Objective

- A general understanding of the impact taking on the NPDES program will have for Idaho
- The process IDEQ will be going through as we prepare our application
Impact of NPDES Primacy

- REVIEW OF NPDES PERMITS
- CURRENT STATE OF NPDES IN IDAHO
- OVERALL IMPACT OF NPDES PRIMACY
What are NPDES Permits

- Permit issued by EPA or the State granting permission to do something that would be illegal without
- Authorizes the discharge of a specific amount of pollutants into a receiving water under conditions identified in the permit
Types of NPDES Permits

- **Individual**
  - Municipal
  - Industrial
- **General**
  - Stormwater
  - Groundwater remediation
  - Aquaculture
  - Suction Dredging
  - Pesticide Application
  - CAFO
Where we are

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

<table>
<thead>
<tr>
<th>A. Municipal</th>
<th>Total number of facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Major &gt; 10 mgd</td>
<td>6</td>
</tr>
<tr>
<td>ii. Major 5-10 mgd</td>
<td>5</td>
</tr>
<tr>
<td>iii. Major 2-5 mgd</td>
<td>16</td>
</tr>
<tr>
<td>iv. Major 1-2 mgd</td>
<td>5</td>
</tr>
<tr>
<td>v. Minor &lt; 1 mgd</td>
<td>93</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>125</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. Industrial</th>
<th>Total number of facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>i. Major</td>
<td>9</td>
</tr>
<tr>
<td>ii. Minor, Medium</td>
<td>7</td>
</tr>
<tr>
<td>iii. Minor, Small</td>
<td>34</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>50</strong></td>
</tr>
</tbody>
</table>
## Current EPA issued NPDES permits

<table>
<thead>
<tr>
<th>Category</th>
<th>Total number of facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>C. Aquaculture</strong></td>
<td></td>
</tr>
<tr>
<td>i. Major</td>
<td>25</td>
</tr>
<tr>
<td>ii. Minor</td>
<td>69</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>94</strong></td>
</tr>
<tr>
<td><strong>D. Stormwater</strong></td>
<td></td>
</tr>
<tr>
<td>i. Medium &amp; Large MS4</td>
<td>1</td>
</tr>
<tr>
<td>ii. Small MS4</td>
<td>15</td>
</tr>
<tr>
<td>iii. Construction</td>
<td>278</td>
</tr>
<tr>
<td>iv. Industrial</td>
<td>7</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td><strong>301</strong></td>
</tr>
</tbody>
</table>
What does authorization mean for Idaho

- Idaho drafts & issues permits for individual dischargers
- Idaho drafts & issues general permits
- Idaho controls interpretation of water quality standards
- Seamless integration of various water quality programs
  - Grants & Loans
  - Wastewater Rules
  - TMDL Load Allocations
Overall impact of NPDES Primacy in Idaho

- NPDES Program resource needs estimates
  - 26 Full time equivalents
  - $2.7 million dollars
  - Issues ~36 permits per year
  - Completes 124 inspections per year
NPDES Application Process

- APPLICATION COMPONENTS
- SCHEDULE FOR COMPLETION

COMPLETE APPLICATION DUE IN SEPTEMBER 2016
## NPDES Application Components

- Letter from the Governor requesting program approval
- Attorney General’s statement
- Memorandum of Agreement
- Copies of all applicable statutes and regulations
- Complete program description
Memorandum of Agreement

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

- Permits
  - Application process & requirements
  - Permit conditions
  - Management of permits
  - General permits
- Pretreatment
- Compliance
- Enforcement
- Fee schedule
## Rulemaking Schedule

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

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

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

- **Writing an IPDES Permit**
  - Application completeness review
  - Technology based effluent limits
  - Water quality based effluent limits
  - Calculating reasonable potential to exceed
  - Implementing antidegradation and anti-backsliding
  - Interpreting Idaho’s narrative criteria

- **Permit Compliance**
  - Inspection monitoring
  - Monthly Discharge Monitoring Reports

- **Enforcement**
### Guidance Development

<table>
<thead>
<tr>
<th><strong>Data Management</strong></th>
</tr>
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<tbody>
<tr>
<td>○ Permit Application Data</td>
</tr>
<tr>
<td>○ Discharge Monitoring Reports</td>
</tr>
<tr>
<td>○ Inspection Data and Reporting</td>
</tr>
<tr>
<td>○ Permit Quality Review</td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th><strong>Forms</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>○ Permit Application</td>
</tr>
<tr>
<td>○ Inspection report(s)</td>
</tr>
<tr>
<td>○ Discharge Monitoring reports</td>
</tr>
<tr>
<td>○ Draft Permit forms</td>
</tr>
<tr>
<td>○ Fact Sheet(s)</td>
</tr>
</tbody>
</table>
Where we are headed

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

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


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