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 groundwater 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

11 Index

12 Appendix
• By Sector (e.g., crosswalk)