

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
- ✓ **Web-based access to information**
- ✓ **Legislative and regulatory citations**
- ✓ **Hyperlinks**

2 Clean Water Act History and IPDES Program

- ~~Affordability, US Environmental Protection Agency (EPA) 2011 Integrated Planning~~
(moved to Chapter 3)
- ✓ History of water pollution control in the U.S.
- ✓ Evolution of the NPDES program
- ✓ IPDES program development

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
 - ✓ Major and minor facility designation
 - ✓ Affordability and integrated planning guidance
- ✓ 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])
 - ✓ **Fee assessment and payment**
 - ✓ **Delinquent fees**

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~~ (moved to Chapter 3)
 - ✓ Reference 1995 interim guidance
 - ✓ States have ability to develop own guidance
- ✓ Applying for and obtaining a permit
 - ✓ Submit application
 - ✓ What constitutes a complete application?
 - ✓ Who must submit an application
 - ✓ Owner and operator information
 - ✓ Facility/activity location description
 - ✓ Outfall description
 - ✓ Description of receiving waters
 - ✓ Compliance with permit prohibitions
 - ✓ What testing/**analysis** is required before applying for a permit?
 - ✓ Procedure for new vs. renewal (~~e.g. no renewal form for MS4s, letter for ground water remediation~~) (**Volume II**)
 - ✓ Timeline for submittal
 - ✓ Potential > 180-day requirement
 - ✓ Online application versus hard copy submittal
 - ✓ Application completeness
 - ✓ Prioritizing completeness determinations
 - ✓ Technical (**Permitting**) assistance

5 Individual Permit Development Process

- Development of Draft Permit Conditions and Fact Sheet Applicable to All Individual Permits
 - Cover page
 - **Facility/permittee**
 - **Receiving water body**
 - **Outfall locations**
 - **Effective date, reapplication date, expiration date**
 - **Signatures**
 - **Schedule of submissions**

- Applicability
 - Permit area/processes
 - Discharges authorized
 - Facility/process information
- Receiving water and effluent characterization
 - Designated beneficial uses
 - Receiving water body support status
 - Receiving water body monitoring
 - Surface water monitoring locations and access agreements
 - Evaluation of downstream water quality standards
- Effluent limits and monitoring requirements
 - Limits per outfall/area
 - Effluent monitoring
- Standards/Special Permit conditions
 - General Compliance schedules and interim effluent limits
 - Operation and maintenance plan
 - Quality assurance project plan (QAPP)
 - Design
 - Chain of custody
 - EPA guidance (EPA/QA/R-5; EPA-QA/G-5)
- Control of undesirable pollutants and industrial users
 - Pretreatment
 - Emergency response plans and public notification
- Receiving water and effluent characterization
 - Surface water monitoring locations and access agreements
 - Evaluation of downstream water quality standards (WQS)
- Intake credits (general)
- Variances and waivers (specifics in Volume II)
 - Terms and conditions in permits
- General monitoring and reporting requirements (e.g., schedules and frequency)
 - Monitoring/reporting requirements
 - Representative sampling
 - Reporting of monitoring results
 - NetDMR or other
 - Reporting deadlines
 - Noncompliance reporting
 - 24-hour noncompliance reporting (e.g., upset, bypass, overflow)
 - 5-day noncompliance reporting
 - Other noncompliance reporting
 - Public notification
 - Reporting DMRs, annual reports, compliance schedules, etc.
 - Notice of new introduction of toxic pollutants
 - Minimum levels (ML) and method detection limits (MDL)

- 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)
 - Monitoring procedures (e.g., 40 CFR 136)
 - Record contents and retention
- Compliance responsibilities (of permittees)
 - Duty to Comply
 - Penalties for violations of permit conditions (e.g., civil, administrative, and criminal)
 - Need to halt or reduce activity not a defense
 - Duty to mitigate
 - Proper operation and maintenance
 - Bypass of treatment facilities
 - Upset conditions
 - Toxic pollutants
 - Planned changes
 - Anticipated noncompliance
 - Reopener
- General provisions
 - Permit actions
 - Duty to reapply
 - Duty to provide information
 - Other information
 - Signatory requirements
 - Availability of reports
 - Inspection and entry
 - Property rights
 - Transfers
 - State laws
- Definitions
- Permittee and public participation (incorporate information from “Public Participation” guidance, where appropriate, throughout the User’s Guide)
 - Working with permittee on development and review of permit and fact sheet
 - Coordination and preview of data, effluent limits, monitoring, and reporting requirements
 - Predraft permit review and notice
 - Applicant – 10 days for omissions and errors
 - Public – early notice that draft permit/fact sheet will be released
 - Public comment
 - Public comment period
 - Public meetings
 - EPA review (much will be in memorandum of agreement [MOA])
 - Comments to permit from downstream states (e.g., OR, WA, UT)
 - Endangered Species Act (ESA) issues (e.g., public comment; MOA between services and EPA)
 - State Historic Preservation Office (SHPO) issues (public comment)

- Proposed permit
 - Applicant response to comment
 - EPA review
 - Substantial changes to draft permit
- Issue final permit
 - Applicant notification
 - Public notification

6 General Permit Development Process

- 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 Variances

- [Interim Economic Guidance for Water Quality Standards \(EPA 1995\)](#)

89 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, **formal and informal**)
- 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)

910 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

1011 Appeals Process

- Appeals
- Citizen Action (from “Public Participation” guidance)

12 Glossary

1113 Index

1214 Appendix

- By Sector (e.g., crosswalk)