

DEQ AND NPDES PRIMACY



**PRESENTED TO
SOUTHWEST BASIN ADVISORY
GROUP
JANUARY 28, 2015**

Objective



- A general understanding of the impact taking on the NPDES program will have for Idaho
- The process IDEQ will be going through as we prepare our application

Impact of NPDES Primacy



- **REVIEW OF NPDES PERMITS**
- **CURRENT STATE OF NPDES IN IDAHO**
- **OVERALL IMPACT OF NPDES PRIMACY**

What are NPDES Permits



- Permit issued by EPA or the State granting permission to do something that would be illegal without
- Authorizes the discharge of a specific amount of pollutants into a receiving water under conditions identified in the permit

Types of NPDES Permits



- Individual
 - Municipal
 - Industrial
- General
 - Stormwater
 - Groundwater remediation
 - Aquaculture
 - Suction Dredging
 - Pesticide Application
 - CAFO

Where we are



- EPA administers all parts of NPDES in Idaho
- DEQ certifies that permits drafted and issued by EPA comply with Idaho Water Quality Standards
- DEQ & EPA have a partnership agreement regarding compliance inspection and enforcement

Current EPA issued NPDES permits



A. Municipal	Total number of facilities
i. Major > 10 mgd	6
ii. Major 5-10 mgd	5
iii. Major 2-5 mgd	16
iv. Major 1-2 mgd	5
v. Minor < 1 mgd	93
<i>Sub-Total</i>	<i>125</i>

B. Industrial	Total number of facilities
i. Major	9
ii. Minor, Medium	7
iii. Minor, Small	34
<i>Sub-Total</i>	<i>50</i>

Current EPA issued NPDES permits



C. Aquaculture	Total number of facilities
i. Major	25
ii. Minor	69
<i>Sub-Total</i>	94

D. Stormwater	Total number of facilities
i. Medium & Large MS4	1
ii. Small MS4	15
iii. Construction	278
iv. Industrial	7
<i>Sub-Total</i>	301

What does authorization mean for Idaho



- Idaho drafts & issues permits for individual dischargers
- Idaho drafts & issues general permits
- Idaho controls interpretation of water quality standards
- Seamless integration of various water quality programs
 - Grants & Loans
 - Wastewater Rules
 - TMDL Load Allocations

Overall impact of NPDES Primacy in Idaho



- NPDES Program resource needs estimates
 - 26 Full time equivalents
 - \$2.7 million dollars
 - Issues ~36 permits per year
 - Completes 124 inspections per year

NPDES Application Process



- **APPLICATION COMPONENTS**
- **SCHEDULE FOR COMPLETION**

**COMPLETE APPLICATION DUE IN
SEPTEMBER 2016**

NPDES Application Components



- Letter from the Governor requesting program approval
- Attorney General's statement
- Memorandum of Agreement
- Copies of all applicable statutes and regulations
- Complete program description

Memorandum of Agreement



- Craft MOA terms with EPA
- Purpose of the MOA
- MOA considerations include:
 - Jurisdiction, Permit Issuance and Review
 - Pretreatment Program Responsibilities
 - Reporting and Transmittal of Information
 - Review of New or Revised State Rules, Regulations or Statutes
 - Compliance and Evaluation Program
 - Enforcement

Rules to implement



- Permits
 - Application process & requirements
 - Permit conditions
 - Management of permits
 - General permits
- Pretreatment
- Compliance
- Enforcement
- Fee schedule

Rulemaking Schedule



Date	Proposed Topic(s)
January 23, 2015	Incorporation by reference, Confidentiality, Program costs, Limits set by Idaho Code Chapter 39-175
February 20, 2015	Application requirements, Permitting process (deadlines & review), Public notice and comment in permitting
March 20, 2015	Permit conditions, Compliance schedules, Modifications, Revocations, Termination, and Transfer
April 17, 2015	Public notice and comment regarding rules/guidance, Sampling and analytical methods, General permits, Notice of intent for coverage, Pretreatment, Compliance
May 15, 2015	Fee Schedule
June 12, 2015	Appeals process and Conflict of interest

Funding



- Determining Fee Schedule
- Setting up fee administration
- Invoicing/fee collection authorization
- Combining rule sections for fee collection

Program Description



- Staffing
- Capacity Development Plan
- Permit Quality Review
- Data Management Strategy
- Continuing Planning Process
- Training Procedures
- Laboratory Accreditation
- Inspector Accreditation
- Compliance tracking and enforcement

Guidance Development



- Writing an IPDES Permit
 - Application completeness review
 - Technology based effluent limits
 - Water quality based effluent limits
 - Calculating reasonable potential to exceed
 - Implementing antidegradation and anti-backsliding
 - Interpreting Idaho's narrative criteria
- Permit Compliance
 - Inspection monitoring
 - Monthly Discharge Monitoring Reports
- Enforcement

Guidance Development



- Data Management
 - Permit Application Data
 - Discharge Monitoring Reports
 - Inspection Data and Reporting
 - Permit Quality Review
- Forms
 - Permit Application
 - Inspection report(s)
 - Discharge Monitoring reports
 - Draft Permit forms
 - Fact Sheet(s)

Where we are headed



- Idaho DEQ applies for authorization to write NPDES permits for facilities
- Phased approach to gain delegated authority
 - A. Municipalities
 - B. Industrial discharges
 - C. General permits
 - D. Federal Facilities and stormwater

Scheduling



- June 2015: Complete negotiated rulemaking
- August 2015: Notice in Admin. Bulletin with proposed rule
- September 2015: Public Comment on proposed rule
- October 2015: Response to public comment
- November 2015 :Present proposed rule to Board
- January – March 2016: Present pending rule to Legislature
- January – September 2016: Complete application, MOA, letter from Governor & Attorney General, Capacity Development plan, Guidance Documents, etc.

Questions?



<http://www.deq.idaho.gov/laws,-rules,-etc/deq-rulemakings/docket-no-58-0125-1401.aspx>

FOR MORE INFORMATION CONTACT

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