

Idaho Pollutant Discharge Elimination System

User's Guide to Permitting and Compliance
Volume 2—Sector-Specific Information



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Abbreviations and Acronyms

§	section (usually a section of federal or state rules or statutes)
CFR	code of federal regulations (refers to citations in the federal administrative rules)
CWA	Clean Water Act
DEQ	Idaho Department of Environmental Quality
EPA	United States Environmental Protection Agency
IDAPA	Idaho Administrative Procedures Act; refers to citations of Idaho administrative rules
IPDES	Idaho Pollutant Discharge Elimination System
NOI	notice of intent
NPDES	National Pollutant Discharge Elimination System
POTW	publicly owned treatment works
WQBEL	water quality-based effluent limit
WQS	water quality standard

1 Introduction

The Idaho Department of Environmental Quality's (DEQ's) Idaho Pollutant Discharge Elimination System (IPDES) Program developed this guidance to help the regulated community and other public users easily understand the IPDES permitting and compliance process and the IPDES statutory and regulatory requirements for each permitted sector. These sectors include publicly owned treatment works (POTWs), pretreatment, industrial, storm water, sewage sludge (biosolids), and facilities covered by IPDES general permits. This User's Guide to Permitting and Compliance Volume 2 (User's Guide Volume 2) provides assistance to Idaho's municipalities, industries, and citizens on complying with IPDES permits, DEQ administrative rules, Idaho Code, and the Clean Water Act (CWA), which govern the discharge of pollutants to waters of the United States in Idaho.

1.1 Purpose and Need

This guide serves as a reference for successfully navigating the IPDES permitting and compliance process as it pertains to each permitted sector. Additionally, this guide is designed to help the regulated community (permittees) and other users:

- Understand sector-specific IPDES permit application or notice of intent (NOI) processes and requirements,
- Understand sector-specific IPDES permit development processes and permit conditions, and
- Comply with all processes, protocols, and requirements of sector-specific IPDES permits.

1.2 Relationship to Existing Rules and Guidance

This User's Guide Volume 2 is not intended to be a stand-alone document; rather, it supports implementation of the CWA, Idaho Code and administrative rules, federal regulations, and state and national policies, guidance, and standards. These include compliance with Idaho's "Water Quality Standards" (IDAPA 58.01.02), "Wastewater Rules" (IDAPA 58.01.16), and "Rules Regulating the IPDES Program" (IDAPA 58.01.25).

More specifically, Volume 2 supplements DEQ's User's Guide to Permitting and Compliance Volume 1—General Information (DEQ 2017). Volume 2, however, addresses detailed sector-specific topics and circumstances that are not described in Volume 1 or other IPDES guidance.

Some sections of this guide are newly developed to address rules, regulations, and conditions specific to Idaho, while other sections reference or represent an adaptation of numerous existing state and US Environmental Protection Agency (EPA) guidance documents, as appropriate.

While this guide provides direction in many cases, DEQ may have to adjust permit-specific aspects to address site-specific concerns and conditions. These considerations may include compliance with Idaho's "Water Quality Standards" (IDAPA 58.01.02), "Wastewater Rules" (IDAPA 58.01.16), "Rules Regulating the IPDES Program" (IDAPA 58.01.25), and additional state and federal guidance. Further, this guide does not replace, supplant, or change any requirements under state or federal rules and regulations but does identify and reference relevant regulations, policy, and other guidance documents. A detailed discussion regarding the CWA,

federal code, and Idaho Code and administrative rules that support the IPDES Program is included in Users Guide Volume 1, section 2.

1.2.1 Clean Water Act Background

The Federal Water Pollution Control Act, or CWA, is the primary US law addressing pollutants in receiving waters (e.g., streams, rivers, lakes, and reservoirs). The CWA was originally enacted in 1948 and was revised by significant amendments in 1972 (P.L. 92-500), and to a lesser degree in 1977 (P.L. 95-217) and in 1981 (P.L. 97-117). The most recent major amendments to the CWA were made in 1987 (P.L. 100-4). A major part of the CWA is a requirement for controls on discharges to meet the statutory goal of eliminating the discharge of pollutants under the National Pollutant Discharge Elimination System (NPDES) permit program.

1.2.2 Rules Regulating the IPDES Program

“Rules Regulating the IPDES Program” (IDAPA 58.01.25) establish the procedures and requirements for the issuance and maintenance of permits for facilities or activities required by Idaho Code and the CWA to obtain authorization to discharge pollutants to waters of the United States. These permits are referred to in these rules and guidance as “IPDES permits” or “permits.”

1.2.3 Idaho Water Quality Standards

A water quality standard (WQS) defines the water quality goals for a water body. Water quality-based effluent limits (WQBELs) in IPDES permits are a mechanism to achieve and maintain WQS in specific receiving waters. The federal rules regulating WQS at 40 CFR 131 describe state requirements and procedures for developing WQS and EPA procedures for reviewing and, where appropriate, promulgating WQS. Idaho's WQS were developed in accordance with these federal requirements.

1.3 Legislative and Regulatory Citations

In this guide, the following conventions are used to cite legislation and regulations:

- Idaho Code—Title of the code follow by the code citation: “Approval of State NPDES Program” (Idaho Code §39-175C). After initial use, the code is then referred to by the citation (e.g., Idaho Code §39-175C).
- Idaho Administrative Rules—Title of the rule is followed by the rule citation: “Rules Regulating the Idaho Pollutant Discharge Elimination System Program” (IDAPA 58.01.25). After initial use, the rule is then referred to by the rule citation (e.g., IDAPA 58.01.25).
- Code of Federal Regulations—Initial and subsequent references to CFRs use the regulation citation (e.g., 40 CFR 136).
- US Code—Initial and subsequent references to US code use the code citation (e.g., 16 U.S.C. §1531 et seq. or 33 U.S.C. §§1251–1387).
- Clean Water Act (CWA)—Title of the act is followed by the act citation: Clean Water Act section 402 (e.g., CWA §402). After initial use, the act is then referred to by the act citation (e.g., CWA §402).

Most regulatory citations in this guide are from the “Rules Regulating the IPDES Program” (IDAPA 58.01.25) and CFR Title 40. Other rules and regulations are explicitly referenced in full citation when used for the first time in this guide. Applicable IDAPA and CFR references are included as endnotes after the appendices.

1.4 Time Computation¹

Throughout this guide, references to days represent calendar days, unless specified otherwise (e.g., business days). In computing any period of time scheduled to begin after or before the occurrence of an activity or event, the date of the activity or event is not included. The last day of the period is included, unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day (which is not a Saturday, Sunday, or holiday). When a party or interested person is served by mail, three (3) days are added to the prescribed time.

1.5 Hyperlinks

Websites provide supplementary information and are referenced in this guide. The website address appears in blue italics so that readers can access the reference in printed and electronic versions of this document. In the electronic version, the website address is hyperlinked to the site. Correct website addresses and hyperlinks are provided; however, these references may change or become outdated after publication.

2 Publicly Owned Treatment Works (POTWs)

References

DEQ (Idaho Department of Environmental Quality). 2017. *User's Guide to Permitting and Compliance Volume 1—General Information*. Boise, ID: DEQ.
www.deq.idaho.gov/media/60178999/ipdes-user-guide-ipdes-permitting-compliance-0816.pdf

Key Terms

Citations for key terms used in this guide are provided below. To see the official definition for a term, users should go directly to the rule that is referenced.

Term	IDAPA, CFR, or CWA Citation
Discharge	IDAPA 58.01.25.010.27.
General Permit	IDAPA 58.01.02.010.40
Idaho Pollutant Discharge Elimination System (IPDES)	IDAPA 58.01.25.010.42
National Pollutant Discharge Elimination System (NPDES)	IDAPA 58.01.25.010.56
Notice of Intent (NOI) to Obtain Coverage Under an IPDES General Permit	IDAPA 58.01.25.010.60
Permit	IDAPA 58.01.25.010.63
Person	IDAPA 58.01.25.010.64
Pollutant	IDAPA 58.01.25.010.66
Pretreatment	IDAPA 58.01.25.010.68
Publicly Owned Treatment Works (POTW)	IDAPA 58.01.25.010.73
Sewage Sludge	IDAPA 58.01.25.010.84
Storm Water	IDAPA 58.01.25.010.94
Water Quality-Based Effluent Limitation (WQBEL)	IDAPA 58.01.25.010.107
Waters of the United States	IDAPA 58.01.25.003.aa

Appendix A.

Endnotes: IDAPA and CFR References

¹ IDAPA 58.01.25.050