

4/22/2020	29-Apr-20	Matt Carlson, Idaho Transportation Department	1	5		MS4 SWMP Requirements	In ITD's MS4 renewal application with EPA, ITD specifically requested that all references to "ordinances," as cited in the federal stormwater requirements at 40 CFR 122.34(b), be removed from their MS4 Permit. The EPA agrees, acknowledging both that ITD's jurisdictional authority extends only within the boundaries of the its right of way, and that the principle regulatory mechanisms for ensuring compliance with the Permit's stormwater control measures are through policies, standard operating procedures, construction contracts, and/or right of way permits. As necessary, the EPA has therefore retained the term "regulatory mechanisms" in the reissued Permit, recognizing that the term includes ITD's relevant policies, contract terms, standard operating procedures, and/or other means available to the department pursuant to state law. ITD requests that DEQ's guidance for MS4 permits reflects that ITD does not have the ability to craft "ordinances" and should still be allowed to use the other methods and procedures previously mentioned and allowed by EPA.
4/22/2020	29-Apr-20	Matt Carlson, Idaho Transportation Department	2	5.2		MS4 SWMP Requirements	As previously noted, the EPA recognizes that ITD does not have the legal authority to enact enforceable ordinances. In such case, ITD should continue to cite its existing policies, standard operating procedures, cooperative agreements, or other legal means of ensuring that non-stormwater discharges found discharging through the MS4 will be eliminated when necessary.
4/22/2020	29-Apr-20	Matt Carlson, Idaho Transportation Department	3	5.2	21	SWMP	This guidance makes no mention of Alternative Control Measure Requests. ITD requests something similar to EPA's language in our current MS4 permits: The Permit requires the implementation of SWMP control measures, or control measure components. Where a Permittee must revise or update SWMP control measures, or control measure components, full implementation must be accomplished no later than 180 days prior to the Permit expiration date. To provide implementation flexibility, the Permit allows the Permittee the discretion to submit requests to implement one or more Alternative Control Measures (ACM).