



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
John H. Tippetts, Director

November 19, 2015

Mr. Michael J. Lidgard, Manager
NPDES Permit Unit
EPA Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Subject: 2015 Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity
Updated Contact Information

Dear Mr. Lidgard:

The Idaho Department of Environmental Quality (IDEQ) recently discovered that the links to the most current EPA-approved Integrated Report (page 2) and the state's map-based Integrated Report (page 3) are incorrect in the 401 certification of the MSGP. The correct links are <http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/> and <http://www.deq.idaho.gov/assistance-resources/maps-data/>. Further, to ease the burden of submitting the required information under section "Other Reporting" IDEQ has updated Table 1 to include email addresses for the regional contacts so information can be submitted electronically.

Table 1. DEQ Regional Office contact information

<i>Regional Office</i>	<i>Address</i>	<i>Phone Number</i>	<i>Email</i>
Boise	1445 N. Orchard Rd., Boise 83706	208-373-0550	kati.carberry@deq.idaho.gov lance.holloway@deq.idaho.gov
Coeur d'Alene	2110 Ironwood Parkway, Coeur d'Alene 83814	208-769-1422	june.bergquist@deq.idaho.gov
Idaho Falls	900 N. Skyline, Suite B., Idaho Falls 83402	208-528-2650	troy.saffle@deq.idaho.gov
Lewiston	1118 "F" St., Lewiston 83501	208-799-4370	cynthia.barrett@deq.idaho.gov
Pocatello	444 Hospital Way, #300 Pocatello 83201	208-236-6160	lynn.vanevery@deq.idaho.gov greg.mladenka@deq.idaho.gov
Twin Falls	650 Addison Ave. W., Suite 110, Twin Falls 83301	208-736-2190	balthasar.buhidar@deq.idaho.gov
State Office	1410 N. Hilton Rd., Boise 83706	208-373-0574	nicole.deinarowicz@deq.idaho.gov

Mr. Michael J. Lidgard
November 19, 2015
Page 2

If you have any questions concerning the above modifications, please contact Nicole Deinarowicz at 208-373-0591 or via e-mail at nicole.deinarowicz@deq.idaho.gov.

Sincerely,



Barry N. Burnell
Water Quality Division Administrator

BNB:ND:ls

c: Margaret McCauley – EPA, Region 10
DEQ Regional Administrators



STATE OF IDAHO
DEPARTMENT OF
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502
www.deq.idaho.gov

C.L. "Butch" Otter, Governor
John H. Tippetts, Director

August 4, 2015

Mr. Michael J. Lidgard, Manager
NPDES Permit Unit
EPA Region 10
1200 Sixth Avenue, Suite 900
Seattle, Washington 98101-3140

Attention: OWW-191

Subject: FINAL §401 Water Quality Certification for the 2015 Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity (the Multi Sector General Permit or MSGP)

Dear Mr. Lidgard:

The Idaho Department of Environmental Quality (DEQ) has reviewed the US Environmental Protection Agency's 2015 National Pollutant Discharge Elimination System Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activity (the Multi Sector General Permit or MSGP) and has enclosed a final 401 certification for the 2015 MSGP. On July 2, 2015, a Draft MSGP 401 Certification was posted on DEQ's website for a 30 day public comment period. DEQ did not receive any comments.

This letter is to inform you that DEQ is issuing the attached final 401 certification subject to the terms and conditions contained therein. Please find the enclosed final certification. Questions or comments regarding this certification should be directed to Nicole Deinarowicz at 208-373-0173 or via email: nicole.deinarowicz@deq.idaho.gov.

Sincerely,

A handwritten signature in blue ink that reads "Barry N. Burnell".

Barry N. Burnell
Water Quality Division Administrator

BNB:SB:ls

Enclosure: Final 401 Certification for 2015 Multi-Sector General Permit (MSGP)

c: Margaret McCauley – EPA, Region 10
DEQ Regional Administrators



Idaho Department of Environmental Quality FINAL §401 Water Quality Certification

8/4/2015

NPDES Permit Number: **IDR05-0000** 2015 Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activity (MSGP)

Pursuant to the provisions of Section 401(a)(1) of the Federal Water Pollution Control Act (Clean Water Act), as amended, 33 USC Section 1341 (a)(1), and Idaho Code §§ 39-101 et.seq., and 39-3601 et.seq., the Idaho Department of Environmental Quality (DEQ) has authority to review National Pollutant Discharge Elimination System (NPDES) permits and issue water quality certification decisions.

Based upon its review of the above-referenced permit and associated fact sheet, DEQ certifies that if the permittee complies with the terms and conditions imposed by the permit along with the conditions set forth in this water quality certification, then there is reasonable assurance the discharge will comply with the applicable requirements of Sections 301, 302, 303, 306, and 307 of the Clean Water Act, including the Idaho Water Quality Standards (WQS) (IDAPA 58.01.02) and other appropriate water quality requirements of State law.

This certification does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity. This certification does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations or permits, including without limitation, the approval from the owner of a private water conveyance system, if one is required, to use the system in connection with the permitted activities. This certification is not intended to waive or fulfill the requirement for certification with respect to any other federal license or permit required for the construction or operation of any facility covered by the MSGP.

Antidegradation Review

The WQS contain an antidegradation policy providing three levels of protection to water bodies in Idaho (IDAPA 58.01.02.051).

- Tier 1 Protection. The first level of protection applies to all water bodies subject to Clean Water Act jurisdiction and ensures that existing uses of a water body and the level of water quality necessary to protect those existing uses will be maintained and protected (IDAPA 58.01.02.051.01; 58.01.02.052.01). Additionally, a Tier 1 review is performed for all new or reissued permits or licenses (IDAPA 58.01.02.052.07).
- Tier 2 Protection. The second level of protection applies to those water bodies considered high quality and ensures that no lowering of water quality will be

allowed unless deemed necessary to accommodate important economic or social development (IDAPA 58.01.02.051.02; 58.01.02.052.08).

- Tier 3 Protection. The third level of protection applies to water bodies that have been designated outstanding resource waters and requires that activities not cause a lowering of water quality (IDAPA 58.01.02.051.03; 58.01.02.052.09).

DEQ is employing a water body by water body approach to implementing Idaho's antidegradation policy. This approach means that any water body fully supporting its beneficial uses will be considered high quality (IDAPA 58.01.02.052.05.a). Any water body not fully supporting its beneficial uses will be provided Tier 1 protection for that use, unless specific circumstances warranting Tier 2 protection are met (IDAPA 58.01.02.052.05.c). The most recent federally approved Integrated Report and supporting data are used to determine support status and the tier of protection (IDAPA 58.01.02.052.05).

Pollutants of Concern

The proposed 2015 MSGP authorizes stormwater discharges from 29 categories of industrial activities, with each sector having specific requirements based on the pollutants associated with the industrial activity. This permit also authorizes a variety of non-stormwater discharges, provided that all discharges comply with the effluent limits set forth in Part 2 of the permit. All allowable discharges must meet all applicable water quality standards.

Receiving Water Body Level of Protection

The MSGP provides coverage to facilities throughout the entire State of Idaho. Because of the statewide applicability, all of the jurisdictional waters within Idaho could potentially receive discharges either directly or indirectly from facilities covered under the MSGP. As previously mentioned, DEQ uses a water body by water body approach when determining the level of antidegradation protection a water body will receive.

All waters in Idaho that receive discharges from facilities authorized in the MSGP will receive, at minimum, Tier 1 antidegradation protection because Idaho's antidegradation policy applies to all Waters of the State. Water bodies that fully support their aquatic life or recreational uses are considered to be "high quality waters" and receive Tier 2 antidegradation protection, in addition to Tier 1 protections.

Although Idaho does not currently have any outstanding resource waters (ORWs) designated, it is possible that a water body could be designated as an ORW during the life of this permit. Because of this potential, this antidegradation review will also assess whether the permit complies with the outstanding resource water requirements of Idaho's antidegradation policy.

To determine the support status of the affected water body, persons filing a Notice of Intent (NOI) for coverage under this general permit must use the most current EPA-approved Integrated Report, available on Idaho DEQ's website:

<http://www.deq.idaho.gov/media/725927-2010-integrated-report.pdf>

High-quality waters are identified in Categories 1 and 2 of the Integrated Report. If a water body is in either Category 1 or 2, it is a Tier 2 water body.

Unassessed waters are identified in Category 3 of DEQ's Integrated Report. These waters require a case-by-case determination to be made by DEQ based on available information at the time of the application for permit coverage. If a water body is unassessed, the applicant is directed to contact DEQ for assistance in filing the NOI.

Impaired waters are identified in Categories 4 and 5 of the Integrated Report. Category 4(a) contains impaired waters for which a TMDL has been approved by EPA. Category 5 contains waters which have been identified as "impaired", for which a TMDL is needed.

DEQ's webpage also has a link to the state's map-based Integrated Report which presents information from the Integrated Report in a searchable, map-based format:
<http://mapcase.deq.idaho.gov/wq2010/>.

Water bodies can be in multiple categories for different uses. If assistance is needed in using these tools, or if additional information/clarification regarding the support status of the receiving water body is desired, the applicant is directed to make contact with the appropriate DEQ Regional Office or the State Office (Table 1).

Protection and Maintenance of Existing Uses (Tier 1 Protection)

As noted above, a Tier 1 review is performed for all new or reissued permits or licenses, applies to all waters subject to the jurisdiction of the CWA, and requires a showing that existing uses and the level of water quality necessary to protect existing uses shall be maintained and protected. In order to protect and maintain designated and existing beneficial uses, a permitted discharge must comply with narrative and numeric criteria of the Idaho WQS, as well as other provisions of the WQS.

Water bodies not supporting existing or designated beneficial uses must be identified as water quality limited, and a total maximum daily load (TMDL) must be prepared for those pollutants causing impairment. A central purpose of TMDLs is to establish wasteload allocations (WLAs) for point source discharges, which are set at levels designed to help restore the water body to a condition that supports existing and designated beneficial uses. Discharge permits must contain limitations that are consistent with WLAs in the approved TMDL; a permit with effluent limitations consistent with TMDL WLAs will provide the level of water quality necessary to support existing and designated uses and therefore satisfies Tier 1 antidegradation requirements.

The MSGP requires new dischargers proposing to discharge to an impaired water body to demonstrate that the discharge will not cause or contribute to a violation of WQS, through several available options including: documentation that all exposure to pollutants for which the water body is impaired has been prevented; documentation that the pollutant for which the water body is impaired is not present at the site; documentation that the discharge is expected to meet water quality criteria at the point of discharge (end of pipe), or that there is sufficient remaining wasteload allocations in the

applicable TMDL to allow the discharge. These requirements for pollutants causing the impairment will be ensured through the application of control measures (best management practices), effluent limitations and mandatory benchmark water quality monitoring, as well as monitoring for pollutants that are causing the impairment. Corrective actions must be taken if, at any time, it is determined that applicable water quality standards are not being met. Furthermore, EPA may also impose additional water quality-based limitations on a site-specific basis, or require the facility to obtain coverage under an individual permit.

The MSGP requires that existing dischargers to impaired waters also comply with WQS and applicable TMDLs. If existing dischargers to impaired waters plan to expand their operation, or increase their discharge, they must demonstrate that the discharge will still comply with water quality criteria.

The effluent limitations, including non-numeric technology-based effluent limits, and monitoring requirements contained in the MSGP, coupled with the requirements of this certification, will ensure compliance with the narrative and numeric criteria in the Idaho WQS. Therefore, DEQ has determined the permit will protect and maintain existing and designated beneficial uses in accordance with the Tier 1 provisions of Idaho's WQS (IDAPA 58.01.02.051.01 and 58.01.02.052.07).

Protection of High-Quality Waters (Tier 2 Protection)

As indicated previously, water bodies that fully support their beneficial uses will be provided Tier 2 protection, in addition to Tier 1 protection. As such, the quality of these waters must be maintained and protected, unless lowering of water quality is deemed necessary to accommodate important economic or social development. For a reissued permit or license, the effect on water quality is determined by looking at the difference in water quality that would result from the activity or discharge as authorized in the current permit and the water quality that would result from the activity or discharge as proposed in the reissued permit or license. For a new permit or license, the effect on water quality is determined by reviewing the difference between the existing receiving water quality and the water quality that would result from the activity or discharge as proposed in the new permit or license (IDAPA 58.01.02.052.06.a).

A new discharge to a high-quality water body is only eligible for coverage under the MSGP if the permit applicant establishes in the NOI that the discharge is considered insignificant degradation per IDAPA 58.01.02.052.08.a.. As stated in the MSGP, EPA believes that the permit requirements and conditions will generally be sufficient enough to provide Tier 2 protections. DEQ has included, as a condition of the certification, an explanation for how to establish that the discharge will not result in significant degradation.

DEQ believes the 2015 MSGP is as stringent as the existing MSGP. Therefore, existing activities or discharges currently covered by the existing MSGP should not cause degradation, as long as the activity or discharge is not expanding. Existing dischargers who are expanding their operations and/or increasing their discharge must submit a

“Planned Changes Report” to EPA. Similar to a new discharge, an increase in a discharge may result in degradation if it contains pollutants relevant to the use(s) for which the water is considered high quality. Therefore, DEQ is requiring as a condition of the certification that an increase in an existing discharge to a high-quality water body only be allowed under the MSGP if the discharger can establish that the increase is determined to be insignificant degradation per IDAPA 58.01.02.052.08.a.

In order to ensure that degradation will not occur, EPA shall work cooperatively with DEQ in reviewing Planned Changes Reports. If DEQ determines the planned changes will result in significant degradation, the permittee will need to provide an explanation acceptable to DEQ that the degradation is necessary to accommodate important economic or social development.

In sum, the effluent limitations and associated requirements contained in the MSGP are designed to ensure compliance with the narrative and numeric criteria in the WQS and are more protective than the previous permit. Therefore, DEQ has determined that as long as the facilities operate consistent with the terms of the NPDES permit and this 401 certification, there is reasonable assurance that the permit will protect and maintain existing and designated beneficial uses and there will be no degradation or adverse change in water quality in accordance with the Tier 2 provisions of Idaho’s WQS (IDAPA 58.01.02.051.02 and IDAPA 58.01.02.052.06).

Protection of Outstanding Resource Waters (Tier 3 Protection)

The 2015 MSGP does not authorize discharges to ORWs; EPA is requiring applicants proposing to discharge to Tier 3 waters, to obtain an individual NPDES permit. Therefore, DEQ has determined that the proposed permit complies with Idaho’s antidegradation provision concerning outstanding resource waters (IDAPA 58.01.02.051.03, 58.01.02.052.09).

Conditions Necessary to Ensure Compliance with Water Quality Standards or Other Appropriate Water Quality Requirements of State Law

Numeric Effluent Limitations

pH – The 2015 MSGP proposes a pH range of 6.0-9.0 standard units, which does not comply with Idaho WQS (IDAPA 58.01.02.250.01.a). Therefore, numeric effluent limitations and benchmark monitoring cutoff concentrations for pH shall be 6.5-9.0 standard units.

Total Arsenic – The 2015 MSGP proposes a total arsenic effluent limitation (Sector K) of 1.1 mg/L, which exceeds Idaho’s acute and chronic criteria of 0.34 mg/L and 0.15 mg/L, respectively. Given that storms are discrete events of relatively short duration, DEQ believes it is more appropriate to use the acute water quality criteria as benchmark values; therefore, DEQ will require the total arsenic effluent limit to be set equal to Idaho’s acute criterion of 0.34 mg/L.

Total Zinc – The 2015 MSGP proposes a monthly average maximum numeric effluent limit for zinc of 0.296 mg/L (Sector K), which will only comply with water quality standards when hardness is greater than 290 mg/L. Similarly, the proposed maximum daily limit and the monthly average maximum limit for zinc is 0.2 mg/L and 0.11 mg/L, respectively (Sector L); these limits do not generally comply with WQS when hardness values for the receiving water are less than 130 mg/L and 85 mg/L, respectively. Therefore, DEQ will require that the total zinc effluent limit be equal to the acute water quality criterion of 0.12 mg/L.

Monitoring for Benchmark Concentrations

If *all* four quarterly samples do not exceed the benchmark, then the permittee is not required to conduct any additional monitoring for that parameter. If *any* of the four quarterly samples exceed the benchmark, then the permittee must follow the additional requirements in Section 6.2.1.2 of the MSGP, with the following modification:

If the permittee elects to “Make the necessary modifications and continue quarterly monitoring” – such monitoring must occur until *all four quarterly samples are below the benchmark*.

Monitoring of Discharges to Impaired Waters

The proposed 2015 MSGP does not require monitoring on impaired waters where no pollutant has been identified as the cause of impairment. For water bodies included on the states 303(d) list (Category 5 of the Integrated Report), identified as “cause unknown”, the permittee will be required to monitor for the pollutants listed in the cause comments section of the report (e.g., nutrients, metals, pesticides).

New or Expanding Discharges

New dischargers or existing dischargers wishing to expand their discharge to high-quality waters are only eligible for coverage under the MSGP if the discharger establishes, to the satisfaction of EPA and DEQ, that the new or expanded discharge will not result in an increase in the concentration of pollutants relevant to the use for which the water is considered high quality, or that the increase constitutes insignificant degradation as defined in the WQS (IDAPA 58.01.02.052.08.a).

A new discharger or an existing discharger wishing to expand must include an analysis regarding whether the new or expanded discharge will cause an increase in the pollutants relevant to the use for which the water is considered high quality, and if there is an increase, whether that increase constitutes insignificant degradation in the NOI, or in the planned changes report. These NOIs and planned changes reports must be submitted to both EPA and DEQ.

If DEQ determines the new discharge or planned changes of an existing discharger will result in significant degradation, the permittee will need to obtain DEQ’s approval of an alternatives analysis (IDAPA 58.01.02.052.08.c), a socioeconomic justification (IDAPA 58.01.02.052.08.d) and information regarding other source controls (IDAPA 58.01.02.052.08.b.) .

Sector L – Stormwater and Leachate

Stormwater entering a landfill must be managed as leachate, including runoff from areas that have received daily cover which may have contacted waste material, and thus is not eligible for coverage under the MSGP (40 CFR 258.26(a)(2); Municipal Solid Waste Landfill Criteria Technical Manual, EPA 530-R-93-017, 1998). Stormwater from a closed landfill or from areas of the landfill that have received final cover is not leachate and may be covered under the MSGP.

Stormwater Pollution Prevention Plan (SWPPP) Availability

If requested by DEQ, the permittee must submit a copy of the SWPPP to DEQ within 14 days of the request.

Reporting of Discharges Containing Hazardous Materials or Petroleum Products

Any spill of hazardous materials must be immediately reported to the State Communications Center by calling 1-800-632-8000 or 208-846-7610.

Spills must also be reported to the appropriate DEQ Regional Office (Table 1). Spills of petroleum products that exceed 25 gallons or that cause a visible sheen on nearby surface waters should be reported to DEQ within 24-hours. Petroleum product spills of less than 25 gallons or spills that do not cause a sheen on nearby surface waters shall only be reported to DEQ if clean-up cannot be accomplished within 24-hours (IDAPA 58.01.02.850, 58.01.02.851, 58.01.02.852).

Other Reporting

Copies of the following information must be sent to the appropriate DEQ Regional Office:

- Notices of Intent and Termination (NOIs and NOTs)
- Monitoring data collected pursuant to Part 6 of the MSGP, as well as any additional monitoring required by the final 401 certification
- Exceedance Reports
- Planned Changes Reports

Both monitoring data and exceedance reports must be sent to the appropriate DEQ Regional Office with 30 days of receipt of the analytical results. DEQ Regional Office contact information is listed in Table 1.

Table 1. DEQ Regional Office contact information

<i>Regional Office</i>	<i>Address</i>	<i>Phone Number</i>
Boise	1445 N. Orchard Rd., Boise 83706	208-373-0550
Coeur d'Alene	2110 Ironwood Parkway, Coeur d'Alene 83814	208-769-1422

<i>Regional Office</i>	<i>Address</i>	<i>Phone Number</i>
Idaho Falls	900 N. Skyline, Ste B., Idaho Falls 83402	208-528-2650
Lewiston	1118 "F" St., Lewiston 83501	208-799-4370
Pocatello	444 Hospital Way, Pocatello 83201	208-236-6160
Twin Falls	650 Addison Ave. W., Ste 110, Twin Falls 83301	208-736-2190
State Office	1410 N. Hilton Rd., Boise 83706	208-373-0574

Alternative Limitations

The following condition in the MSGP can be made less stringent and still comply with WQS:

Benchmark Values

The benchmark values for arsenic and selenium are equal to 0.15 mg/L and 0.005 mg/L, respectively. These values are equivalent to Idaho's chronic water quality criteria. Given that storms are discrete events of relatively short duration, DEQ believes it is more appropriate to use the acute water quality criteria as benchmark values. Therefore, the benchmark value for arsenic and selenium can be set equal to 0.34 mg/L and 0.02 mg/L, respectively, and still comply with Idaho WQS.

Additional Conditions

This certification is conditioned upon the requirement that any material modification of the permit or permitted activities shall first be provided to DEQ for review to determine compliance with Idaho WQS and to provide additional certification pursuant to Section 401.

Right to Appeal Final Certification

The final Section 401 Water Quality Certification may be appealed by submitting a petition to initiate a contested case, pursuant to Idaho Code § 39-107(5), and the Rules of Administrative Procedure Before the Board of Environmental Quality, IDAPA 58.01.23, within 35 days of the date of the final certification.

Questions regarding the actions taken in this certification should be directed to Nicole Deinarowicz, DEQ State Office, at (208) 373-0173.



Barry N. Burnell
 Administrator
 DEQ Water Quality Division