(4) Total suspended solids (TSS); ()

(5) Flow; ()

(6) Ammonia, as N; ()

(7) Temperature, in both winter and summer; and ()

(8) pH. ()

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; ()

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: ()

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

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

(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: ()

(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 [\(see also Subsection 105.07.n.ii\)](#); or ()

(b) A coal mine with expected average production of less than one hundred thousand (100,000) tons of coal per year [\(see also Subsection 105.07.n.i\)](#); ()

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: ()

(1) 2,4,5-trichlorophenoxy acetic acid (2,4,5-T); Chemical Abstract Service (CAS) #93-76-5; ()

(2) 2-(2,4,5-trichlorophenoxy) propanoic acid (Silvex, 2,4,5-TP) (CAS #93-72-1); ()

(3) 2-(2,4,5-trichlorophenoxy) ethyl 2,2-dichloropropionate (Erbon) (CAS #136-25-4); ()

(4) o,o-dimethyl o-(2,4,5-trichlorophenyl) phosphorothioate (Ronnel) (CAS #299-84-3); ()

(5) 2,4,5-trichlorophenol (TCP) (CAS #95-95-4); or ()

(6) Hexachlorophene (HCP) (CAS #70-30-4); and ()

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. ()

c. No later than two (2) years 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. ()

d. The effluent characteristics requirements in Subsections [105.08.e](#), [105.08.b](#), [d](#), [e](#), and [f](#) [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. ()

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. ()

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. ()

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. ()

b. All applicants must submit the following information: ()

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

ii. The name, mailing address, **EIN**, and telephone number of the applicant and indication whether the applicant is the owner, operator, or both; ()

iii. Whether the facility is a Class I Sludge Management Facility; ()

iv. The design flow rate in million gallons per day (MGD); ()

v. The total population or equivalent dwelling units (EDU) served; and ()

vi. The TWTDS's status as federal, state, private, public, or other entity. ()

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: ()

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

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”; ()

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

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

v. Nonattainment program under IDAPA 58.01.01, “Rules for the Control of Air Pollution in Idaho”; ()

vi. National emission standards for hazardous pollutants (NESHAPS) preconstruction approval under IDAPA 58.01.01, “Rules for the Control of Air Pollution in Idaho”; ()

vii. Dredge or fill permits under the Clean Water Act section 404; ()

viii. Sludge Management Program under IDAPA 58.01.16.650, “Wastewater Rules,” and Section 380 (Sewage Sludge) of these rules; and ()

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

d. All applicants must identify any generation, treatment, storage, land application, or disposal of sewage sludge that occurs in Indian country. ()

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: ()

i. All sewage sludge management facilities, including on-site treatment, storage, and disposal sites; and ()

ii. Wells, springs, and other surface water bodies that are within one-quarter ($\frac{1}{4}$) mile of the property boundaries and listed in public records or otherwise known to the applicant. ()

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. ()

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. ()

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

ii. Applicants must provide data from a minimum of three (3) samples taken within four and one-half ($4\frac{1}{2}$) 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; ()

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 ()

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

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

(2) The analytical method used; and ()

(3) The method detection level. ()

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: ()

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; ()

ii. If the applicant's facility receives sewage sludge from another facility, the following information for each facility from which sewage sludge is received: ()

- (1) The name, mailing address, and location of the other facility; ()
 - (2) The total dry metric tons per three hundred sixty-five (365)-day period received from the other facility; and ()
 - (3) A description of any treatment processes occurring at the other facility, including blending activities and treatment to reduce pathogens or vector attraction characteristics; ()
- iii. If the applicant's facility changes the quality of sewage sludge through blending, treatment, or other activities, the following information must be submitted: ()
- (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; ()
 - (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) A description of any other blending, treatment, or other activities that change the quality of sewage sludge; ()
- 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; ()
- 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: ()
- (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 ()
 - (2) A copy of all labels or notices that accompany the sewage sludge being sold or given away; and ()
- 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: ()
- (1) The name and mailing address of the receiving facility; ()
 - (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) A description of any treatment processes occurring at the receiving facility, including blending activities and treatment to reduce pathogens or vector attraction characteristic; ()
 - (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 ()
 - (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. ()

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: ()

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; ()

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; ()

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

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

(2) The site's latitude and longitude to the nearest second, and method of determination; ()

(3) A topographic map (or other map if a topographic map is unavailable) that shows the site's location; ()

(4) The name, mailing address, and telephone number of the site owner, if different from the applicant; ()

(5) The name, mailing address, and telephone number of the person who applies sewage sludge to the site, if different from the applicant; ()

(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; ()

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

(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 ()

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

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: ()

(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 of a contact person at the permitting authority; ()

(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; ()

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: ()

(1) Describes the geographical area covered by the plan; ()

(2) Identifies the site selection criteria; ()

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

(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 ()

(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. ()

j. If sewage sludge from the applicant's facility is placed on a surface disposal site, the applicant must provide the following information: ()

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; ()

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: ()

(1) The site name or number, contact person, mailing address, and telephone number for the surface disposal site; and ()

(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; ()

iii. The following information for each active sewage sludge unit at each surface disposal site that the applicant owns or operates: ()

(1) The name or number and the location of the active sewage sludge unit; ()

(2) The unit's latitude and longitude to the nearest second, and method of determination; ()

(3) If not already provided, a topographic map (or other map if a topographic map is unavailable) that shows the unit's location; ()

(4) The total dry metric tons placed on the active sewage sludge unit per three hundred sixty-five (365)-day period; ()

(5) The total dry metric tons placed on the active sewage sludge unit over the life of the unit; ()

(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; ()

(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; ()

(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; ()

(9) The remaining capacity (dry metric tons) for the active sewage sludge unit; ()

- (10) The date on which the active sewage sludge unit is expected to close, if such a date has been identified; ()
- (11) The following information for any other facility that sends sewage sludge to the active sewage sludge unit: ()
- (a) The name, contact person, and mailing address of the facility; and ()
- (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; ()
- (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; ()
- (13) The following information, as applicable to any ground water monitoring occurring at the active sewage sludge unit: ()
- (a) A description of any ground water monitoring occurring at the active sewage sludge unit; ()
- (b) Any available ground water monitoring data, with a description of the well locations and approximate depth to ground water; ()
- (c) A copy of any ground water monitoring plan that has been prepared for the active sewage sludge unit; and ()
- (d) A copy of any certification that has been obtained from a qualified ground water scientist that the aquifer has not been contaminated; and ()
- (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. ()
- k.** If sewage sludge from the applicant's facility is fired in a sewage sludge incinerator, the applicant must provide the following information: ()
- 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; ()
- ii. The following information for each sewage sludge incinerator firing the applicant's sewage sludge that the applicant does not own or operate: ()
- (1) The name and/or number, contact person, mailing address, and telephone number of the sewage sludge incinerator; and ()
- (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; ()
- iii. The following information for each sewage sludge incinerator that the applicant owns or operates: ()
- (1) The name and/or number and the location of the sewage sludge incinerator; ()
- (2) The incinerator's latitude and longitude to the nearest second, and method of determination; ()
- (3) The total dry metric tons per three hundred sixty-five (365)-day period fired in the sewage sludge

incinerator; ()

(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; ()

(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; ()

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

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

(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; ()

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

(10) The type of sewage sludge incinerator; ()

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

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

(a) Sewage sludge feed rate in dry metric tons per day; ()

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

(c) A description of how the feed rate was calculated; ()

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

(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; ()

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

(a) Total hydrocarbons or Carbon Monoxide; ()

(b) Percent Oxygen; ()

(c) Percent moisture; and ()

(d) Combustion temperature; and ()

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

I. 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: ()

i. The name, contact person, mailing address, location, and all applicable permit numbers of the MSWLF; ()

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

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 ()

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

m. All applicants must provide the name, mailing 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. ()

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. ()

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 submit the following information on EPA Form 2S, Part I, or on the Department equivalent form: ()

i. The TWTDS's name, mailing address, location, and status as federal, state, private, public, or other entity; ()

ii. The applicant's name, address, telephone number, and ownership status; ()

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; ()

iv. Annual amount of sewage sludge generated, treated, used or disposed (estimated dry weight basis); and ()

v. The most recent data the TWTDS may have on the quality of the sewage sludge. ()

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 coapplicant 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 include: ()

a. Part 1 of the application shall consist of: ()

i. The applicants' name, address, **EIN**, telephone number of contact person, ownership status and status as a state or local government entity; ()

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 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; ()

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 following information shall be provided: ()

(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; ()

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

(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, an estimate of an average runoff coefficient shall be provided; ()

(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; ()

(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; ()

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

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

iv. A description of the discharge including: ()

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

(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) 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 include a description of whether the water bodies receiving such discharges have been: ()

(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; ()

(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; ()

(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); ()

(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); ()

(e) Recognized by the applicant as highly valued or sensitive waters; ()

(f) Defined by the state as wetlands; and ()

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

(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 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 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 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 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 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 established using the following guidelines and criteria: ()

(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; ()

(b) All cells that contain a segment of the storm sewer system shall be identified; one (1) field screening point shall be selected in each cell; major outfalls may be used as field screening points; ()

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

(d) 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; ()

(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; ()

(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 subject to field screening (unless access to the separate storm sewer system is impossible); and ()

(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 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 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 at these major outfalls; and ()

(5) Information and a proposed program to meet the requirements of Subsection 105.18.b.iii., which shall include: 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; ()

v. A description of the existing management programs to control pollutants from the municipal separate storm sewer system, which shall provide information on existing structural and source controls, including 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; ()

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

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. ()

b. Part 2 of the application shall consist of: ()

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: ()

(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; ()

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

(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; ()

(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; ()

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

(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. ()

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; ()

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.d.~~ **105.07.c.** through ~~105.07.n.~~ **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: ()

(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 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 designate all outfalls) **developed as follows:** ()

(a) For each outfall or field screening point designated under this subsection, samples shall 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.d.~~ **105.07.c.** through ~~105.07.n.~~ **105.07.m.** (the Department may allow exemptions to sampling three (3) storm events when climatic conditions create good cause for such exemptions);()

(b) A narrative description shall 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; ()

(c) For samples collected and described under Subsections 105.18.b.iii.(1)(a) and (b), quantitative data shall 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: ()

- (i) Total suspended solids (TSS); ()
- (ii) Total dissolved solids (TDS); ()
- (iii) **Chemical oxygen demand (COD);** ()
- (iv) **5-day biochemical oxygen demand (BOD5);** ()
- (v) Oil and grease; ()
- (vi) Fecal coliform; ()
- (vii) Fecal streptococcus; ()
- (viii) pH; ()
- (ix) Total Kjeldahl nitrogen; ()
- (x) Nitrate plus nitrite; ()

(xi) Total ammonia plus organic nitrogen; ()

(xii) Dissolved phosphorus; and ()

(xiii) Total phosphorus; ()

(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); ()

(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 be accompanied by a description of the procedures for estimating constituent loads and concentrations, including any modelling, data analysis, and calculation methods; ()

(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 ()

(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; ()

iv. A proposed management program covering the duration of the permit, which shall include a comprehensive planning process which involves 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 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 describe priorities for implementing controls. Such programs shall be based on: ()

(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 include: ()

(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; ()

(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 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)); ()

(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; ()

(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; ()

(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 identify 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 ()

(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; ()

(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 include: ()

(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 address all types of illicit discharges; however, the following category of non-storm water discharges or flows shall 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 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); ()

(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; ()

(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, 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 include the location of storm sewers that have been identified for such evaluation); ()

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

(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; ()

(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 ()

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

(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: ()

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

(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.k, 105.07.j through m, l; ()

(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 include: ()

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

(b) A description of requirements for nonstructural and structural best management practices; ()

(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 ()

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

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 also identify known impacts of storm water controls on ground water; ()

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 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; ()

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

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 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. ()

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. ()

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 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. ()

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 provide: ()

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: ()

(1) Each of its drainage and discharge structures; ()

(2) The drainage area of each storm water outfall; ()

(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 **RCRA Resource Conservation and Recovery Act** permit which is used for accumulating hazardous waste under 40 CFR 262.34); ()

(4) Each well where fluids from the facility are injected underground; and ()

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

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: ()

(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; ()

(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) Materials loading and access areas; ()

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

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

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

iii. A certification that all outfalls that should contain 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. 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; ()

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; ()

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: ()

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

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

(4) Any information on the discharge required under Subsections ~~105.07.k~~ 105.07.j through ~~m~~ l; ()

(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 ()

(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; ()

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

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. ()

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 provide a narrative description of: ()

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

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; ()

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; ()

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; ()

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 ()

vi. The name of the receiving water. ()

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: ()

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 ()

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 ()

iii. Contributes to a violation of a water quality standard. ()

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. ()

f. Applicants shall provide such other information the Department may reasonably require under Subsection 105.07.p. 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. ()

106. INDIVIDUAL PERMIT APPLICATION REVIEW.

01. **Completeness Criteria.** The Department will not begin processing or issue an individual IPDES permit application before receiving a complete application. An application is complete when an application form and any supplemental information are completed and submitted to the Department's satisfaction. The Department will not consider a permit application to be complete until all applicable fees required under Section 110 (Permit Fee Schedule for IPDES Permitted Facilities) are paid. ()

02. **Sufficiently Sensitive Methods.** Except as specified in Subsection 106.02.c, a permit application shall not be considered complete unless all required quantitative data are collected in accordance with sufficiently sensitive analytical methods approved under 40 CFR Part 136 or required under 40 CFR Parts 400 through 471 and 501 through 503.

a. A method approved under 40 CFR Part 136 or required under 40 CFR Parts 400 through 471 and 501 through 503 is "sufficiently sensitive" when:

i. The method minimum level (ML) is at or below the level of the applicable water quality criterion for the measured pollutant or pollutant parameter; or

ii. The method ML is above the applicable water quality criterion, but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or

iii. The method has the lowest ML of the analytical methods approved under 40 CFR Part 136 or required under 40 CFR Parts 400 through 471 and 501 through 503 for the measured pollutant or pollutant parameter.

b. For Subsection 106.02.a, consistent with 40 CFR Part 136, applicants have the option of providing matrix or sample specific minimum levels rather than the published levels. Further, where an applicant can demonstrate that, despite a good faith effort to use a method that would otherwise meet the definition of “sufficiently sensitive,” the analytical results are not consistent with the QA/QC specifications for that method, then the Department may determine that the method is not performing adequately and the applicant should select a different method from the remaining EPA-approved methods that is sufficiently sensitive consistent with Subsection 106.02.a. Where no other EPA-approved methods exist, the applicant should select a method consistent with Subsection 106.02.c.

c. When there is no analytical method that has been approved under 40 CFR Part 136, required under 40 CFR Parts 400 through 471 and 501 through 503, and is not otherwise required by the Department, the applicant may use any suitable method but shall provide a description of the method. When selecting a suitable method, other factors such as a method’s precision, accuracy, or resolution, may be considered when assessing the performance of the method.

02.03. Independence. The Department shall judge the completeness of any IPDES permit application independently of any other permit application or permit. ()

03.04. Schedule. The Department will notify an applicant in writing whether the application is deemed complete for purposes of this section within: ()

a. Thirty (30) days if the application is for a new source or new discharger under the IPDES program, or ()

b. Sixty (60) days if the application is for an existing source or sludge-only facility. ()

04.05. Additional Information. Notification that an application is complete does not preclude the Department from requiring the applicant submit additional information for the Department’s use in processing the application. This additional information may only be requested when necessary to clarify, modify, or supplement previously submitted material. ()

a. Requests for additional information will not render an application incomplete. ()

b. If the Department decides that a site visit is necessary for any reason in connection with the processing of an application, the Department shall notify the applicant and a date shall be scheduled. Failure to schedule or refusal of a requested site visit are grounds for permit denial. ()

c. The applicant’s failure or refusal to correct deficiencies, or supply requested information may result in permit denial, and appropriate enforcement actions may be initiated, if warranted. ()

05.06. Incomplete Due to Waiver Denial. The Department will not consider a permit application to be complete if the Department waived application requirements under Subsection 105.11 or 105.17 and the EPA has disapproved the waiver. ()

06.07. Impact of Waiver Delay. If a person required to reapply for a permit submits a waiver request to the EPA 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. ()

07.08. Application Completeness Date. The completeness date of an application is the date on which the Department notifies the applicant that the application is complete. ()

107. DECISION PROCESS.

After the Department has determined that a permit application is complete the Department will tentatively decide whether to tentatively deny the application, or prepare an IPDES draft permit. ()

01. Application Denial. If the Department decides to tentatively deny the application: ()

a. A notice of intent to deny the permit application shall be issued. A notice of intent to deny the permit application is a type of draft permit which follows the same procedures as any draft permit and shall be made available for public comment, and the Department shall give notice of opportunity for a public meeting, as specified in Section 109 (Public Notification and Comment); ()

b. The Department shall generate a response to public comment; and ()

c. Issue a final decision. The final decision may: ()

i. Be to withdraw the notice of intent to deny the application, and proceed to prepare a draft permit and fact sheet as defined in Section 108 (Draft Permit and Fact Sheet); or ()

ii. Confirm the decision to deny the application. ()

d. The applicant may appeal the final decision to deny the application by adhering to the requirements of Section 204 (Appeals Process). ()

02. Draft Permit. If the Department decides to generate a draft permit and fact sheet it will comply with Section 108 (Draft Permit and Fact Sheet). ()

a. Upon completion of the draft permit and fact sheet the Department shall issue a public notification as required in Subsection 109.01. ()

b. An opportunity for the public to comment and request a public meeting shall be provided. ()

c. The Department shall generate a response to public comment as stipulated in Subsection 109.03. ()

03. Proposed Permit. After the close of the public comment period on a draft permit, the Department will make appropriate changes in response to comments, and generate a proposed permit and fact sheet. ()

04. Final Permit. After the close of the public comment period on a draft permit, and after receipt of comments on the proposed permit, if any, from EPA, the Department shall issue a final permit decision and fact sheet. A final permit decision means a final decision to issue, deny, modify, revoke and reissue, or terminate a permit. ()

a. The Department shall notify the applicant and each person who has submitted written comments or requested notice of the final permit decision. ()

b. A final permit decision shall become effective twenty-eight (28) days after the service of notice of the decision unless: ()

i. A later effective date is specified in the decision; or ()

ii. A Petition for Review is filed with the Department as specified in Section 204 (Appeals Process). ()

108. DRAFT PERMIT AND FACT SHEET.

01. Draft Permit. ()

- a. If the Department decides to prepare a draft permit, it shall contain the following information: ()
 - i. All conditions established under Section 300 (Conditions Applicable to All Permits); ()
 - ii. All conditions for specific categories established under Section 301 (Permit Conditions for Specific Categories) and 40 CFR 122.42(e). ()
 - iii. All conditions established under Section 302 (Establishing Permit Provisions); ()
 - iv. All conditions established under Section 303 (Calculating Permit Provisions); ()
 - v. All monitoring requirements established under Section 304 (Monitoring and Reporting Requirements); ()
 - vi. Schedules of compliance established under Section 305 (Compliance Schedules); and ()
 - vii. Any variances that are approved. ()
 - b. General and individual **municipal and industrial** proposed permits shall be available to the EPA Region 10 Administrator for comment as specified in Subsections 107.03 (Proposed Permit) and 107.04 (Final Permit). ()
- 02. Fact Sheets.** ()
- a. A fact sheet containing the information required in Subsection 108.02.b. must accompany the draft permit prepared for: ()
 - i. A major IPDES facility or activity; ()
 - ii. A Class I sludge management facility; ()
 - iii. An IPDES general permit; ()
 - iv. A permit that incorporates a variance or requires an explanation under Subsection 108.02.b.ix. through 108.02.b.x.; ()
 - v. A permit that includes a sewage sludge land application plan under 40 CFR 501.15(a)(2)(ix); and ()
 - vi. A permit that the Department finds is the subject of wide-spread public interest or raises major issues. ()
 - b. A fact sheet must briefly set out the principal facts and the significant factual, legal, methodological, and policy questions considered in preparing the draft permit and must include, if applicable, the following information: ()
 - i. A brief description of the type of facility or activity that is the subject of the draft permit; ()
 - ii. The type and quantity of wastes, fluids, or pollutants that are proposed to be or are being treated, stored, disposed of, injected, emitted, or discharged; ()
 - iii. A brief summary of the basis for the draft permit conditions, including references to applicable statutes or regulations and appropriate supporting references to the administrative record; ()

- iv. Reasons for the Department’s tentative decision on any requested variances or alternatives to required standards; ()
- v. A description of the procedures for reaching a final decision on the draft permit, including: ()
 - (1) The beginning and ending dates of the comment period under Subsection 109.02 and the address where comments should be submitted; ()
 - (2) The procedure for requesting a public meeting and the nature of that meeting; and ()
 - (3) Any other procedures by which the public may participate in the final decision; ()
- vi. The name and telephone number of a person to contact for additional information; ()
- vii. The justification for waiver of any application requirements under Section 105 (Application for an Individual IPDES Permit) for new and existing POTWs; ()
- viii. Any calculations or other necessary explanation of the derivation of specific effluent limitations and conditions, including a citation to the applicable effluent limitation guideline or performance standard as required by Section 302 (Establishing Permit Provisions), and reasons why the effluent limitations and conditions are applicable, or an explanation of how any alternate effluent limitation was developed; ()
- ix. If applicable, an explanation of why the draft permit contains the following conditions or waivers: ()
 - (1) Limitations to control toxic pollutants under Subsection 302.07; ()
 - (2) Limitations on internal waste streams under Section 304 (Monitoring and Reporting Requirements); ()
 - (3) Limitations on indicator pollutants under 40 CFR 125.3(g); ()
 - (4) Limitations established on a case-by-case basis under 40 CFR 125.3 (c)(2) or (c)(3) or pursuant to the Clean Water Act section 405(d)(4); ()
 - (5) Limitations to meet the criteria for permit issuance under Subsection 103.07; or ()
 - (6) Waivers from monitoring requirements granted under Subsection 302.03; ()
- x. For a draft permit for a treatment works owned by a person other than a state or municipality, an explanation of the Department’s decision on regulation of users under Subsection 302.15; ()
- xi. If appropriate, a sketch or detailed description of the location of the discharge or regulated activity described in the application; and ()
- xii. For permits that include a sewage sludge land application plan under 40 CFR 501.15(a)(2)(ix), a brief description of how each of the required elements of the land application plan are addressed in the permit. ()

109. PUBLIC NOTIFICATION AND COMMENT.

- 01. Public Notification.** ()
 - a. The Department will give notice to the public that: ()

- i. A draft permit has been prepared under Subsection 108.01; ()
- ii. The Department intends to deny a permit application under Subsection 107.01; ()
- iii. A public meeting is scheduled; or ()
- iv. An IPDES new source determination has been made. ()
- b.** A public notice may describe more than one (1) permit or permit action. ()
- 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. ()
- 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: ()
 - 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: ()
 - (1) The applicant, unless there is no applicant for an IPDES general permit; ()
 - (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: ()
 - (a) Resource Conservation and Recovery Act, under IDAPA 58.01.05, "Rules and Standards for Hazardous Waste"; ()
 - (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"; ()
 - (c) Clean Air Act, under IDAPA 58.01.01, "Rules for the Control of Air Pollution in Idaho"; ()
 - (d) Idaho Pollution Discharge Elimination System Program, under IDAPA 58.01.25, "Rules Regulating the Idaho Pollutant Discharge Elimination System Program"; or ()
 - (e) Sludge Management Program, under IDAPA 58.01.16.650, "Wastewater Rules"; and ()
 - (f) Dredge and Fill Permit Program (Clean Water Act section 404); ()
 - (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; ()
 - (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; ()
 - (5) Any user identified in the permit application of a privately owned treatment works; ()
 - (6) Persons on a mailing list developed by: ()
 - (a) Recording those who request in writing to be on the list; ()

- (b) Soliciting persons for area lists from participants in past permit proceedings in that area; and ()
- (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; ()
- (7) Any unit of local government having jurisdiction over the area where the facility is proposed to be located; and ()
- (8) Each state agency having any authority under state law with respect to the construction or operation of the facility; ()
- 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 ()
- 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. ()
- e. A public notice issued under this subsection must contain at least the following information: ()
- i. Name and address of the office processing the permit action for which notice is being given and where comments may be submitted; ()
- 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; ()
- 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; ()
- 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; ()
- 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; ()
- vi. A general description of the location of each existing or proposed discharge point and the name of the receiving water; ()
- vii. The sludge use and disposal practices and the location of each sludge ~~treatment works treating~~ domestic sewage TWTDS and use or disposal sites known at the time of permit application; ()
- 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 ()
- 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 ()

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: ()

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; ()

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 ()

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. ()

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: ()

i. Reference to the date of previous public notices relating to the permit; ()

ii. Date, time, and place of the meeting; and ()

iii. A brief description of the nature and purpose of the meeting, including the applicable rules and procedures. ()

h. The Department shall 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). ()

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. ()

~~**j.** When a fact sheet has been prepared under Subsection 108.02, the Department shall issue a revised fact sheet for the final permit, which must include all of the requirements of Subsection 108.02.b., and be available to the public. ()~~

02. Public Comment. ()

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

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

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 state 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. ()

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. ()

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. ()

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

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. ()

h. After the close of the public comment period and prior to the issuance of the final permit decision, the Department shall 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. ()

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

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 ()

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

(Break in Continuity)

130. GENERAL PERMITS.

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

a. Within a geographic area, the general permit shall 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: ()

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

ii. Sewer districts or sewer authorities; ()

iii. City, county, or state political boundaries; ()

iv. State highway systems; ()

v. Standard metropolitan statistical areas as defined by state or federal agencies; ()

- vi. Urbanized areas as designated by the U.S. Census Bureau; or ()
- vii. Any other appropriate division or combination of boundaries. ()

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: ()

- i. Storm water point sources; or ()

- ii. One (1) or more categories or subcategories of point sources other than storm water point sources or ~~treatment works treating domestic sewage~~ TWTDS, if the point sources or ~~treatment works treating domestic sewage~~ TWTDS within each category or subcategory all: ()

- (1) Involve the same or substantially similar types of operations; ()
- (2) Discharge the same types of wastes or engage in the same types of sludge use or disposal practices; ()
- (3) Require the same effluent limitations, operating conditions, or standards for sewage sludge use or disposal; ()
- (4) Require the same or similar monitoring; and ()
- (5) In the opinion of the Department, are more appropriately controlled under a general permit than under individual permits. ()

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 subject to the same water quality-based effluent limitations. ()

d. Other requirements: ()

- i. The general permit must clearly identify the applicable conditions for each category or subcategory of dischargers or ~~treatment works treating domestic sewage~~ TWTDS covered by the permit; and ()
- ii. The general permit may exclude specified sources or areas from coverage. ()

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

03. Information Retention Schedule. An applicant must keep records of all data used to complete a notice of intent and any supplemental information submitted for a period of at least three (3) years from the date the notice of intent is signed. ()

04. Notice of Intent. ()

a. Any person required under Subsections 102.01 through 102.03 must submit a notice of intent to the Department for coverage under an IPDES general permit as set out in Subsection 130.05. ()

b. A notice of intent must be signed and certified as required by Section 090 (Signature Requirements). ()

05. Administration. ()

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). ()

b. Authorization to discharge, or authorization to engage in sludge use and disposal practices shall follow these procedures: ()

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

ii. A discharger (or ~~treatment works treating domestic sewage~~ 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: ()

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

(2) The Department notifies a discharger (or ~~treatment works treating domestic sewage~~ TWTDS) that it is covered by a general permit in accordance with Subsection 130.05.b.xii.; ()

iii. All notices of intent shall be signed as required in Section 090 (Signature Requirements); ()

iv. 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: ()

(1) The legal name ~~and~~, address ~~and~~ EIN of the owner or operator; ()

(2) The facility name and address; ()

(3) Type of facility or discharges; and ()

(4) The receiving stream(s); ()

v. Coverage under a general permit may be terminated or revoked in accordance with Subsection 130.05.c. through e.; ()

vi. Notices of intent for coverage under a general permit for ~~concentrated animal feeding operations~~ (CAFOs) must include the information specified in Subsection 105.09 and 40 CFR 122.21(i)(1), including a topographic map; ()

vii. A CAFO owner or operator may be authorized to discharge under a general permit only in accordance with the process described in 40 CFR 122.23(h); ()

viii. General permits for storm water discharges associated with industrial activity from inactive mining, inactive oil and gas operations, or inactive landfills occurring on federal lands where an operator cannot be identified may contain alternative notice of intent requirements; ()

ix. General permits shall specify the deadlines for submitting notices of intent to be covered and the date(s) when a discharger is authorized to discharge under the permit; ()

x. General permits shall specify whether a discharger (or ~~treatment works treating domestic sewage~~ TWTDS), who has submitted a complete and timely notice of intent to be covered in accordance with the general permit and is eligible for coverage under the permit, is authorized to discharge (or in the case of a sludge disposal permit, to engage in a sludge use or disposal practice) in accordance with the permit either: ()

(1) Upon receipt of the notice of intent by the Department; ()

- (2) After a waiting period specified in the general permit; ()
- (3) On a date specified in the general permit; or ()
- (4) Upon receipt of notification of inclusion by the Department; ()

xi. Discharges other than discharges from POTWs, combined sewer overflows, municipal separate storm sewer systems, primary industrial facilities, and storm water discharges associated with industrial activity, may, at the discretion of the Department, be authorized to discharge under a general permit without submitting a notice of intent where the Department finds that a notice of intent requirement would be inappropriate. The Department shall provide in the public notice of the general permit the reasons for not requiring a notice of intent. In making such a finding, the Department shall consider: ()

- (1) The type of discharge; ()
- (2) The expected nature of the discharge; ()
- (3) The potential for toxic and conventional pollutants in the discharges; ()
- (4) The expected volume of the discharges; ()
- (5) Other means of identifying discharges covered by the permit; and ()
- (6) The estimated number of discharges to be covered by the permit; and ()

xii. The Department may notify a discharger (or ~~treatment works treating domestic sewage~~ TWTDS) that it is covered by a general permit, even if the discharger (or ~~treatment works treating domestic sewage~~ TWTDS) has not submitted a notice of intent to be covered. A discharger (or ~~treatment works treating domestic sewage~~ TWTDS) so notified may request an individual permit as specified in Subsection 130.05.d. ()

c. The Department may terminate, revoke, or deny coverage under a general permit, and require the discharger or applicant to apply for and obtain an individual IPDES permit. Any interested person may petition the Department to take action under this subsection. Cases where an individual IPDES permit may be required include the following: ()

i. The discharger or ~~treatment works treating domestic sewage~~ TWTDS is not in compliance with the conditions of the general permit; ()

ii. A change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollutants applicable to the point source or ~~treatment works treating domestic sewage~~ TWTDS; ()

iii. Effluent limitation guidelines are promulgated for point sources covered by the general permit; ()

iv. A Water Quality Management plan containing requirements applicable to such point sources is approved; ()

v. Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit, or either a temporary or permanent reduction or elimination of the authorized discharge is necessary; ()

vi. Standards for sewage sludge use or disposal have been promulgated for the sludge use and disposal practice covered by the general IPDES permit; or ()

vii. The discharge(s) is a significant contributor of pollutants. In making this determination, the

Department may consider the following factors: ()

- (1) The location of the discharge with respect to waters of the United States; ()
- (2) The size of the discharge; ()
- (3) The quantity and nature of the pollutants discharged to waters of the United States; and ()
- (4) Other relevant factors. ()

d. Any owner or operator authorized by a general permit may request to be excluded from the coverage of the general permit by applying for an individual permit. ()

i. The owner or operator shall submit an application under Section 105 (Application for an Individual IPDES Permit), with reasons supporting the request, to the Department no later than ninety (90) days after the publication of the general permit. ()

ii. The Department shall process the request under Sections 106 (Individual Permit Application Review), 107 (Decision Process), 108 (Draft Permit and Fact Sheet) and 109 (Public Notification and Comment). ()

iii. The Department shall grant a request by issuing an individual permit if the reasons cited by the owner or operator are adequate to support the request. ()

e. When an individual IPDES permit is issued to an owner or operator otherwise subject to a general IPDES permit, the applicability of the general permit to the individual IPDES permittee is automatically terminated on the effective date of the individual permit. ()

f. A source excluded from a general permit, solely because it already has an individual permit, may request that the individual permit be revoked, and that it be covered by the general permit. Upon revocation of the individual permit, the general permit shall apply to the source. ()

06. Case-by-Case Requirements for Individual Permits. ()

a. The Department may require any owner or operator authorized by a general permit to apply for an individual IPDES permit as provided in Subsection 130.05.c., only if the owner or operator has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form, a statement setting a time for the owner or operator to file the application, a statement that on the effective date of the individual IPDES permit, the general permit as it applies to the individual permittee shall automatically terminate, and a statement that the owner or operator may appeal the Department's decision as provided in Section 204 (Appeals Process). The Department may grant additional time upon request of the applicant. ()

b. Prior to a case-by-case determination that an individual permit is required for a storm water discharge under this section (see 40 CFR 122.26(a)(1)(v), (a)(9)(iii), and Subsection 105.19), the Department may require the discharger to submit a permit application or other information regarding the discharge **under described in** the Clean Water Act section 308. ()

i. In requiring such information, the Department shall notify the discharger in writing and shall send an application form with the notice. ()

ii. The discharger must apply for a permit within one hundred eighty (180) days of notice, unless permission for a later date is granted by the Department. ()

131. -- 139. (RESERVED)

200. RENEWAL OF IPDES PERMITS.

01. Interim Effluent Limits. Except as provided in Subsection 200.02, when a permit is renewed or reissued, interim effluent limitations, standards or conditions must be at least as stringent as the final effluent limitations, standards, or conditions in the previous permit unless the circumstances on which the previous permit was based: ()

- a. Have materially and substantially changed since the time the permit was issued; and ()
- b. Would constitute cause for permit modification or revocation and reissuance under Subsection 201.02. ()

02. Final Clean Water Act Section 402(a)(1)(B) Effluent Limits. In the case of effluent limitations established by the Department on the basis of the Clean Water Act section 402(a)(1)(B), a permit may not be renewed, reissued, or modified on the basis of effluent guidelines promulgated under Clean Water Act section 304(b) after the original issuance of a permit, to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit, except a permit may be renewed, reissued, or modified to contain a less stringent effluent limitation applicable to a pollutant, if: ()

- a. Material and substantial alterations or additions to the permitted facility occurred after permit issuance, which justify the application of a less stringent effluent limitation; ()
- b. Information is available: ()
 - i. Which was not available at the time of permit issuance (other than revised regulations, guidance, or test methods) and which would have justified the application of a less stringent effluent limitation at the time of permit issuance; or ()
 - ii. Which the Department determines indicates that technical mistakes or mistaken interpretations of law were made in issuing the permit under the Clean Water Act section 402(a)(1)(b); ()
- c. A less stringent effluent limitation is necessary because of events over which the permittee has no control and for which there is no reasonably available remedy; ()
- d. The permittee has received a permit modification under the Clean Water Act section 301(c), 301(g), 301(i), 301(k), 301(n), or 316(a); or ()
- e. The permittee has installed the treatment facilities required to meet the effluent limitations in the previous permit and has properly operated and maintained the facilities but has nevertheless been unable to achieve the previous effluent limitations. In this case the limitations in the reviewed, reissued, or modified permit may reflect the level of pollutant control actually achieved (but shall not be less stringent than required by effluent guidelines in effect at the time of permit renewal, reissuance, or modification).

03. Final Clean Water Act Section 301(b)(1)(C) or 303 Effluent Limits. In the case of effluent limitations established on the basis of Clean Water Act section 301(b)(1)(C) or section 303(d) or (e), a permit may not be renewed, reissued, or modified to contain effluent limitations which are less stringent than the comparable effluent limitations in the previous permit except when:

- a. One of the exceptions in Subsection 200.02 apply; or
- b. The water to which the discharge occurs is identified as impaired on Idaho's Integrated Report and the effluent limitation is based on a total maximum daily load or other waste load allocation established under Clean Water Act section 303, if the cumulative effect of all revised effluent limitations based on such total maximum daily load or waste load allocation will assure the attainment of applicable water quality standards; or
- c. The water quality in the water to which the discharge occurs meets or exceeds levels required by

applicable water quality standards and the effluent limitation is based on a total maximum daily load or other waste load allocation established under Clean Water Act section 303, any water quality standard, or any permitting standard, if such revision is subject to and consistent with the antidegradation policy and implementation procedures in the water quality standards. ()

03.04. Effluent Limits and Water Quality Standards. In no event may a permit with respect to which Subsection 200.02 or 200.03 applies be renewed, reissued, or modified to contain an effluent limitation which is less stringent than required by effluent guidelines in effect at the time the permit is renewed, reissued, or modified. In no event may such a permit to discharge into waters of the United States be renewed, issued, or modified to contain a less stringent effluent limitation if the implementation of such limitation would result in a violation of a water quality standard under IDAPA 58.01.02, "Water Quality Standards." ()

(Break in Continuity)

204. APPEALS PROCESS.

(Break in Continuity)

06. Content and Form Requirements for Petitions and Briefs. All petitions and briefs filed under this section must: ()

a. Identify, in the caption, the permit applicant or holder, the permitted facility, and the permit number. The caption should also include the case number, if available at the time of filing, and the title of the document, and ()

b. Specify on the upper left corner of the first page, the name, address, telephone number, e-mail address and facsimile number, if any, of the person filing the document. If the person filing the document is a representative of a party as provided in Subsection 204.11, the document must identify the name of the person or entity represented. No more than two (2) representatives for service of documents may be listed. ()

(Break in Continuity)

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 be incorporated into the permits either expressly or by reference. If incorporated by reference, a specific citation must be given in the permit. ()

(Break in Continuity)

14. Upset Terms and Conditions.

()

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. ()

301. PERMIT CONDITIONS FOR SPECIFIC CATEGORIES.

In addition to conditions set forth in Section 300 (Conditions Applicable to all Permits), conditions identified in this section apply to all IPDES permits within the categories specified below. ()

(Break in Continuity)

02. Publicly and Privately Owned Treatment Works. All POTWs and privately owned treatment works must provide adequate notice to the Department of the following: ()

a. Any new introduction of pollutants into the POTW or privately owned treatment works from an indirect discharger which would be subject to the Clean Water Act section 301 or 306 if it were directly discharging

those pollutants; and ()

b. Any substantial change in the volume or character of pollutants being introduced into that POTW ~~or privately owned treatment works~~ by a source introducing pollutants into the POTW ~~or privately owned treatment works~~ at the time of issuance of the permit. For purposes of this subsection, adequate notice shall include information on: ()

i. The quality and quantity of effluent introduced into the POTW ~~or privately owned treatment works~~, and ()

ii. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the POTW ~~or privately owned treatment works~~. ()

302. ESTABLISHING PERMIT PROVISIONS.

An IPDES permit must include conditions meeting the following requirements, when applicable, in addition to other applicable sections of these rules. ()

(Break in Continuity)

05. Reopener Clause. For any permit issued to a ~~treatment works treating domestic sewage~~ **TWTDS** (including sludge-only facilities), the Department shall include a reopener clause to incorporate any applicable standard for sewage sludge use or disposal promulgated under the Clean Water Act section 405(d). The Department may promptly modify or revoke and reissue any permit containing the reopener clause required by this subsection if the standard for sewage sludge use or disposal: ()

a. Is more stringent than any requirements for sludge use or disposal in the permit, or ()

b. Controls a pollutant or practice not limited in the permit. ()

(Break in Continuity)

17. Sewage Sludge. An IPDES permit must include any requirements under the Clean Water Act section 405 governing the disposal of sewage sludge from POTWs or any other ~~treatment works treating domestic sewage~~ **TWTDS** for any use for which regulations have been established, in accordance with any applicable regulations. ()

(Break in Continuity)

303. CALCULATING PERMIT PROVISIONS.

(Break in Continuity)

06. Mass Limitations. ()

a. All pollutants limited in permits shall have limitations, standards, or prohibitions expressed in terms of mass except: ()

i. pH, temperature, radiation, or other pollutants which cannot appropriately be expressed by mass; ()

ii. When applicable standards and limitations are expressed in terms of other units of measurement; or ()

iii. If in establishing permit limitations on a case-by-case basis under 40 CFR 125.3, limitations

expressed in terms of mass are infeasible because the mass of the pollutant discharged cannot be related to a measure of operation (for example, discharges of ~~total suspended solids (TSS)~~ from certain mining operations), and permit conditions ensure that dilution will not be used as a substitute for treatment. ()

b. Pollutants limited in terms of mass, may also be limited in terms of other units of measurement, and the permit shall require the permittee to comply with both limitations. ()

07. Pollutant Credits for Intake Water. ()

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. ()

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. ()

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: ()

(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; ~~and~~ ()

(2) There is a direct hydrological connection between the intake and discharge points; ~~and~~ ()

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

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. ()

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. ()

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

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).

b. Consideration of intake pollutants for technology based effluent limitations: ()

i. Upon request of the discharger, technology-based effluent limitations or standards shall be adjusted to reflect credit for pollutants in the discharger's intake water if: ()

(1) The applicable effluent limitations and standards contained in 40 CFR Part 401 through 471, specifically provide that they shall be applied on a net basis; or ()

(2) The discharger demonstrates that the control system it proposes or uses to meet applicable

technology-based limitations and standards would, if properly installed and operated, meet the limitations and standards in the absence of pollutants in the intake waters. ()

ii. Credit for generic pollutants such as biochemical oxygen demand (BOD) or total suspended solids (TSS) should not be granted unless the permittee demonstrates that the constituents of the generic measure in the effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere. ()

iii. Credit shall be granted only to the extent necessary to meet the applicable limitation or standard, up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with permit limits. ()

iv. Credit shall be granted only if the discharger demonstrates that the intake water is drawn from the same body of water into which the discharge is made. The Department may waive this requirement if the Department finds that no environmental degradation will result. ()

v. This section does not apply to the discharge of raw water clarifier sludge generated from the treatment of intake water. ()

c. Consideration of intake pollutants for water quality based effluent limitations: ()

i. The Department will evaluate if there is reasonable potential for the discharge of an identified intake pollutant to cause or contribute to an exceedance of a narrative or numeric water quality criterion. If the Department determines that an intake pollutant in the discharge does not have the reasonable potential to cause or contribute to an exceedance of an applicable water quality standard, the Department is not required to include a water quality-based effluent limit for the identified intake pollutant in the facility's permit. ()

ii. If a reasonable potential exists, then water quality-based effluent limits may be established that reflect a credit for intake pollutants where a discharger demonstrates that the following conditions are met: ()

(1) The facility removes the intake water containing the pollutant from the same body of water into which the discharge is made; ()

(2) The ambient background concentration of the pollutant does not meet the most stringent applicable water quality criterion for that pollutant; ()

(3) The facility does not alter the identified intake pollutant chemically or physically in a manner that would cause adverse water quality impacts to occur that would not occur if the pollutants had not been removed from the body of water; ()

(4) The timing and location of the discharge would not cause adverse water quality impacts to occur that would not occur if the identified intake pollutant had not been removed from the body of water; ()

~~(5) For the purpose of determining reasonable potential, the facility does not contribute any additional mass of the identified intake pollutant to its wastewater; and ()~~

~~(6)(5) For the purpose of determining water quality-based effluent limits, the facility does not increase the identified intake pollutant concentration at the point of discharge as compared to the pollutant concentration in the intake water. A discharger may add mass of the pollutant to its waste stream if an equal or greater mass is removed prior to discharge, so there is no net addition of the pollutant in the discharge compared to the intake water. ()~~

iii. Where the conditions in Subsection 303.07.c.i. and ii are met, the Department may establish a water quality-based effluent limitation allowing a facility to discharge a mass and concentration of the intake pollutant that are no greater than the mass and concentration found in the facility's intake water. A discharger may add mass of the pollutant to its waste stream if an equal or greater mass is removed prior to discharge, so there is no

net addition of the pollutant in the discharge compared to the intake water. ()

iv. Where intake water for a facility is provided by a municipal water supply system and the supplier provides treatment of the raw water that removes an intake water pollutant, the concentration of the intake water pollutant will be determined at the point where the water enters the water supplier's distribution system. ()

iii-v. Where a facility discharges intake pollutants from multiple sources that originate from the receiving water body and from other water bodies, the Department may derive an effluent limit reflecting the flow-weighted amount of each source of the pollutant provided that conditions in 303.07.c.ii. of this subsection are met and adequate monitoring to determine compliance can be established and is included in the permit. ()

iv-vi. The permit will specify how compliance with mass and concentration-based limitations for the intake water pollutant will be assessed. This may be done by basing the effluent limitation on background concentration data. Alternatively, the Department may determine compliance by monitoring the pollutant concentrations in the intake water and in the effluent. This monitoring may be supplemented by monitoring internal waste streams or by a Department evaluation of the use of best management practices. ()

vii. Effluent limitations must be established to comply with all other applicable state and federal laws and regulations including technology-based requirements and anti-degradation policies.

viii. When determining whether water quality based effluent limitations are necessary, information from chemical-specific, whole effluent toxicity and biological assessments will be considered independently.

v-ix. Permit limits must be consistent with the assumptions and requirement of waste load allocations or other provisions in a TMDL that has been approved by the EPA. ()

(Break in Continuity)

305. COMPLIANCE SCHEDULES.

01. General. An IPDES permit may, when appropriate, specify a schedule of compliance leading to compliance with the Clean Water Act and these rules. ()

a. Any schedules of compliance under this section shall require compliance as soon as possible, but not later than the applicable statutory deadline under the Clean Water Act. ()

(Break in Continuity)

370. PRETREATMENT STANDARDS.

01. Purpose and Applicability. This section and 40 CFR Part 403 apply to: ()

a. Pollutants from non-domestic sources covered by Pretreatment Standards which are indirectly discharged into or transported by truck or rail or otherwise introduced into POTWs as defined in Subsection 370.03 370.04 and 40 CFR 403.3; ()

b. POTWs which receive wastewater from sources subject to National Pretreatment Standards; and ()

c. Any new or existing source subject to Pretreatment Standards. National Pretreatment Standards do not apply to sources which discharge to a sewer which is not connected to a POTW Treatment Plant. ()

02. Objectives of General Pretreatment Regulations. This section and 40 CFR Part 403 fulfill three (3) objectives: ()

a. To prevent the introduction of pollutants into POTWs which will interfere with the operation of a

POTW, including interference with its use or disposal of municipal sludge; ()

b. To prevent the introduction of pollutants into POTWs which will pass through the treatment works or otherwise be incompatible with such works; and ()

c. To improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. ()

03. Department Program in Lieu of a POTW Program. 40 CFR 403.8(a) requires certain POTWs develop a pretreatment program. The Department may, however, assume responsibility for implementing the POTW pretreatment program requirements set forth in 40 CFR 403.8(f) in lieu of requiring the POTW to develop a pretreatment program. This does not preclude POTWs from independently developing pretreatment programs.

03.04. Term Interpretation. When used in the context of 40 CFR Part 403, unless the context in which a term is used clearly requires a different meaning, terms 40 CFR Part 403 that are incorporated by reference in these rules have the following meanings: ()

a. The terms Administrator or Regional Administrator mean the EPA Region 10 Administrator; ()

b. The term Approval Authority means the Department of Environmental Quality; ()

c. The term Approved POTW Pretreatment Program or Program or POTW Pretreatment Program means a program administered by a POTW that meets the criteria established in 40 CFR 403.8 and 403.9, and which has been approved by the Department in accordance with 40 CFR 403.1; ()

d. 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; ()

e. The term Director means the Department of Environmental Quality with an NPDES permit program approved pursuant to the Clean Water Act section 402(b); ()

f. The terms National Pretreatment Standard, Pretreatment Standard, or Standard mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5; and ()

g. The term Water Management Division Director means a Director of the Water Management Division within the Region 10 office of the Environmental Protection Agency or this person's delegated representative. ()

04.05. Exceptions to Incorporation by Reference. The following sections of 40 CFR Part 403 are excluded from the incorporation by reference in Section 003 (Incorporation by Reference) of these rules. ()

a. 40 CFR 403.4 (State or Local Law). ()

b. 40 CFR 403.10 (Development and Submission of NPDES State Pretreatment Programs). ()

c. 40 CFR 403.19 (Provisions of Specific Applicability to the Owatonna Wastewater Treatment Facility). ()

d. 40 CFR 403.20 (Pretreatment Program Reinvention Pilot Projects Under Project XL). ()