

IPDES Guidance Development Meeting #3



February 5, 2016



Completed IPDES Guidance

Idaho Pollutant Discharge Elimination System

Designation Criteria and Selection Process for Small Municipal Separate Storm Sewer Systems

State of Idaho
Department of Environmental Quality
January 2016

Idaho Pollutant Discharge Elimination System

Public Participation in the Permitting Process

State of Idaho
Department of Environmental Quality
January 2016

Designation Criteria for Small MS4s

- **Technical editing**
 - **Grammar, punctuation, comprehension**

2 Designation Criteria

As outlined in 40 CFR §123.35(b)(1)(ii) and the storm water Phase II fact sheet series (EPA 833-F-00-003), DEQ must consider whether storm water discharges from a small MS4 result, or potentially result, in exceedances of water quality standards, including impairment of designated uses, and/or adverse habitat or biological impacts.

DEQ proposes to use the following criteria, in the form of questions, as the basis for evaluating those MS4s that are not automatically designated. These criteria are based on recommendations made by EPA in the Phase II rule **proposal** and are intended to evaluate the potential or actual water quality impacts from storm water discharges originating within highly populated areas.

Designation Criteria for Small MS4s

- **Comments**
 - Rural ditches
 - Influence of surrounding communities
 - Anomalous MS4 areas
 - Candidate for regulation

Figure 1. Process DEQ will use to determine MS4 candidates for regulation under the Phase II storm water rule. Once a small MS4 has been identified as a candidate for regulation, DEQ will work with the MS4 to determine the appropriate programmatic outcomes.

Public Participation in the Permitting Process

- **Technical editing**
 - **Grammar, punctuation, comprehension**

Proposed Permit. After the close of the minimum 30-day public comment period, DEQ considers information provided by the public, prepares a document summarizing the public comments received on the draft permit, and may make changes to the draft permit. After the public comment period and prior to issuing the final permit decision, DEQ will give the applicant an opportunity to provide additional information to respond to public comments. DEQ may request more information from the applicant in order to respond to public comments (IDAPA 58.01.25.109.02.h.). However, new data and information provided by any party prior to issuing the proposed permit may necessitate another public comment period if it results in substantive changes to the draft permit.

DEQ will then develop a proposed permit. EPA may take up to 90 days to provide specific grounds for objection of a proposed permit. If EPA objects to a proposed permit, any state, interstate agency, or interested person may request EPA to hold a public hearing regarding the objection. Additionally, DEQ may submit a revised permit that meets EPA's objections. However, EPA may issue the final permit if DEQ does not submit a revised permit that meets EPA's objections within the time periods specified in the NPDES memorandum of agreement between EPA and DEQ (40 CFR §123.44).

Public Participation in the Permitting Process

- **Comments**
 - Longer preliminary draft permit review period

Preliminary Draft Permit. Prior to formal public notice of a draft IPDES permit, DEQ will post the notice of a preliminary draft permit on the DEQ website and provide a permit applicant 10 business days to review the draft permit, unless the review period is waived in part or in whole by the applicant. In some cases, DEQ may allow a longer preliminary draft review period for complex permits. While this is primarily intended for the applicant to review and discuss any errors and omissions in the preliminary draft permit with DEQ, it also gives the public an early notice of the developing draft permit.

Completed IPDES Guidance

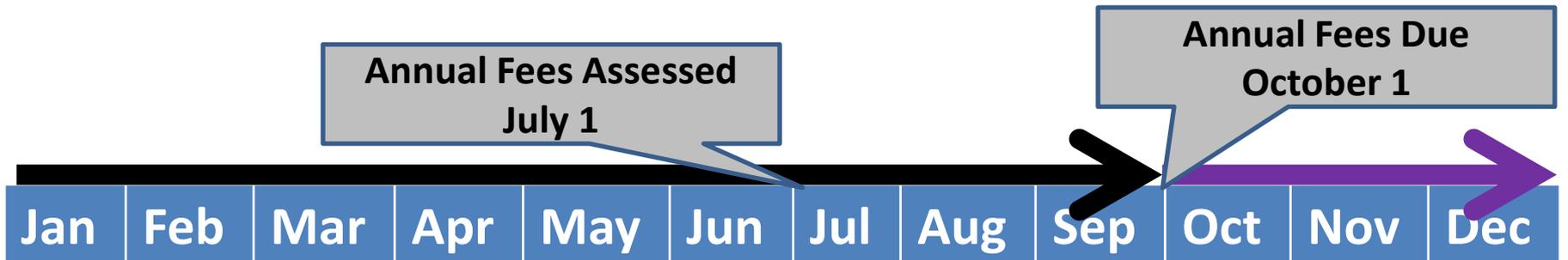
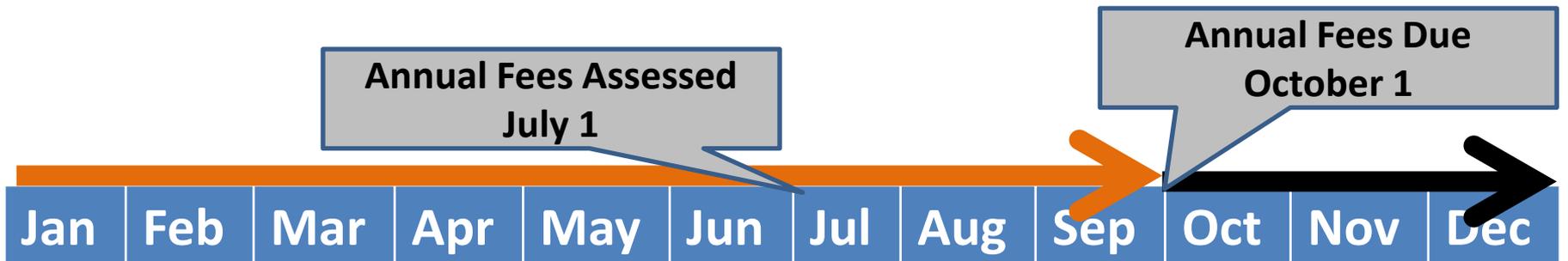


User's Guide to Permitting and Compliance

Volume 1 – General Information

- **Help users understand the permitting and compliance processes**
- **Information applicable to all users**
- **Sections 1 – 4**
 - 1. Introduction**
 - 2. CWA, NPDES Program, and IPDES Program**
 - 3. Permit Descriptions By Type and Sector**
 - 4. Individual Application Process**

Annual Fee Assessment



Compliance Monitoring Strategy & Enforcement Response Guide

Overview

Sawtooth Lake



CMS and ERG

- Purpose
- Development Process
- Completion Timeline
- 30-Day Public Comment Period



Compliance Monitoring Strategy

- Defines compliance activities
- Provides inspection frequency goals for core NPDES program and wet weather sources
- Used to establish yearly commitments for compliance monitoring activities

IPDES Sources with National Inspection Frequency Goals

- Major Permittees
- Traditional Non-Major Permittees
- Pretreatment Program
 - Audits
 - Compliance Inspections
 - Significant Industrial User Inspections
- Sewage Sludge/Biosolids
- Oversight Inspections
- Combined/ Sanitary Sewer Systems (CSSs/ SSSs)



IPDES Sources with National Inspection Frequency Goals

- Stormwater
 - Municipal Separate Storm Sewer Systems (MS4s)
 - Industrial Stormwater
 - Construction Stormwater Sites
- Concentrated Animal Feeding Operations
 - CAFOs with NPDES Permits
 - CAFOs without NPDES Permits
 - Small AFOs
- Pesticides
 - no set frequency; complaint driven
- Vessels



IPDES Sources with No Established National Frequency Goals

- Concentrated Aquatic Animal Production (Majors, Minors, Processors)
- Drinking Water Treatment Facilities
- Small Suction Dredge
- Groundwater Remediation



CMS - Annual Plan of Inspections

IPDES Permit Type	Comprehensive Inspection Frequency by Year or Percentage	Number of Facilities in Idaho	Total Facilities to be Inspected in a Given Year
Majors	One inspection every three years (1/3yr)	28 POTWs/ 8 Industrial	13
Non-Majors	5% per year and at least 1/5yr	96 POTWs/ 21 Industrial	6 to 24
Pretreatment CGPs	2/5yr	12	3
CAAPs	10% per year	Approximately 1625	~160
	1/3yr	92	31
Total Annual Inspections:			?

Enforcement Response Guide

Types of Response

Informal/Formal

- Compliance Assistance
- Administrative Actions
 - NOV, CAS, CSO, CO, SEPs
- Civil and Criminal Remedies
 - Civil Suits, Consent Decrees, Temporary Restraining Orders, Monetary Fines



Enforcement Response Guide

Examples

IPDES PROGRAM COMPONENT	NONCOMPLIANCE	CIRCUMSTANCES	RANGE OF RESPONSE
Permit Conditions, Sampling/ Reporting			
	Failure to Report, Effluent Limit Exceedance		
		Isolated or Frequent Event(s); willful or negligent; no known harm	
			Phone call, Notice of Deficiency (NOD) or Violation (NOV), Consent Order, etc.

Idaho Pollution Discharge Elimination System Program



Questions?

Harriman State Park