



**UNITED STATES ENVIRONMENTAL PROTECTION
AGENCY
REGION 10**

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OFFICE OF
WATER AND
WATERSHEDS

February 11, 2016

Troy Smith, IPDES Rules and Guidance Coordinator
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

(sent to: Troy.Smith@deq.idaho.gov)

Re: U.S Environmental Protection Agency Comments on Guidance Documents for the Idaho
Pollutant Discharge Elimination System (IPDES) Program

Dear Mr. Smith:

The U.S Environmental Protection Agency Region 10 (EPA) reviewed the following IPDES document that the Idaho Department of Environmental Quality (DEQ) presented at the February 5, 2016 stakeholder meeting:

- Idaho Pollutant Discharge Elimination System: User's Guide to Permitting and Compliance Volume 1 — General Information (Sections 1-4)

The EPA has the following comments.

1. The EPA recommends including a table of contents to assist with navigation of the draft document.
2. Section 1.1 – Purpose and Scope. Paragraph beginning with “The foundations for this guide is based on...”, suggest including Clean Water Act, Federal regulations, Idaho code and administrative rules, and federal and state policies, guidance and standards.
3. Section 3.1.1 (Individual Permits). The last sentence of the paragraph states, “DEQ then issues a permit to the facility for a 5 year cycle...” The next section on General Permits (Section 3.2.1) does not have a similar sentence. The EPA recommends the addition of a similar sentence the General Permits section because, similar to individual permits, general permits can only be issued for a 5-year or less period and permittees covered by a general permit must reapply within a specific time to remain covered under an administratively extended general permit.
4. Section 3.2.1. There was some confusion during the Feb. 5 meeting about the difference in the Major/Minor designation for publicly owned treatment works (POTWs) and industrial facilities. DEQ should include additional information in this section for clarification. The EPA has provided DEQ with the newly revised Industrial Rating Worksheet. (<https://icis.zendesk.com/hc/en-us/articles/207071066-MADI-Permit-Rating-Worksheet-SOP>).

5. Section 3.2.2.1. The EPA reiterates from discussions during the Feb. 5 meeting that this section should clarify that the purpose of integrated planning (IP) is to meet multiple CWA obligations. DEQ should review the following EPA policy and guidance related to IP to ensure this section is consistent with EPA’s intent.

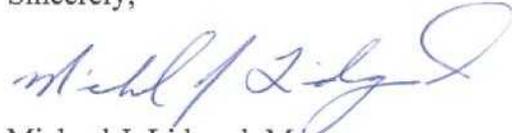
Integrated Planning Framework	June 5, 2012 , EPA released the final <u>Integrated Municipal Stormwater and Wastewater Planning Approach Framework (PDF)</u> . The framework was developed in conjunction with the October 27, 2011 memorandum to provide further guidance for EPA, States and local governments in developing and implementing effective integrated plans under the CWA. This framework was finalized after extensive public input including a series of workshops across the c-ountry.
Assessing Financial Capability	January 13, 2013 , EPA provided <u>memo</u> clarifying how the financial capability of a community will be considered when developing schedules for municipal projects necessary to meet Clean Water Act obligations.
Financial Capability Assessment Framework	November 24, 2014 , , EPA issued a memorandum to EPA Regions that transmitted a " <u>Financial Capability Assessment Framework</u> " document that provides greater clarity on the flexibilities built into existing guidance that local governments or authorities can use in assessing their financial capability and provides examples of additional information that could be submitted.

6. Section 3.2.2.5 (CSOs). The EPA has no record of CSOs in Idaho that discharge to waters of the U.S. If DEQ verifies there are no CSOs outfalls discharging then this section should be edited for clarification or removed. The EPA prohibits permitting any new CSO outfalls.
7. Section 3.2.2.6 (SSO). Under the heading “SSOs in Idaho”, it would be helpful to include information about DEQ’s approach for reporting, compliance and enforcement of SSOs. Information about the recent history of SSOs, while interesting, will become dated and irrelevant over time.
8. Section 3.2.3.4 (CAFOs). The EPA suggests editing the last sentence on page 22 to read “However, currently, no CAFOs have permit coverage under the 2012 permit.” It is not accurate to indicate no CAFOs has applied because, historically, one CAFO was covered under the CAFO General Permit until that CAFO requested permit termination.
9. Section 3.2.3.6 (GW Remediation). In the section entitled “Ground Water Remediation in Idaho,” the permit discussion is incorrect. Atlanta Gold and Kinross are not covered under the 2014 general permit. They remain covered under the 2007 general permit, which remains administratively extended for the mining facilities that had obtained coverage under the general permit. . The Fact Sheet and/or Response to Comment documents for the 2014 general permit may provide some helpful information that could be used in editing this section. As described in these documents, the EPA intends to issue a separate general permit that covers discharges from these mines.
10. Section 3.2.3.9 (VGP). The EPA provided additional information to DEQ following questions at the Feb. 5 meeting concerning vessel discharges in northern Idaho lakes. DEQ’s water quality standards and 401 certification for the VGP prohibits discharge in specific northern Idaho counties. This section should provide this additional information.
11. Section 4 (Indiv. Permit Application Process). The flow chart shows EPA reviewing the permit after the public comment period; however, EPA will typically review the draft permit consistent with the provisions in the MOA. The EPA recommends that the EPA review

block be corrected or removed from the flow chart since the MOA will govern EPA's review of permits.

Please contact me at (206) 553-1755 or by email at lidgard.michael@epa.gov if you have any questions about this letter or related matters, or you may contact Karen Burgess, of my staff, at (206) 553-1644 or burgess.karen@epa.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael J. Lidgard". The signature is fluid and cursive, with a large loop at the end.

Michael J. Lidgard, Manager
NPDES Permits Unit

cc: Mary Anne Nelson, IPDES Program Manager (*sent to: mary.anne.nelson@deq.idaho.gov*)

Topic: [Integrated Municipal Stormwater and Wastewater Plans](#)

OVERVIEW

An integrated planning process has the potential to identify a prioritized critical path to achieving the water quality objectives of the CWA by identifying efficiencies in implementing competing requirements that arise from separate wastewater and stormwater projects, including capital investments and operation and maintenance requirements. This approach can also lead to more sustainable and comprehensive solutions, such as green infrastructure, that improves water quality as well as supports other quality of life attributes that enhance the vitality of communities. The CWA and implementing regulations, policy and guidance provide the necessary flexibility to implement an integrated planning process.

The integrated planning approach is not about lowering existing regulatory or permitting standards or delaying necessary improvements. Rather, it is intended to be an option provided to help municipalities meet their CWA obligations by optimizing the benefits of their infrastructure improvement investments through the appropriate sequencing of work.

BACKGROUND ON INTEGRATED PLANS – A CHRONOLOGY

Memo (Stoner/Giles)	October 27, 2011 , Memorandum entitled <u>Achieving Water Quality Through Integrated Municipal Stormwater and Wastewater Plans (PDF)</u>
Public Comment	January 11, 2012 , Federal Register Notice, Docket ID No. <u>EPA-HQ-OW-2011-0986</u> - <u>Comments Received</u>
Public Workshops	February 13, 2012 , Workshop in Seattle with presentation and panel discussion.
Integrated Planning Framework	June 5, 2012 , EPA released the final <u>Integrated Municipal Stormwater and Wastewater Planning Approach Framework (PDF)</u> . The framework was developed in conjunction with the October 27, 2011 memorandum to provide further guidance for EPA, States and local governments in developing and implementing effective integrated plans under the CWA. This framework was finalized after extensive public input including a series of workshops across the country.
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[Webinar with Audio](#) – Integrated Planning Approach Framework PowerPoint Presentation by WEF ([Slides](#))

FROM EPA WEBPAGE, AN INTEGRATED PLAN MAY ENCOMPASS CWA OBLIGATIONS IN THE FOLLOW AREAS.

The links presented below provide more information related to NPDES program areas that address municipal obligations.

- [Wastewater Treatment Plants](#)
- [Stormwater Program](#)
- [Combined Sewer Overflow Program](#)
- [Sanitary Sewer Overflow Program](#)
- [Green Infrastructure](#)
- [Watershed-Based NPDES Permitting](#)

Links to Presentations

EPA Presentation by Kevin Weiss – CSO Monthly Call – March 13, 2013



**Moving Forward with Implementing
Integrated Planning**



NACWA
R8 Integrated Planning Workshop
Deborah Nagle & Loren Denton
March 31, 2014