

Idaho Pollutant Discharge Elimination System

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



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Volume 2—Sector Specific Information

May 2017



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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
gpd	gallons per day
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
TIE	Toxicity Identification Evaluation
TBEL	technology-based effluent limit
TRE	Toxicity Reduction Evaluation
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 (applicants and 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 2017a). 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 *User's Guide to Permitting and Compliance Volume 1*, section 2 (DEQ 2017a).

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 (POTW)

This section guides the reader through topics related to permitting of publicly owned treatment works (POTWs)².

Municipal sewage may also contain liquid industrial wastes discharged to the POTW from industrial users (IUs). POTWs must serve as control authorities over the IUs discharging to the POTW. As designated by DEQ, privately owned treatment works that primarily treat domestic sewage will have permit conditions similar to those issued to POTW, and consequently, they must complete those application sections pertinent to POTW, including any IU information³.

As a result, for the IPDES program and requirements of this application, the term POTW includes:

- Publicly and privately owned treatment works predominantly treating domestic sewage,
- Domestic sewage treatment works,
- Sewer districts, and
- Any other dischargers designated by DEQ.

2.1 Application Content

POTWs that primarily treat domestic sewage need to complete and submit a POTW application on the IPDES web interface. If a POTW does not have internet access, they must contact DEQ to apply for a waiver from electronic reporting. Applicants should also request paper copies of all

pertinent application forms and instructions well in advance of the minimum time required to submit an application.

In addition to information identified in *User's Guide to Permitting and Compliance Volume 1, Section 4.2* (DEQ 2017a), the following sections identify information specific to POTW applicants that will be required depending on size and waste characteristics. Refer to the IPDES *POTW Permit Application Instructions* (DEQ 2017b) for additional details on the information required. The sections and headings below reflect the POTW permit application sections and instructions available on the IPDES web interface and generally follow the EPA NPDES Form 2A application for POTWs.

2.1.1 Part A. Basic Information

Part A. *Basic Information* of the POTW permit application is required for all POTW applicants. These sections are as follows:

- **Treatment work's POTW's** current NPDES/IPDES permit status
- Areas/population served, type of collection system, and ownership status of each portion of the collection system
- POTW design flow, annual average daily flow, and maximum daily flow rates
- Collection system percent contribution by system type
- Effluent discharge and disposal locations (e.g., discharge points, discharge to impoundments, and land application)
- Contract operator responsibilities and contact information
- Outfall location and flow information (e.g., latitude and longitude, distance from shore, and intermittent/periodic)
- Receiving water name, critical flows, and hardness (if applicable)
- Treatment type classification and pollutant removal efficiencies
- Basic effluent testing information

The applicant's response to whether the POTW is currently covered under an NPDES/IPDES permit (not a new source or new discharger⁴) determines subsequent sections of the permit application that need to be completed. A new source or new discharger that is not currently operating would not be able to collect expanded effluent testing (section 2.1.4) or WET (whole effluent toxicity) testing (section 2.1.5) data, and does not complete application sections 2.1.4 and 2.1.5 regardless of their POTW facility size or category.

Applications must identify the total population that the POTW serves. Applicants may also provide the equivalent dwelling units (EDUs) for each area served. POTWs are charged an annual fee per EDU that the POTW serves. If the POTW provides the population served but not EDUs, DEQ will calculate the number of EDUs and resulting annual fees using the most recent US Census Bureau statistics for the average number of people per household for Idaho. Refer to the *User's Guide Volume 1, section 3.3.1* for the IPDES fee schedule details and example calculations.

The effluent discharge and disposal section requires the applicant to identify the number of discharge points and other information for:

1. Effluent discharges to waters of the United States, the applicant provides the location, number, and types of outfalls used.

2. Land application of treated wastewater (recycled wastewater), the applicant provides the location and size of the site, the average daily volume applied, and schedule of application.
3. Effluent sent to another facility for treatment before discharge, the applicant must provide the average daily flow rate as well as the transport method and destination.
4. Effluent discharged in another manner, including underground percolation and underground injection, the location and size of the disposal site, schedule of disposal, and the annual average daily volume disposed must be provided.

Application Effluent Monitoring Requirements Based on Size and Category

All applicants that discharge effluent to waters of the United States must provide effluent testing data for each outfall from at least three effluent scans during the permit cycle. This section of the application requires all applicants to enter basic effluent testing information for design flow, pH, *E. coli* or fecal coliform, temperature, total suspended solids (TSS) and 5-day biochemical oxygen demand (BOD₅) or 5-day carbonaceous biochemical oxygen demand (CBOD₅). Refer to Table 1 to determine which effluent testing information questions you must complete in various sections of the permit application.

For pH, temperature, cyanide, total phenols, residual chlorine, oil and grease, and *E. coli*; the permittee must collect a minimum of four grab samples on three separate occasions (the results of which will be averaged) for each scan. Grab samples must be a minimum of 100 mL collected randomly for a period of time not exceeding 15 minutes. For all other pollutants sampled for application effluent monitoring, the permittee must collect at least one 24-hour composite sample for each scan. Composite samples must be derived from two or more discrete samples collected at equal time intervals or collected proportional to the flow rate over the compositing period.

Table 1. Effluent testing data requirements for each outfall.

POTW Characteristics	Permit Application Sections to Complete
Design flow rate less than 0.1 mgd <i>and</i> not required to develop or does not have an approved pretreatment program	A.12. <i>Effluent Testing Information</i>
Design flow rate greater than 0.1 mgd but less than 1 mgd <i>and</i> not required to develop or does not have an approved pretreatment program	A.12. <i>Effluent Testing Information</i> and B.6. <i>Effluent Testing Data</i> —greater than or equal to 0.1 mgd
Design flow rate greater than or equal to 1 mgd <i>or</i> required to develop or has an approved pretreatment program, <i>or</i> otherwise required by DEQ to provide the data	A.12. <i>Effluent Testing Information</i> , B.6. <i>Effluent Testing Data</i> —greater than or equal to 0.1 mgd, and Part D. <i>Expanded Effluent Testing Data</i>

At the end of this application section, the applicant will select conditions from the following list that apply to the POTW:

- Flow is ≥ 0.1 mgd.
- Flow is ≥ 1.0 mgd.
- Has or is required to develop an approved pretreatment program.
- Required expanded effluent testing.
- Required WET testing.
- Accepts significant industrial user discharge or Resource Conservation and Recovery Act (RCRA) or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) waste.

- Has a combined sewer system.
- Has sewage sludge.

The selections identified in this list determine which of the other application sections must be completed.

2.1.2 Part B. POTWs with a Design Flow Greater than or Equal to 0.1 mgd

Part B is *POTWs with a Design Flow Greater than or Equal to 0.1 mgd* is required⁵ for POTWs with design flows greater than or equal to 0.1 mgd. The POTW must provide the currently estimated rate of inflow and infiltration (I&I) entering the collection system and any steps taken or being planned to minimize I&I. Other information obtained in this section includes a POTW facility map, a process flow diagram or process schematic, identification of any scheduled POTW facility improvements, and additional effluent testing data.

The applicant will upload a map of the POTW and surrounding area. This map should be topographic, if possible, and include the following:

- The area surrounding the POTW, including all unit processes.
- Wells, springs, other surface water bodies, and drinking water wells that are (1) within ¼ mile of the property boundaries of the POTW, and (2) listed in public record or otherwise known to the applicant.
- The major pipes or other structures through which wastewater enters the POTW and the pipes or other structures through which treated wastewater is discharged from the POTW. Include outfalls from bypass piping, if applicable.
- Any areas where the sewage sludge produced by the POTW is stored, treated, or disposed.
- If the POTW receives waste that is classified as hazardous under *Resource Conservation and Recovery Act (RCRA)* by truck, rail, or special pipe, show on the map where that hazardous waste enters the POTW and where it is treated, stored, and/or disposed.
- Each well where wastewater from the POTW is injected underground.

The application includes a section to upload a process flow diagram that shows all of the POTW's unit processes. These processes include bypass piping, backup power sources, and system redundancies. The diagram must also provide a water balance showing all treatment units, including disinfection, daily average flow rates at influent and discharge points, and approximate daily flow rates between treatment units. The application should also include a narrative description of the process flow diagram.

In this section, the applicant will identify any scheduled POTW improvements and include milestone dates of implementation and completion. The applicant will briefly describe permits and authorizations obtained or required by federal or state authorities. If planned improvements are required by local, state, or federal agencies, the applicant will identify the new maximum daily flow rate.

The applicant must enter effluent testing data for each outfall for all pollutants identified in 40 CFR 122 Appendix J, Table 1A. These pollutants include ammonia, total residual chlorine (TRC), dissolved oxygen (DO), nitrate+nitrite nitrogen, total Kjeldahl nitrogen (TKN), oil and grease, total phosphorus (TP), and total dissolved solids (TDS). If a POTW does not use chlorine

for disinfection or elsewhere in the treatment process and has no reasonable potential to discharge chlorine in the POTW's effluent, TRC is not required to be sampled or analyzed.

When an applicant has two or more outfalls with substantially identical effluent discharging to the same receiving water segment, DEQ may, on a case-by-case basis, allow the applicant to submit sampling data for only one outfall. DEQ may also allow an applicant to composite samples from one or more outfalls that discharge into the same mixing zone.

2.1.3 Part C. Reserved

This section of the application is reserved for additional items, if necessary. This section of EPA's Form 2A is for applicant certification. However, because the IPDES POTW applications are electronically submitted **unless DEQ has granted the permittee an electronic reporting waiver**, the certification and electronic signature processes occur at different times and locations on the web application. **Applications must be signed by the certifying official⁶.**

2.1.4 Part D. Expanded Effluent Testing

A POTW that discharges effluent to waters of the United States and meets one or more of the following criteria must complete application Part D. *Expanded Effluent Testing Data*⁷:

- Design flow rate greater than or equal to 1 mgd.; or
- Required to develop or has an approved pretreatment program; or
- Required by DEQ to ensure compliance with IDAPA 58.01.02 and 58.01.25.

Expanded effluent testing includes monitoring for the following categories of pollutants:

- Metals, cyanide, phenols, and hardness
- Volatile organic compounds (VOC)
- Acid-extractable compounds
- Base-neutral compounds
- Other pollutants not specifically listed that are present in the discharge

Applicants must provide data from each outfall discharging to waters of the United States. This data must be composed from a minimum of three representative samples taken within 4.5 years before the date of the permit application. Data collected and reported as required by the current permit may be used, if available, in lieu of sampling done solely for the application.

Sample results from expanded effluent testing required in an EPA-issued NPDES permit can be entered in the IPDES application form. However, IPDES-issued permits **may** require prior submittal of expanded effluent data; in those cases the applicant does not need to reenter data results at the time of application.

Applicants enter data for each pollutant unless monitoring has been specifically waived in their permit. The average value of results from 3 or more scans is entered for each pollutant. If results for the same pollutant are analyzed using different EPA-approved methods the permittee should follow the IPDES POTW Permit Application Instructions (DEQ 2017b).

2.1.5 Part E. WET Testing

POTW_s meeting one or more of the following criteria must complete application Part E. *WET Testing*⁸:

- Design flow rate greater than or equal to 1 mgd; or
- Required to develop or has an approved pretreatment program; or
- Required by DEQ to ensure compliance with IDAPA 58.01.02 and 58.01.25

The applicant must submit results of a minimum of four tests performed in the 4.5 year period before the application. Applicants completing Part E. *WET Testing* must report the number of chronic and acute WET tests conducted since the last permit issuance and submit the results from any WET tests conducted that have not been reported or submitted to DEQ for each outfall discharging effluent to the waters of the United States.

When an applicant has two or more outfalls with substantially identical effluent discharging to the same receiving water segment, DEQ may, on a case-by-case basis, allow the applicant to submit WET data for only one outfall. DEQ may also allow an applicant to composite samples from one or more outfalls that discharge into the same mixing zone.

The applicant must complete the following for each WET test conducted:

- Test number
- Identify if it is an accelerated test
- Test information (test species, test method number, and test organism)
- Source of test method
- Collection method (grab or 24-hour composite)
- Sample in relation to disinfection (before or after?)
- Point in treatment process where effluent sample was collected
- Toxicity test type (chronic, acute, or both)
- Type of test (static, static renewal, or flow through)
- Source of dilution water (lab water or receiving water)
- Type of dilution (this should be fresh water only)
- Test series effluent concentrations
- Parameters measured during the test and whether each meets the test method specification (pH, salinity, temperature, ammonia, and DO)
- Test results for acute/chronic toxicity tests
- QA/QC (identify if the test was within acceptable bounds and provide any other QA/QC information requested by DEQ)

New permit applicants or POTW_s that were not required to perform WET tests in the previous permit do not need to include WET test information with their permit application.

If the POTW has conducted WET tests and reported its results according to a previous EPA-issued NPDES permit (not an IPDES permit) requirement, then the POTW may note the dates the tests were submitted and provide a summary of the results that includes the following:

- Outfall number and collection dates of the samples taken
- Dates of testing
- Toxicity testing method(s) used

- Summary of the test results (e.g., 100% survival in 40% effluent)

When identified as an IPDES permit condition, permittees with active IPDES permits must report the individual WET test **data results** on the IPDES web interface within 30 days of receipt of test results (see the WET permit special condition described in section 2.2.6.3).

Applicants must also identify whether a WET test conducted during the past permit cycle revealed toxicity. If so, they must also provide **accelerated test results and** any information about the cause of the toxicity⁹, upload a copy or description of the toxicity reduction evaluation (TRE), if one was conducted, and any results from the toxicity reduction evaluation. If the POTW is conducting a TRE as part of a NPDES/IPDES permit requirement or enforcement order, then applicants only need to provide the date of the last progress report concerning the TRE.

2.1.6 Part F. Industrial User Information (SIU, RCRA, or CERCLA)

All POTWs receiving discharges from *significant industrial users (SIUs)* or POTWs that receive RCRA, **Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)**, or other remedial wastes must complete Part F. *Industrial User Information*¹⁰.

2.1.6.1 Significant Industrial User Information

An *industrial user (IU)* is any industrial or commercial entity discharging process or nonprocess wastewater that contains pollutants to a POTW. Such facilities include, but are not limited to, industrial, manufacturing, commercial, mining, or storm water runoff. IUs may discharge domestic sewage in addition to industrial wastewater. The number of **industrial users IUs** is the total number of industrial and commercial users that discharge to the POTW.

An *SIU* is defined in 40 CFR 403.3(v) as an IU that:

- Is subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; or
- Any other **industrial users IUs** that:
 - Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the treatment works (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
 - Contributes a process waste stream that makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the treatment works; or
 - Is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the **industrial users IUs** has a reasonable potential **for to** adversely affecting the treatment works operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

A *categorical industrial user (CIU)* is an SIU that is subject to categorical pretreatment standards¹¹. These effluent limit guidelines (ELG) and standards identify technology-based effluent limits (TBELs) and are standards developed by EPA to set industry-specific effluent limits. A list of industrial categories subject to categorical pretreatment standards is included in Appendix B of the POTW permit application instructions.

Applicants need to provide the following information in Parts F.2 through F.8 of the permit application:

- Whether the POTW has a pretreatment program
- Number of SIUs and CIUs
- Information for each SIU and CIU
 - Name and address of each user
 - Description of all industrial processes that affect or contribute to the SIU/CIU discharge
 - Principal products and raw materials that contribute to the SIU/CIU discharge
 - Average daily discharge contributed to the POTW
 - Whether this daily discharge is continuous or intermittent
 - Amount of discharge attributable to process flow and nonprocess flow
 - Applicable local limits
 - Whether the SIU/CIU is subject to categorical pretreatment standards
 - If subject to categorical standards, all categories and subcategories that apply
 - Any upsets that the POTW attributed to waste discharge by the SIU/CIU

If the POTW has submitted a pretreatment program application or pretreatment program annual report within 1 year of the application that contains substantially identical information to what the POTW permit application requires, then DEQ may waive submitting this information in the permit application¹².

2.1.6.2 Pretreatment Standards

A POTW, or a group of POTWs operated by the same entity, with a total design flow of more than 5 mgd and receiving industrial pollutants that may cause pass through or interference are required to establish a pretreatment program under IPDES¹³. In some cases, a POTW with a total design flow of less than 5 mgd may be required to establish a pretreatment program if the nature or volume of the industrial discharge causes POTW treatment process upsets, effluent limit violations, contamination of municipal sludge, or other circumstances warranted to prevent interference with the POTW or pass through. All POTWs meeting the above criteria must submit a pretreatment program for DEQ's evaluation and approval within 1 year of written notification from DEQ for the need of a pretreatment program.

If the POTW has a pretreatment program, they must also complete Parts D. *Expanded Effluent Testing Data* and E. *Toxicity Testing*.

2.1.6.3 RCRA Hazardous Waste Received by Truck, Rail or Dedicated Pipeline

If the POTW has accepted any RCRA hazardous waste in the past 3 years by truck, rail, or dedicated pipeline the applicant must fill out application Parts F.9, F.10, and F11¹⁴.

As defined in Section 1004(5) of RCRA, *hazardous waste* means:

A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:

- Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
- Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

Those solid wastes that are considered hazardous are listed under 40 CFR 261. POTWs that accept hazardous wastes by truck, rail, or dedicated pipeline (carries hazardous waste directly to

a POTW without prior mixing with domestic sewage) within the property boundary of the POTW are considered to be hazardous waste treatment, storage, and disposal facilities (TSDFs) and are subject to regulations under RCRA.

Under RCRA, mixtures of domestic sewage and other wastes that commingle in the POTW collection system before reaching the property boundary, including those wastes that otherwise would be considered hazardous, are excluded from regulation under the domestic sewage exclusion. However, hazardous wastes that are delivered directly to the POTW by truck, rail, or dedicated pipeline do not fall within the exclusion. Hazardous wastes received by these routes may only be accepted by POTWs if the POTW complies with applicable RCRA requirements for TSDFs.

Applicants completing sections F.9 through F.11 should indicate all points at which RCRA hazardous waste enters the POTW by truck, rail, or dedicated pipeline in the map provided in B.2 of the application, if applicable.

Applicants must report in the application:

- Method of delivery (truck, rail, or dedicated pipe)
- Applicable hazardous waste number designated in IDAPA 58.01.05
- Amount of each hazardous waste received annually

2.1.6.4 CERCLA, RCRA Remediation/Corrective Action, and other Remedial Waste Activity

If the POTW receives, or has been notified that it will receive, wastewater that originates from remedial activities, including those undertaken under CERCLA, and RCRA Sections 3004(u) or 3008(h), the applicant must complete application Parts F.12 through F.15 and include the following information¹⁵:

- Name of the waste origin site
- Type of facility (RCRA, CERCLA, or other)
- Hazardous constituents specified in IDAPA 58.01.05
- Volume of waste accepted
- Concentration of hazardous constituent
- Waste treatment processes applied before delivery to the POTW
- Discharge frequency

An applicant under this subsection is exempt from entering information in the application if the POTW receives no more than 15 kilograms per month of hazardous waste, unless the waste is acute hazardous waste as specified in IDAPA 58.01.05, “Rules and Standards for Hazardous Waste.”

2.1.7 Part G. Combined Sewer Systems

Common understanding is that Idaho has no designed combined sewer systems (CSSs). Although some relic CSSs may exist in Idaho, there are no known combined sewer overflows (CSOs). In case CSSs are discovered in the future, the permit application allows applicants to enter information about them. An applicant with CSSs must complete application Part G. *Combined Sewer Systems* and include the following:

- System map
- System diagram
- CSO location description of outfall
- Constituents monitored at the outfall
- Number of storm events during the last year
- CSO events
- Description of receiving waters
- Description of any water quality impacts caused by this CSO.

2.1.8 Part H. Requests

Requests for a variance, waiver, or mixing zone are indicated in Part H. *Requests* of the permit application. DEQ will discuss the variance or waiver option and any information and the timeline in which the applicant must provide it. More information on the types of variances and waivers a POTW may apply for is provided in the *User's Guide to Permitting and Compliance Volume 1*, section 8.

If the applicant wants DEQ to consider authorizing a mixing zone for any pollutant as part of permit conditions, they must check the box in Part H. *Requests* when submitting their application. During permit development, DEQ will request that the applicant provide outfall configuration and pollutant concentration data and additional data necessary to determine any appropriate mixing zones.

2.1.9 Part I. Other Information

Part I. *Other Information* is optional and may be used by the applicant to expand upon any questions or alert permit reviewer to any other information necessary in establishing permit limits for the POTW.

2.2 Understanding Your Permit

In addition to information identified in the *User's Guide to Permitting and Compliance Volume 1, Section 5* (DEQ 2017a), the following sections identify conditions found in POTW permits. The accompanying fact sheet will describe decisions and calculations that determine specific permit conditions.

2.2.1 Effluent Limits

The effluent limits for each pollutant are outlined in this permit section. A table specifies the effluent limits and associated monitoring requirements for each outfall and includes the following information:

- Parameter—the pollutants the permittee must monitor
- Discharge period—the months the pollutant is limited
- Units—the permittee is expected to use the designated units to report effluent monitoring
- Effluent limit types—the effluent limits in the appropriate columns for each pollutant
 - Average monthly—the average concentration or mass of the pollutant that the permittee may discharge per month

- Average weekly—the average concentration or mass of the pollutant that the permittee may discharge per week
- Maximum daily—the maximum allowed concentration or mass of the pollutant that the permittee may discharge in a single day
- Sample type—the category of the sample required. Example samples types include grab, composite, calculation, and metered.
- Sample frequency—the number of samples to collect over a given period of time
- Sample location—permittee requirements to sample for the pollutant in the influent, effluent, or both

When pollutant concentration limits vary depending on effluent and/or receiving water flow an additional effluent limit table may be included for flow dependent pollutant concentration limits.

All pollutants with effluent limits must be reported on a monthly DMR.

2.2.1.1 Annual or Seasonal Average Effluent Limits

This optional permit section is included if annual or seasonal effluent limits are appropriate for any pollutants. It includes effluent limits as concentration and/or load and a statement explaining how the load is calculated and reported.

2.2.1.2 Narrative Limits

A permit section after the effluent limit tables includes narrative effluent limits for the discharge.

2.2.2 Regulatory Mixing Zone

This section of the permit describes authorized mixing zones including identifying each pollutant and associated percent dilution for flowing waters or allowed surface area for nonflowing water bodies. The permittee must monitor and report the effluent and upstream receiving water concentration of all pollutants with authorized mixing zones. These monitoring and reporting requirements are included in the effluent and receiving water monitoring sections of the permit.

2.2.3 Monitoring

Permittees must collect samples that are representative of the waste stream (for effluent/influent monitoring) or receiving water (for surface water monitoring). Representative, in this case, refers to a sample from the effluent, influent, or surface water that serves as a characteristic example of the water during the period of discharge, whether continuous or intermittent. Regularly scheduled samples are required in the permit. However, the permittee is also required to collect additional samples at the appropriate location whenever any discharge occurs that may cause a violation of the permit (i.e., a spill, bypass, other upset). This ensures that excursions that may not be detected by regularly scheduled samples can be accounted for.

2.2.3.1 Influent Monitoring

The influent monitoring table of the permit outlines the monitoring requirements for the influent stream. The table contains the following information:

- Parameter—the pollutant or parameter for which the permittee must monitor
- Time period—the months for which the permittee must monitor the pollutant

- Units—the designated units the permittee is expected to use and report for effluent monitoring
- Minimum frequency—the minimum number of times the permittee must sample for the specified pollutant
- Sample type—the category of the sample type required. Example sample types include grab, composite, calculation, and metered.
- Report—the information the permittee is obligated to report on the DMR. For example, report the average value from weekly samples to 2 significant figures on the monthly DMR.

2.2.3.2 Effluent Monitoring for Parameters without Effluent Limits

This permit section includes a table for effluent monitoring required for pollutants without effluent limits. The pollutants or parameters in this section are associated with characterizing the effluent and may include pollutants that exceed WQS at end of pipe but have been granted a mixing zone sized to assure WQS compliance at the mixing zone boundary. This may also include non-regulated parameters such as hardness, for which concurrently monitored data is necessary to calculate appropriate water quality criteria. The table contains the following information:

- Parameter—the pollutant or parameter for which the permittee must monitor
- Units—the designated units the permittee is expected to use and report for effluent monitoring
- Minimum frequency—the minimum number of times the permittee must sample for the specified pollutant
- Sample type—the category of the sample type required. Example sample types include grab, composite, calculation, and metered.
- Sample location—the effluent monitoring location
- Report—the information the permittee is obligated to report on the DMR. For example, report the average value from weekly samples to 2 significant figures on the monthly DMR.

All monitoring for pollutants without effluent limits must be reported on the associated monthly DMR.

2.2.3.3 Sewage Sludge

All POTWs generate sewage sludge. Idaho's Wastewater Rules¹⁶ require that POTWs are equipped to manage sludge for final use. Sewage sludge must be treated per federal requirements for pollutants, pathogens, and vectors before use.

All permittees must develop or update and submit a sludge/biosolids management plan to DEQ through the IPDES E-Permitting system by the date specified in the permit. The permit will contain some additional language depending on whether the POTW's sewage sludge is collected from wastewater lagoons or mechanical treatment processes.

For POTWs with wastewater lagoons, the permittee must report the sludge depth annually to DEQ through the IPDES E-Permitting system by the date specified in the permit.

For POTWs using mechanical treatment processes, the permittee must report the annual mass generated, stored, disposed, and reused to DEQ through the IPDES E-Permitting system annually by the date specified in the permit.

2.2.3.4 Receiving Water Monitoring

Permit specifies the date receiving water monitoring must begin and the duration for which the permittee must conduct monitoring in the vicinity of the outfall. In most cases, receiving water monitoring is included in a permit for the life of the permit. If the permittee is not currently conducting receiving water monitoring, the permit will include some lead time (e.g., 180 days) to begin receiving water monitoring.

The location of monitoring must be approved by DEQ. This section identifies monitoring requirements for the parameters listed in the receiving water monitoring table.

The receiving water monitoring table includes:

- Parameter—the pollutant or parameter for which the permittee must monitor
- Units—the designated units the permittee is expected to use and report receiving water monitoring results
- Frequency—the minimum number of times the permittee must sample for the specified pollutant
- Sample type—the category of the sample type required. Example sample types include grab, composite, calculation, and metered.
- Report—the information the permittee is obligated to report on the DMR. For example, report the analyzed concentration to 2 significant figures on the monthly DMR.

Concurrent sampling (i.e., sampling taken on the same day and at the same time) may be required for pH, ammonia, temperature, dissolved organic carbon, conductivity, metals, and hardness.

This section also includes an optional subsection that outlines the requirements for continuous receiving water temperature monitoring.

2.2.3.5 Permit Renewal Effluent Monitoring

The permit renewal application requires three effluent monitoring scans to characterize the effect of the effluent on the receiving water. The permit will identify the required monitoring parameters and the collection schedule based on the facility design flow, presence or need for a pretreatment program, and impact on receiving water quality. Required permit renewal monitoring is described in section 2.1.1. Permit renewal effluent monitoring summary results must be entered in the permit renewal application.

If the POTW has a design flow greater than 1 mgd or an approved pretreatment program, the permittee must complete three scans of expanded effluent testing for pollutants listed in 40 CFR 122, Appendix J, Table 2 and any other pollutants with applicable WQS. The permit renewal monitoring tables specify reporting units, the sample type required, and what must be reported.

2.2.3.6 Analytical and Sampling Procedures

Required monitoring must be conducted according to test procedures approved under 40 CFR 136, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in the permit and approved by EPA as an alternate test procedure under 40 CFR 136.5.

CWA Alternate Test Procedure

When appropriate, any person may submit a written application for review of an alternate test procedure (ATP; alternate method) for nationwide use to the National ATP Program Coordinator¹⁷. Alternatively, any person may request DEQ, as the permitting authority, to review and initially approve the limited use (Tier 1) of an ATP¹⁸. After reviewing the new method application, DEQ will then forward it to EPA Region 10 along with a recommendation for or against approval (EPA 2016; Figure 1). If DEQ does not initially approve the application, DEQ will specify what additional information might lead to an affirmative reconsideration of the application. At a minimum, an application should include the following:

- A completed new method application form (EPA 2016; Appendix A)
- The new method written in EPA standard format
- Justification for the new method
- The method validation study plan or study report

The EPA Regional ATP coordinator will notify the applicant and DEQ of approval or rejection of the use of the ATP. EPA Region 10 will issue the formal approval for use of a Tier 1 new method, which may restrict the approval to a specific discharge or facility (and its laboratory) or, at the discretion of the EPA Regional ATP coordinator, to all dischargers or facilities (and their associated laboratories) as specified in the approval for the Region.

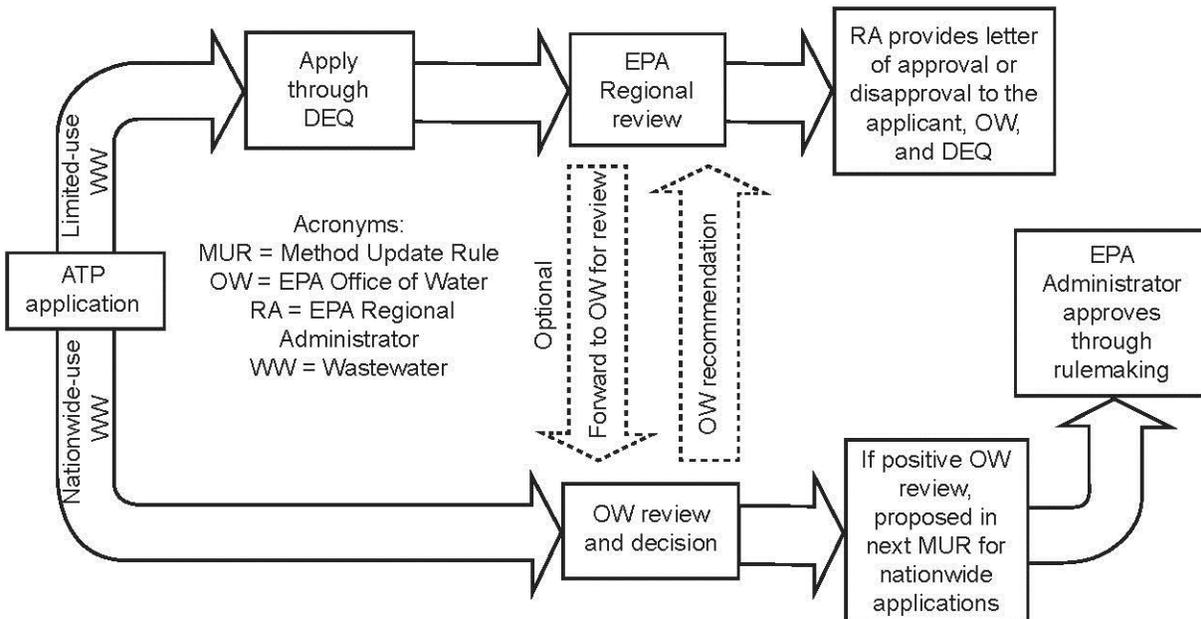


Figure 1. Flowchart summarizing the new method ATP application process (adapted from EPA 2016).

Laboratory Quality Assurance and Quality Control

The permittee must develop and implement a quality assurance project plan (QAPP) that conforms to the quality assurance and quality control requirements of 40 CFR Part 136.7. This permit section includes a discussion of what to do if a sample does not meet QAPP requirements.

2.2.4 Recording and Reporting Requirements

This permit section contains information on how to record and report information to DEQ, including the following:

- Recording of results—information the permittee must record for each measurement or sample
- Reporting procedures—description of how and what to report, including how to calculate and report when results are less than the MDL or ML
- Discharge monitoring reports (DMRs)—description of how to submit DMRs
- Permit submittals and schedules—description of how to submit written permit-required reports
- Reporting additional monitoring—describes requirements for reporting additional monitoring done by the permittee but not required by the permit

2.2.4.1 DMRs

All permittees must submit their monthly monitoring data electronically using NetDMR. If the permittee is unable to use NetDMR, they must submit a request for a waiver.

All DMR data must be submitted no later than the 20th of the month and must include all effluent, influent, and receiving water monitoring data as specified in the permit. The results should be reported to the number of significant figures noted in the permit monitoring tables and using the appropriate units.

2.2.4.2 Permit Submittals and Schedules

All permittees must submit permit required reports electronically using the IPDES E-permitting system by the date specified in the permit, unless DEQ has granted the permittee an electronic reporting waiver.

2.2.4.3 Reporting Permit Violations

This permit section contains information on how and when to report violations of permit conditions.

Twenty-four Hour and Five Day Noncompliance Reporting

The permittee is required to notify DEQ with a phone call within 24 hours whenever there is noncompliance that may endanger public health or the environment. This includes unanticipated bypasses, upsets, violations, or any overflows.

Permittees must report via telephone within 24 hours from the time the permittee becomes aware of the circumstances and also provide an electronic report submission within five days. The

report procedure, contact information for the regional office, hotline phone number, and the health district phone number are included in the permit.

In the event of a sanitary sewer overflow (SSO), collection system backup, or other wastewater discharge event from an unpermitted location or in an unpermitted manner, the permittee should fill out the SSO report form on the IPDES E-permitting system. In addition, the permittee must complete normal 24-hour and five-day reporting procedures outlined in this permit section.

A bypass is an intentional diversion of the waste stream around a portion of the treatment system. Bypasses are prohibited under IPDES permits except in circumstances where effluent limits are not exceeded and done for the purpose of essential maintenance at the facility. If the bypass is not associated with an emergency, the permittee must request approval from DEQ to bypass treatment processes prior to executing the bypass. If the bypass is the result of an emergency, DEQ will evaluate the circumstances under which the bypass occurred and determine whether to take enforcement action. The permittee must complete reporting procedures.

Other Noncompliance Reporting

The permittee is required to notify DEQ whenever they are unable to comply with any permit condition. All noncompliance events not required to be reported within 24 hours must be submitted on the monthly DMR.

Notice of New Introduction of Toxic Pollutants

This permit section outlines the requirements for notifying DEQ of new or increased volume of pollutants by an authorized indirect discharger.

2.2.5 Permit Renewal

The permit contains the date that the renewal application is due. The date must be no less than 240 days prior to the expiration of the permit. This time includes the CFR required 180 days plus the 60 days DEQ has to deem an application complete. For complex permits, DEQ may require that the permit renewal application be submitted more than 240 days prior to permit expiration. Submittal by the permittee at the deadline is not recommended since it assumes that their application will be deemed complete. A permit application must be deemed complete by 180 days prior to expiration in order to be eligible for an administrative continuation. If DEQ does not administratively continue a permit, the permittee must cease discharging or be referred for enforcement.

2.2.6 Special Conditions

Special conditions are optional and placed into the permit on a case-by-case basis after careful consideration of data available to develop the permit, effluent and receiving water characteristics, facility processes and permittees ability to meet effluent limits.

2.2.6.1 Compliance Schedules and Interim Effluent Limits

A compliance schedule may be included in the permit when a permittee is unable to meet final effluent limits. This schedule specifies a series of activities, with associated milestones, that are

identified to acquire, maintain, or reacquire compliance with the effluent limits in the permit. A compliance schedule may accommodate facility upgrades to achieve new or more stringent effluent limits, require development of a pretreatment program, incorporate a Compliance Agreement Schedule/Consent Order into the permit, or document the schedule for generating and submitting documents, such as a master plan, preliminary engineering reports, plans and specifications, quality assurance plans, project plans, and other documents as specified.

Within 14 days of a task's due date, the permittee must notify DEQ whether they are in compliance with the interim or final requirements¹⁹. For compliance schedules longer than 1 year the permittee must also submit an annual progress report that describes efforts made in reaching compliance by the date specified in the compliance schedule²⁰.

2.2.6.2 Facility Planning

The facility planning special condition is included when the facility reaches or is approaching 80% of the design capacity. The facility plan submittal date is contingent on how close the facility is to the 80% trigger coupled with the projected rate of influent increase; 2 years from permit effective date is a suggested date if the facility is close to 80% capacity and just starting the planning process.

All municipal facility plans must be submitted to and approved by DEQ.

2.2.6.3 Whole Effluent Toxicity (WET) Testing

WET testing requirements are included in permits for facilities with a design flow greater than 1.0 mgd, if the POTW has an approved pretreatment program, or if DEQ determines WET testing is necessary to determine support of beneficial uses.

A minimum of 4 tests in 4.5 years is required. DEQ may require more frequent monitoring if test results are variable, close to the toxicity trigger or WET limit, or there is a sensitive use in the receiving water. If toxicity testing reveals no significant toxicity after the first year of quarterly sampling, the sampling frequency may be decreased through a permit modification.

Test Requirements

WET tests analyze the overall toxicity of effluent to aquatic test organisms and involve creating a six-part dilution series of varying proportions of effluent and dilution water, consisting of five effluent dilutions plus a control (Figure 2).

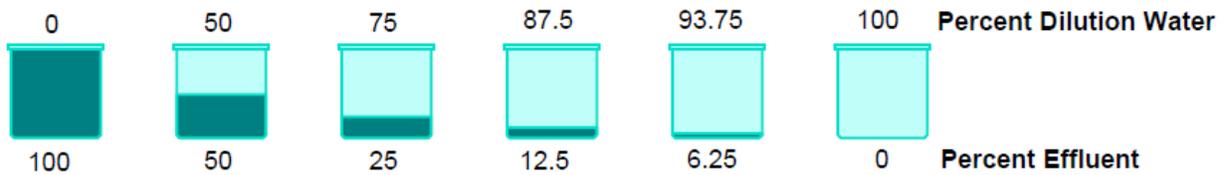


Figure 2. Typical dilution series.

This dilution series is then used to conduct WET testing. There are two types of WET tests: acute and chronic. An acute toxicity test measures lethal toxicity over a short time (typically 96 hours or less), while a chronic toxicity test measures sub-lethal toxicity over a longer period of time. When the dilution factor is ≥ 1000 , acute WET testing is required in the permit. When the

dilution factor is <100 chronic testing is required. If the dilution factor is between 100 and 1000, DEQ may require acute testing, chronic testing or both depending on the sensitivity of beneficial uses. EPA has defined standard WET test species for both acute and chronic tests (Table 2).

Table 2. Acute and chronic test species requirements.

Acute	Invertebrate	<i>Ceriodaphnia dubia</i> (daphnid) <i>Daphnia pulex</i> and <i>D. magna</i> (daphnids)
	Fish	<i>Pimephales promelas</i> (Fathead Minnow) <i>Oncorhynchus mykiss</i> (Rainbow Trout)
Chronic	Invertebrate	<i>Ceriodaphnia dubia</i> (daphnid)
	Fish	<i>Pimephales promelas</i> (Fathead Minnow)
	Plant	<i>Pseudokirchneriella subcapitata</i> (green alga also known as <i>Selenastrum capricornutum</i>)

WET tests must be conducted with the frequency and test sample types required in the permit using the appropriate test species.

Submitting WET Results

WET test results must be submitted to DEQ using the IPDES E-Permitting system within 30 days after receiving the lab analyses.

Toxicity Triggers

When calculating WET limits, the permit writer will determine whether RPTE exists. If no RPTE exists, the permit writer will establish a trigger value equal to the dilution factor and require WET monitoring in the permit. If a WET monitoring result exceeds the trigger value, the permittee must conduct accelerated testing. Accelerated test results that corroborate the trigger exceedance will influence the need for a WET limit in future permits.

WET Effluent Limit Violations

If a WET monitoring result exceeds the WET effluent limit, the permittee must report the result on the DMR and begin accelerated testing.

Accelerated Testing

Accelerated testing is required by permittees that exceed the permit toxicity triggers or WET limits. In the event of an excursion over the WET trigger or limit, the permit specifies how many tests are required, and testing must start within two weeks of any WET testing results that exceed trigger or limit values. If accelerated testing does not detect a reoccurrence of toxicity, there is no need to continue accelerated testing. However, if accelerated testing indicates continued toxicity, the permittee must conduct a TRE.

Toxicity Reduction Evaluations

The TRE is designed to reduce the toxicity of the effluent as indicated by the accelerated testing and must be initiated within 15 days of receiving accelerated test results that indicated continued toxicity. The TRE consists of a detailed work plan that indicates the permittee's investigation

strategy to identify the cause of the toxicity, the permittee's plan to mitigate and prevent recurring toxicity, and a schedule.

The permittee may also initiate a Toxicity Identification Evaluation (TIE) as part of the TRE process to identify the specific pollutant that caused the toxicity.

2.2.6.4 Nondomestic Waste Management

A permit will always include a nondomestic waste management section or a pretreatment section. The nondomestic waste management section is included when a POTW is not required to develop a pretreatment program.

POTWs with nondomestic waste management sections are required to complete an IU master list once per permit cycle and by the date specified in the permit. This list is used by DEQ to determine with each permit reissuance whether the applicant requires a pretreatment program to control SIUs or CIUs.

References

DEQ (Idaho Department of Environmental Quality). 2017a. *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

DEQ (Idaho Department of Environmental Quality). 2017b. *POTW Permit Application Instructions*. Draft. Boise, ID: DEQ.

EPA (US Environmental Protection Agency). 2016. *Protocol for Review and Validation of New Methods for Regulated Organic and Inorganic Analytes in Wastewater under EPA's Alternate Test Procedure Program*. Washington, DC: Office of Water. EPA 821-B-16-001. www.epa.gov/sites/production/files/2016-03/documents/chemical-new-method-protocol_feb-2016.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 Limit (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
- ² IDAPA 58.01.25.010.70 and 73
- ³ IDAPA 58.01.25.105.11
- ⁴ IDAPA 58.01.25.010.57 and 58
- ⁵ IDAPA 58.01.25.105.11.d
- ⁶ IDAPA 58.01.25.090.01
- ⁷ IDAPA 58.01.25.105.11.f.iii
- ⁸ IDAPA 58.01.25.105.12
- ⁹ IDAPA 58.01.25.104.12.d.v
- ¹⁰ IDAPA 58.01.25.105.13.a
- ¹¹ 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N
- ¹² IDAPA 58.01.25.105.13.b
- ¹³ 40 CFR 403.8(a)
- ¹⁴ IDAPA 58.01.25.105.14.a
- ¹⁵ IDAPA 58.01.25.105.14.a
- ¹⁶ IDAPA 58.01.16.480
- ¹⁷ 40 CFR 136.4
- ¹⁸ 40 CFR 136.5
- ¹⁹ IDAPA 58.01.25.305.01.e
- ²⁰ IDAPA 58.01.25.305.01.d.ii