

Idaho's Pollutant Discharge Elimination System (IPDES)

Permit Renewal, Modification, Revocation and Reissuance, Transfer, Termination, Conditions, Provisions, Monitoring and Reporting, Compliance Schedules, and Variances

March 20, 2015



IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY



IPDES RULEMAKING OBJECTIVES

- Develop IPDES rules that are:
 - Consistent with federal regulations
 - Not more stringent or broader in scope than the Clean Water Act and federal regulations (Idaho Statute 39-175C)
- Develop IPDES rules by:
 - Coalescing and adapting CFR requirements into an IPDES user-friendly format



TODAY'S OBJECTIVES

- Present IPDES rules “Draft 3.0”
- Discuss and comment on proposed rules
- Begin revising to improve usability



TODAY'S IPDES RULE SECTIONS

- 200. Renewal of IPDES Permits
- 201. Modification, or Revocation and Reissuance of IPDES Permits
- 202. Transfer of IPDES Permits
- 203. Termination of IPDES Permits
- 300. Applicable Permit Conditions
- 301. Establishing Permit Provisions
- 302. Calculating Permit Provisions
- 303. Monitoring and Reporting
- 304. Compliance Schedules
- 305. Permit Conditions for Specific Categories
- 310. Variances



200. RENEWAL OF IPDES PERMITS

- **Section 200**
 - 40 CFR 122.44(I)
- **Changes from CFR**
 - Grammatical and formatting



201. MODIFICATION, OR REVOCATION AND REISSUANCE OF IPDES PERMITS

- **Section 201**

- 40 CFR 124.5(a) and (c)
- 40 CFR 122.62(a) through (b)
- ❖ 40 CFR 122.63(a) through (h)

- **201.01 Changes from CFR**

- Not include 40 CFR 124.5(b)
 - Not required by 40 CFR 123.25 (Denial of modifications – Appeals Board)
- Not include part of 40 CFR 124.5(c)(1)
 - RCRA permits
- Not Include 40 CFR 124.5(d)(2) through (g)(2)
 - EPA-issued, RCRA, CWA 404, and PSD air permits

- **201.02 Changes from CFR**

- Not include 40 CFR 122.62(a)(3)(iii)
 - State certification of NPDES permits



202. TRANSFER OF IPDES PERMITS

- **Section 202**
 - 40 CFR 122.61(a) through (b)
- **Changes from CFR**
 - Grammatical and formatting



203. TERMINATION OF IPDES PERMITS

- **Section 203**
 - 40 CFR 124.5(a) and (d)
 - 40 CFR 122.64(a) through (b)
- **Changes from CFR**
 - Include 40 CFR 124.5(c) in Section 201
 - Not include 40 CFR 124.5(b) and (d)(2) through (g)(2)
 - Same explanation as for Section 201



300. APPLICABLE PERMIT CONDITIONS

- **Section 300**
 - 40 CFR 122.41(a) through (n)
- **300.01 and 02 Changes from CFR**
 - Penalties referenced to Section 500 (April 17 Rulemaking)
- **300.04 and 05 Changes from CFR**
 - Not include 40 CFR 122.41(m)(1)(i), (m)(1)(ii), or (n)(1)
 - Definitions of bypass, severe property damage, and upset
 - To be included in Section 010, Definitions



301. ESTABLISHING PERMIT PROVISIONS

- **Section 301**
 - 40 CFR 122.43(a) through (c)
 - 40 CFR 122.44(a) through (s)
- **301.06 Changes from CFR**
 - Not include 40 CFR 122.44(d)(3), (d)(7), and (d)(9)
 - Ocean discharges and requirements when EPA is permitting authority
- **Other Changes from CFR**
 - 40 CFR 122.44(i) (Monitoring) referenced to Section 303
 - 40 CFR 122.44(l) (Reissued Permits) referenced to Section 200
 - Not include 40 CFR 122.44(p) or 122.44(r)
 - Applies to Coast Guard regulations and Great Lakes
 - Add Section 301.20, Water Quality Pollutant Trading
 - Idaho specific language to facilitate water quality pollutant trading



302. CALCULATING PERMIT PROVISIONS

- **Section 302**
 - 122.45(a) through (i)
- **302.09 Changes from CFR**
 - Include reference to DEQ's reuse permit program for reuse of wastewater on land surface
 - Include reference to the IDWR Underground Injection Control Program rules to inject treated effluent into a deep injection well
 - Include reference to health district having jurisdiction for compliance with Class V injection wells



303. MONITORING AND REPORTING REQUIREMENTS

- **Section 303**
 - 40 CFR 122.48(a) through (c)
 - 40 CFR 122.44(i)
- **Changes from CFR**
 - Grammatical and formatting



304. COMPLIANCE SCHEDULES

- **Section 304**
 - 40 CFR 122.47(a)
 - ❖ 40 CFR 122.47(b)
- **Changes from CFR**
 - Grammatical and formatting



305. PERMIT CONDITIONS FOR SPECIFIC CATEGORIES

- **Section 305**
 - 40 CFR 122.42(a) through (e)
- **305.05 changes from CFR**
 - 40 CFR 122.42(e) (CAFOs) referenced to Section 003.04, Incorporation by Reference



310. VARIANCES

- **Section 310**
 - 40 CFR 124.62(a) through (f)
 - 40 CFR 122.21(m) through (n)
- **310.03 Changes from CFR**
 - Not include 40 CFR 122.21(n)(1)
 - Discharges to marine waters



NEXT STEPS

- Comments due to DEQ by COB, April 3rd
- Next IPDES rulemaking meeting, April 17



THANK YOU!

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