

# Idaho's Pollutant Discharge Elimination System (IPDES)

IPDES Rules Draft 1 – 4 and  
Definitions

June 12, 2015



IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY



# SUMMARY OF DRAFT 1 – 4 AND DEFINITIONS

- ❖ Formatting
- ❖ Grammatical
- ❖ Consistency (w/CFR and IPDES)
- ❖ Sequential/Logical
- ❖ Cross References



## SECTION 3 (INCORPORATION BY REFERENCE)

### ❖ 40 CFR 122.21 (r) – “Application Requirements for Facilities with Cooling Water Intake Structures”

- a. 40 CFR 122.21(r), revised as of July 1, 2013 (Application Requirements for Facilities with Cooling Water Intake Structures):



## SECTION 3 (INCORPORATION BY REFERENCE)

### ❖ 40 CFR Part 503 – “Sewage Sludge” including Appendices A and B

- aa. 40 CFR 503.2 through 40 CFR 503.48, revised as of July 1, 2013 (Sewage Sludge, including Appendices A and B).



## SECTION 3 (INCORPORATION BY REFERENCE)

### ❖ Interpretation of Terms for CFRs that are incorporated by reference

- bb. When used in the context of these rules, unless the context in which a term used clearly requires a different meaning, terms in the federal regulations that are incorporated by reference in this section have the following meanings:
- i. The term Administrator or Regional Administrator means the EPA Region 10 Administrator;
  - ii. 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;
  - iii. The term Director or State Director means the Director of the Department of Environmental Quality with an NPDES permit program approved pursuant to section 402(b) of the Clean Water Act;
  - iv. The term National Pollutant Discharge Elimination System (NPDES) means the Idaho Pollutant Discharge Elimination System (IPDES);
  - v. The term Permitting Authority (also preceded by the terms NPDES or State) means the Idaho Department of Environmental Quality with an NPDES permit program approved pursuant to section 402(b) of the Clean Water Act; and
  - vi. The term Waters of the United States means waters of the state of Idaho.



# SECTION 10 (DEFINITIONS)

## ❖ New, revised, and updated definitions to fit IPDES rules

### 10. **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.** ~~Defined at §122.23~~ 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 and 405 of CWA.



## SECTION 10 (DEFINITIONS)

- ❖ New, revised, and updated definitions to fit IPDES rules
  - ❖ Definition of Equivalent Dwelling Unit

**35. Equivalent Dwelling Unit (EDU).** A measure where one (1) equivalent dwelling unit is equivalent to wastewater generated from one (1) single-family residencedetached housing unit. The number of EDUs must be calculated from the municipality's population served divided by the average number of people per household as defined in the most recent census data. For example, a business generating three (3) times as much wastewater as an average single-family detached housing unit would be considered three (3) equivalent dwelling units.



# “SEWAGE SLUDGE”

- ❖ Removal of the term “sewage” from sewage sludge throughout the IPDES rules
  - ❖ Allow the IPDES program to address other sludge already regulated by the Department

- 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 (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.



# SECTION 90 (SIGNATURE REQUIREMENTS)

- ❖ Moved from Section 105
  - ❖ Applicable to all permits, NOIs, and reporting

## 90. SIGNATURE REQUIREMENTS

01. Permit Applications and Notices of Intent. All IPDES permit applications and notices of intent must be signed 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:



# SECTION 100 (EFFECT OF A PERMIT)

- ❖ 100.01 and 100.02 apply to individual permits and coverage under general permits

## 100. EFFECT OF A PERMIT

**01. Rights.** The issuance of or coverage under an IPDES permit does not convey any property rights or any exclusive privilege nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations. The issuance of or coverage under an IPDES permit does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity, and does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations, or permits.

**02. Compliance.** Except for any toxic effluent standards and prohibitions imposed under 33 U.S.C. 1317 the Clean Water Act section 307, and “standards for sewage sludge use or disposal” under 33 U.S.C. 1345 the Clean Water Act section 405(d), compliance with an IPDES permit during its term constitutes compliance, for purposes of enforcement, with 33 U.S.C. 1311, 1312, 1316, 1317, 1328, and 1345 Clean Water Act sections 301, 302, 306, 307, 318, 403, and 405 (a) through (b). However, a permit or coverage under a permit may be modified, revoked and reissued, or terminated during its term for cause as set out in Sections 130 (General Permits), 201 (Modification, or Revocation and Reissuance of IPDES Permits), and 203 (Termination of IPDES Permits).



# SECTION 102 (OBLIGATION TO OBTAIN AN IPDES PERMIT)

## ❖ 102.01.a and 102.02 apply to individual and general permits

### 102. OBLIGATION TO OBTAIN AN IPDES PERMIT

**01. Persons Who Must Obtain a Permit.** Any person who discharges or proposes to discharge a pollutant to a surface water in Idaho, or who owns or operates a “sludge-only facility” whose sewage sludge use or disposal practice is regulated by 40 CFR Part 503 or this chapter, 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 or proposed discharge:

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 or more general permits:

**02. Exclusions from Permit.** A person shall not discharge pollutants from any point source into waters of the state 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. Point source discharges excluded from IPDES permit requirements, but that may be regulated by other state or federal regulations include:



# SECTION 102 (OBLIGATION TO OBTAIN AN IPDES PERMIT)

## ❖ 102.01.d moved to 105.03 (Time to Apply)

~~d. All permittees with a currently effective permits who discharges from a permitted facility shall submit a new application at least 180 days before the expiration date of the existing permit.~~

~~i. Permission may be granted by the Department for submission of an application in less than 180 days. The Department's prior approval must be sought and obtained in advance of the 180 days before expiration of the existing permit.~~

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~~ii. 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.~~



## SECTION 102 (OBLIGATION TO OBTAIN AN IPDES PERMIT)

- ❖ 102.02.h definition of “water transfer” moved to Section 10 (Definitions)

**h.** Discharges from a water transfer. ~~Water transfer means an activity that conveys or connects waters of the State without subjecting the transferred water to intervening industrial, municipal, or commercial use.~~ This exclusion does not apply to pollutants introduced by the water transfer activity itself to the water being transferred..



# SECTION 105 (APPLICATION FOR AN INDIVIDUAL IPDES PERMIT)

❖ Section 105 addresses applications for individual permits

## 105. APPLICATION FOR AN **INDIVIDUAL** IPDES PERMIT

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# SECTION 105 (APPLICATION FOR AN INDIVIDUAL IPDES PERMIT)

## ❖ Portions of 105.03 and 105.03.b (Time to Apply) addressed in Section 130.04 (General Permits)

**03. Time to Apply.** Any person required under Subsection 102.01 to obtain a permit under the IPDES program shall submit to the Department a complete application for a permit in compliance with the requirements of this subsection. ~~For an IPDES general permit, an application is not required but a Notice of Intent (NOI) must be submitted as set out in Section 130 Administration of General Permits.~~ A permit application must be signed and certified as required by Section 90 (Signature Requirements).

**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. ~~A storm water discharge facility permitted under an expiring general permit shall submit a new notice of intent to obtain permit authorization under the new general permit at least 30 days before the existing permit's expiration.~~



## SECTION 105 (APPLICATION FOR AN INDIVIDUAL IPDES PERMIT)

- ❖ 105.03.c.i and ii (from Section 102) may be adjusted to apply to new and existing permits
  - ❖ Applicable to 105.03.a and c

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 Subsection 105.03.c.i. 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 Subsection 105.03.c.i.

c. 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.

i. 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.

ii. 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.



# SECTION 105 (APPLICATION FOR AN INDIVIDUAL IPDES PERMIT)

- ❖ 105.04 moved to Section 90 (Signature Requirements)
- ❖ Applicable to applications, NOIs, reports and other information

## ~~04. Signature Requirements for Permit Applications, and Reports.~~

~~a. An IPDES permit application must be signed as follows:~~

~~i. For a corporation, a responsible corporate officer shall sign the application; in this Subsection, a responsible corporate officer means~~

~~(1) 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~~

~~(2) The manager of one or more manufacturing, production, or operating facilities, if~~

~~(a) 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;~~



# SECTION 105 (APPLICATION FOR AN INDIVIDUAL IPDES PERMIT)

## ❖ 105.11.c.iv (POTWs) and 105.17.b.iv (TWTDS) to report EDUs

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

iv. The name, ~~and~~ population, and 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;

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, 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), and equivalent dwelling units (EDU);



# SECTION 105 (APPLICATION FOR AN INDIVIDUAL IPDES PERMIT)

- ❖ 105.18 removed (Individual Permit Application Requirements for Facilities with Cooling Water Intake Structures)
  - ❖ Incorporated by reference in Section 3

~~18. Individual Permit Application Requirements for Facilities with Cooling Water Intake Structures.~~

~~a. Cooling water intake facilities are defined as follows:~~

~~i. Existing facility means any facility that commenced construction as described in 40 CFR 122.29(b)(4) on or before January 17, 2002 and any modification of, or any addition of a unit at such a facility. A facility built adjacent to another facility would be a new facility while the original facility would remain as an existing facility for purposes of this subpart. A facility cannot both be an existing facility and a new facility~~

~~ii. New unit means a new “stand-alone” unit at an existing facility where construction of the new unit begins after October 14, 2014 and that does not otherwise meet the definition of a new facility at 40 CFR 125.83 or is not otherwise already subject to subpart I of this part. A stand-alone unit is a separate unit that is added to a facility for either the same general industrial operation or another purpose. A new unit may have its own dedicated cooling water intake structure, or the new unit may use an existing or modified cooling water intake structure.~~



# SECTION 108 (DRAFT PERMIT AND FACT SHEET)

## ❖ 108.02.b.xii added from CFR to address sludge land application

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:

xii. For permits that include a 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.



# SECTION 130 (GENERAL PERMITS)

- ❖ 130.02 (Electronic Submittals) and 130.03 (Information Retention) modified and added from 105.01 and 105.02

**02. Electronic Submittals.** The Department may require the applicant to submit information required by this section, electronically, 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.



# SECTION 305 (COMPLIANCE SCHEDULES)

## ❖ 305.01.f modified in accordance with WQS

f. Permits may incorporate compliance schedules which allow a discharger to phase in, over time, compliance with water quality-based effluent limitations ~~when new limitations are in the permit for the first time,~~ under in accordance with Water Quality Standards, IDAPA 58.01.02.400.03.



# QUESTIONS/COMMENTS/CONCERNS

