

User's Guide to IPDES Permitting and Compliance (Working Outline)

Volume I: Introduction to Water Quality Permitting

- Contents applicable to all permits
- Complete guidance by September 1, 2016

1 Introduction—Overview of the Idaho Pollutant Discharge Elimination System Program

- Scope, purpose, and objectives

2 Clean Water Act History and IPDES Program

- Affordability, US Environmental Protection Agency (EPA) 2011 Integrated Planning

3 Permit Description by Type and Sector

- Differentiate between general permits (GPs), individual permits (IPs), and sectors
 - Describe why there are different types of permits
 - Listing of what permitting options are available
 - Define each sector
 - Examples of facilities/projects that pertain to different permits
- Fee Schedules
 - Explanation of how fees pertain to each sector (e.g., municipal separate storm sewer systems [MS4s], publicly owned treatment works [POTWs] and equivalent dwelling units [EDUs])

4 Individual Permit Application Process

- Procedures applicable to all individual permits
 - Application content for individual permits
 - Permit process flowchart
 - General permitting process for all individual permit types (general description of process, with sector-specific details in Volume II)
 - Preapplication meeting
 - Information applicants should bring to meeting, etc.

- Identify all of the application requirements for a complete application
 - Help applicant select appropriate permit type (e.g. GP or IP) and sector
 - Help applicant identify other non-IPDES permit options (e.g. underground injection, reuse)
- Affordability
 - Reference 1995 interim guidance
 - States have ability to develop own guidance
- Applying for and obtaining a permit
 - Submit application
 - What constitutes a complete application?
 - What testing is required before applying for a permit?
 - Procedure for new vs. renewal (e.g. no renewal form for MS4s, letter for ground water remediation)
 - Timeline for submittal
 - Potential > 180-day requirement
 - Online application versus hard copy submittal
 - Application completeness
 - Prioritizing completeness determinations
 - Technical assistance

5 Individual Permit Development Process

- General Development of Draft Permit Conditions and Fact Sheet Applicable to All Individual Permits
 - Cover page
 - Effluent limits
 - General compliance schedules and interim effluent limits
 - Standard/special conditions
 - Receiving water and effluent characterization
 - Evaluation of downstream water quality standards (WQS)
 - Intake credits (general)
 - Variances and waivers (specifics in Volume II)
- General monitoring and reporting requirements (e.g., schedules and frequency)
 - Monitoring/reporting requirements
 - Monitoring nonregulated constituents (required monitoring for pollutants without effluent limits; monitoring chemical characteristics of receiving water—e.g., hardness)
 - Specify all data requirements in the permit (e.g., accelerated monitoring)
- Permittee and public participation
 - Working with permittee on development and review of permit and fact sheet
 - Predraft permit review and notice
 - Public comment

- EPA review (much will be in memorandum of agreement [MOA])
- Downstream state comments to permit
- Endangered Species Act (ESA) issues (e.g., public comment; MOA between services and EPA)
- State Historic Preservation Office (SHPO) issues (public comment)
- Issue final permit

6 Permitting Process for General Permits

- General permit development process
 - Notification to public/permittees of pending GP creation (e.g., issued via electronic formats and/or hard copy)
 - Working with permittees on development of permit and fact sheet
 - Develop draft permit and fact sheet
 - Notice of intent (NOI) content for general permits
- Permittee and public participation
 - Public comment period
 - Public meeting (e.g., forum—online or in person) and response to comment
 - EPA review
 - ESA issues (e.g. public comment; MOA between services and EPA)
 - SHPO issues (public comment)
- Issue final permit
- Application/NOI submittal process for general permits

7 Permit Modification, Revocation, Reissuance, Termination, and Transfer

- Modification, or revocation and reissuance of permits
 - Temporary Inactivation/reactivation of permits (e.g., aquaculture maybe Volume II)
- Permit transfer
- Termination of permits (guidance needs to be detailed)

8 Compliance and Inspection

- Procedures applicable to all permits
- Compliance monitoring and reporting
 - Record keeping
 - Discharge monitoring reports (DMRs)
 - Annual reports
 - Notification types (e.g., letter versus phone)
 - Mechanism for correction of inaccurate exceedance data (e.g., in Enforcement and Compliance History Online [ECHO] and IPDES Compliance, Reporting, Inspection, and Permitting System [CRIPS]—*report error* type of button)

- Inspection process
 - Offsite record review
 - Deficiencies
 - Postinspection correspondence (i.e., notification of compliance/noncompliance)
 - Corrective actions
- Sampling, flow measurements, lab accreditation/procedures, and QA sampling (DEQ and permittee), flow measurements, laboratory accreditation/procedures private and public (e.g., Idaho Bureau of Laboratories), and quality assurance
- Investigations and citizen complaints
- Multimedia inspections (where facility has multiple state-issued permits)

9 Enforcement (This will only be in Volume I; applies to all)

- Types of enforcement actions
 - Notice of violation (NOV)
 - Consent order
 - Compliance agreement schedule
- Compliance assistance (e.g., construction GP and local communities/jurisdictions)
- Supplemental environmental projects
- Public participation

10 Appeals Process

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12 Appendix

- By Sector (e.g., crosswalk)