Idaho Pollutant Discharge Elimination System

DRAFT User's Guide to Permitting and Compliance Volume 5—Storm Water

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Table of Contents

Acronyms, Abbreviations, and Symbols

AIM	additional implementation measures
ACM	alternative control measures
BMP	best management practices
CWA	Clean Water Act
CGP	construction general permit
CFR	Code of Federal Regulations
ELG	effluent limit guidelines
FWS	Fish and Wildlife Service
DEQ	Idaho Department of Environmental Quality
IPDES	Idaho Pollutant Discharge Elimination System
IDD	illicit discharge detection and elimination
LEW	low erosivity waiver
MEP	maximum extent practicable
MCM	minimal control measures
MSGP	multi-sector general permit
MS4	Municipal Separate Storm Sewer System
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NSPS	new source performance standard
NOI	notice of intent
NOT	notice of termination
NEC	No Exposure Certification
PSA	public service announcement
QAPP	quality assurance project plan
SIC	Standard Industrial Classification
SHPO	State Historical Preservation Office
SWMP	storm water management plan
SWPP	storm water pollution prevention plan
UA	urbanized area
WQBEL	water quality-based effluent limit

1 Introduction

The Idaho Department of Environmental Quality's (DEQ's) Idaho Pollutant Discharge Elimination System (IPDES) Program developed permitting and compliance guides to help the regulated community and other public users understand the IPDES permitting and compliance process. This *Idaho Pollutant Discharge Elimination System User's Guide to Permitting and Compliance Volume 5 – Storm Water* (User's Guide Volume 5) provides assistance to entities seeking coverage under one of Idaho's IPDES Storm Water General or Individual Permits to comply with DEQ administrative rules, Idaho Code, and the Clean Water Act (CWA), which govern the discharge of pollutants to waters of the United States in Idaho.

In addition to individual permits, general permits are authorized under IDAPA 58.01.25.130 and are a permitting instrument that may be used within a geographic area such as sewer districts or authorities; city, county, or state political boundaries; state highway systems; standard metropolitan statistical areas; urbanized areas designated by the US Census Bureau; or any other appropriate division or combination of boundaries. General permits are useful to reduce the overall regulatory burden on the state and regulated community when discharges:

- Involve the same or substantially similar types of operations.
- Discharge the same types of wastes or engage in the same type of sludge use of disposal practices.
- Require the same effluent limitations, operating conditions, or standards for sewage sludge use or disposal.
- Require the same or similar monitoring.

1.1 Purpose and Scope

This guide serves as a reference for successfully navigating the IPDES permitting and compliance process for facilities that discharge storm water. Additionally, this guide is designed to help the regulated community (applicants and permittees) and other users:

- Understand IPDES storm water individual permit application processes and general permit NOI requirements.
- Comply with all processes, protocols, and requirements of IPDES storm water permits.

1.2 Relationship to Existing Rules and Guidance

User's Guide Volume 5 supports implementation of the CWA, federal regulations, and Idaho Code, administrative rules, and guidance. The guide implements Idaho's "Water Quality Standards" (IDAPA 58.01.02), "Wastewater Rules" (IDAPA 58.01.16), "Recycled Water Rules" (IDAPA 58.01.17), and "Rules Regulating the IPDES Program" (IDAPA 58.01.25).

Volume 5 supplements the *Idaho Pollutant Discharge Elimination System User's Guide to Permitting and Compliance Volume 1—General Information* (User's Guide Volume 1) (UGV1) (DEQ 2017a) and addresses specific topics and circumstances relating to storm water permits and not described in Volume 1 or other IPDES guidance.

While this guide provides direction, DEQ may adjust permit-specific conditions to address sector or geographic location-specific concerns and conditions. The guide does not replace or change any requirements under state or federal rules and regulations, but it does identify and reference relevant regulations, policy, and other guidance documents. The CWA, federal code, and Idaho Code and administrative rules supporting the IPDES Program is provided in the User's Guide Volume 1, section 2 (DEQ 2017a).

This guide does not refer to local rules, regulations or ordinances, but permittees may be subject to those local requirements.

1.2.1 Clean Water Act Background

The Federal Water Pollution Control Act, commonly known as the Clean Water Act (CWA) is the primary US law addressing pollutants in receiving waters (e.g., streams, rivers, lakes, and reservoirs). The CWA was originally enacted in 1948 and was revised by amendments in 1972 (P.L. 92-500), 1977 (P.L. 95-217), 1981 (P.L. 97-117), and 1987 (P.L. 100-4). The CWA requires controls on discharges to meet the statutory goal of eliminating the discharge of pollutants under the National Pollutant Discharge Elimination System (NPDES) permit program.

1.2.2 Rules Regulating the IPDES Program

IDAPA 58.01.25 establishes procedures and requirements for issuing and maintaining permits for facilities or activities required by Idaho Code and the CWA to obtain authorization for the point source discharge of pollutants to waters of the US. In these rules and guidance, permits are referred to as *IPDES permits* or *permits*.

1.2.3 Idaho Water Quality Standards

Water quality standards (WQS) are comprised of the water quality goals for a water body, the criteria necessary to achieve those goals, and an antidegradation requirement. The federal rules regulating water quality standards (40 CFR 131) describe state requirements and procedures for developing standards and EPA procedures for reviewing and, where appropriate, promulgating standards. IDAPA 58.01.02 was developed according to these federal requirements. Water quality-based effluent limits (WQBELs) in IPDES permits are a mechanism to achieve and maintain water quality standards in Idaho's receiving waters.

As part of complying with Idaho's WQS, an antidegradation review is necessary for permits. IPDES general permits will describe in the fact sheet how the general permit meets the requirements of the antidegradation policy[1] and implementation[2]. More information on the process for conducting an antidegradation review may be found in DEQ's antidegradation guidance (DEQ 2019).

1.3 Legislative and Regulatory Citations

The following conventions are used to cite legislation and regulations:

- Idaho Code—Title of the code followed by the code citation: "Approval of State NPDES Program" (Idaho Code §39-175C). After initial use, the code is referred to by the citation (e.g., Idaho Code §39-175C).

- Idaho Administrative Rules—Title of the rule is followed by the rule citation: "Rules Regulating the Idaho Pollutant Discharge Elimination System Program." (IDAPA 58.01.25). After initial use, the rule is referred to by the rule citation (e.g., IDAPA 58.01.25).
- Code of Federal Regulations—Initial and subsequent references to CFRs use the regulation citation (e.g., 40 CFR 136).
- US Code—Initial and subsequent references to US code use the code citation (e.g., 16 U.S.C. §1531 et seq. or 33 U.S.C. §§1251–1387).
- Clean Water Act—Title of the act is followed by the act citation: Clean Water Act section 402 (e.g., CWA §402). After initial use, the act is referred to by the act citation (e.g., CWA §402).

Most regulatory citations in this guide are from IDAPA 58.01.25 and 40 CFR. Other rules and regulations are explicitly referenced in full citation when initially used. Applicable IDAPA and CFR references are included as endnotes after the appendices.

1.4 Time Computation[3]

References to days represent calendar days, unless otherwise specified (e.g., business days). In computing any period of time scheduled to begin after or before the occurrence of an activity or event, the date of the activity or event is not included. The last day of the period is included, unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day (which is not a Saturday, Sunday, or holiday). When a party or interested person is served by mail, 3 days are added to the prescribed time. Time computation does not apply to submission deadlines for 24-hour reporting, permit applications, or notices of intent for coverage under a general permit.

1.5 Hyperlinks

Websites referenced in this guide appear in blue italics and are hyperlinked. These sites provide supplementary information that can be accessed in printed and electronic versions. These website addresses are current; however, the hyperlinks may change or become outdated after publication.

2 Notice of Intent

An applicant seeking discharge coverage under an IPDES permit must submit an application (individual permit) or Notice of Intent (NOI) (general permit) to obtain coverage for discharges of pollutants to waters of the United States. The required content of an application or NOI can be found in the specific general permit. All NOIs must include, but are not limited to, the following:

- Legal name and address of the owner or operator
- Facility or activity name and physical address
- Facility or discharge type
- Receiving water body

Idaho rules require that when a facility or activity is owned by one person but operated by another, the operator is obligated to obtain a permit[4]. This guidance will refer to the operator's responsibilities to acquire coverage under an IPDES permit; however, if the operator and owner are the same, the requirements will apply to the owner.

2.1 Owner and Operator Information

Information identifying the legal entity owning the facility or activity is required on all applications:

- Owner's name (company, corporation, municipality, etc.)
- Certifying signatory person's name and title
- Mailing address
- Phone number
- Email address
- Federally issued EIN or DEQ-generated equivalent

Similarly, information regarding the operator must be provided:

- Operator's name (company, corporation, municipality, etc.)
- Whether the operator is also the owner of the facility or activity
- Mailing address
- Phone number
- Email address
- Operator's EIN

2.2 Facility or Activity Location and Description

The facility's or activity's physical location and description must be identified and submitted as part of the electronic NOI information, including, but not limited to, the following:

- Facility or activity location (latitude and longitude at the entrance, if applicable)
- Outfall locations (latitude and longitude)
- Township, range, and section
- County
- Whether it lies in Indian country
- Site-specific requirements identified in the permit (e.g., SIC codes)
- Type of discharge
- Expected nature of the discharge
- Potential for toxic and conventional pollutants in the discharges
- Expected volume of the discharges (if known)
- Other means of identifying discharges covered by the permit
- Estimated number of discharges to be covered by the permit
- Facility or activity status as federal, state, private, public or other

A map of the area extending one-quarter mile outside the facility's or activity's property boundary should be supplied with the application. This map should indicate the following:

- Area surrounding all facilities (topographic if available) extending one-quarter mile past the property boundary
- Influent and effluent pipes and structures
- Springs or other surface water bodies
- Drinking water wells within 1 mile of the property. Either indicate the direction and distance to the well, or include a map with a larger extent. IDWR maintains a list of wells that can be referenced for this information (*https://idwr.idaho.gov/wells/find-a-well.html*)
- Areas where sludge, manure or other solid biologically degradable waste is produced, stored, treated, or disposed
- Areas assigned to receive, store, treat, or dispose of hazardous waste
- Depending on the facility location and complexity, multiple maps may be necessary to show all required items in acceptable detail.

2.3 Approval to Discharge

Each IPDES permit specifies the deadlines for submitting an application or NOI for coverage and the process for authorizing a discharge. There are four ways an applicant may be authorized to discharge[5]:

1. Upon DEQ's receipt of the complete and timely NOI
2. After waiting a prescribed amount of time
3. On a specific date identified in the permit
4. Upon the applicant's receipt of a notification from DEQ

If an owner or operator of a facility eligible for coverage does not wish to be covered under a general permit, a request to be excluded should be submitted to DEQ[6]. This request must include a supporting rationale and be submitted within 90 days after issuance of the general permit. If DEQ grants the request, an individual permit will be issued following the process and procedures for issuing an individual permit and the applicability of the general permit is automatically terminated on the effective date of the individual permit.

DEQ may also require the owner or operator of a facility to apply for an individual IPDES permit by notifying the owner or operator in writing[7]. This notice will include a rationale for the decision, a statement identifying the time for the application to be filed, and a statement that the general permit coverage will automatically terminate upon the effective date of the individual permit. The owner or operator may appeal DEQ's decision[8].

Finally, each application or NOI contains a requirement that applicants must verify they understand the implications of IDAPA 58.01.25.100.01 and they accept responsibility for ensuring all other necessary approvals, authorizations, or permits have been obtained prior to discharging.

3 Public Participation

The process for providing public participation on an IPDES permit (either individual or general permit) is identified in the IPDES rules[9] and outlined in the Public Participation in the Permitting Process Guidance (DEQ 2016~~a~~). An overview of this process is outlined below. Public

participation is encouraged and permits along with fact sheets will be published for public comment after drafting. In instances where DEQ knows the entities proposed for coverage under a general permit, they will be included in the public participation process at the time the general permit is drafted. Some general permits are open to applicants to seek coverage after the general permit has been issued. In those instances, the NOI or parts of the NOI may be submitted for public comment depending on the nature of the general permit. Each chapter specific to a general permit will detail the specific public participation processes for that permit.

As discussed in UGV1 Section 5 under Stakeholder Coordination, DEQ will work with current and prospective permittees and keep them informed during the general permit development process, including developing the NOI requirements. Before formal public notice of a draft IPDES general permit, DEQ will post the notice of a forthcoming draft general permit on DEQ's website. After completing a draft general permit and associated NOI requirements, DEQ will issue a public notification, which initiates a minimum 30-day public review and comment period. This public notice is provided by a combination of mailings or any other method that reasonably gives notice to the persons potentially affected, including press releases or use of any other forum or media to elicit public participation from the following:

- Applicants
- Any other agency that has issued or is required to issue a permit for the same facility or activity
- Affected federal and state agencies with jurisdiction over fish, shellfish, wildlife, and other natural resources (including downstream states or Canada), State Historical Preservation Office (SHPO), and any affected Indian tribe
- Any state agency responsible for plan development under CWA, US Army Corps of Engineers, US Fish and Wildlife Service, and National Marine Fisheries Service
- Any user identified in the permit application of a privately owned treatment works
- Any person who requested to be on a mailing list
- Any local government having jurisdiction over the area where the facility is proposed to be located
- Each state agency having any authority under state law with respect to the construction or operation of the facility
- The owner or operator of any canal, ditch, drain, pipeline or other facility not owned or operated by the applicant and through which the applicant intends to discharge under the permit

If any written recommendations from a state or Indian tribe whose waters may be affected by issuing an IPDES permit are not included, DEQ may notify the affected state or tribe and EPA of its decision not to include the recommendations and provide the rationale.

Requests for extending a public comment period must be provided to DEQ in writing before the last day of the comment period. The draft permit and fact sheet describing the terms of the permit will be available during the public comment period. DEQ may schedule a public meeting on the draft permit if there is significant public interest, an interested party requests in writing a public meeting within 14 days of the public notice, or for another good reason determined at DEQ's discretion.

In some general permits, entities covered under the permit are identified when the permit is published for public comment. In other instances, entities seeking coverage are not identified but may be subject to public participation procedures when coverage is requested. Each chapter in this guide will discuss the approval process and potential for public participation.

4 Storm Water Construction General Permit

This section helps the reader understand topics about permitting construction operations under the storm water Construction General Permit (CGP). The State of Idaho intends to use a general permit approach to permitting storm water associated with construction activity, consistent with EPA. Refer to the currently effective CGP for specific requirements.

4.1 Obtaining Permit Coverage

To obtain permit coverage, a permittee must meet the eligibility requirements in the permit, allow only the authorized types of discharge, and submit a timely and complete NOI. Authorization to discharge typically occurs 14 calendar days after DEQ notifies an applicant of DEQ's receipt of a complete NOI. DEQ's E-Permitting System CGP module should be used for NOI submittal. The E-Permitting website has instructions on how to sign up and fill out each section of the NOI.

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4.1.1 Fees

The fees for NOI submittal are described in Table 1 below. Application fees are assessed at the time of application. Annual fees are determined based on the 12 months of coverage between October 1 and September 30 of the following calendar year[10]. When a project files a Notice of Termination, their annual fee assessment will be pro-rated for the portion of the year up to when project coverage is terminated. NOIs submitted for projects that are part of a larger common plan of development will be assessed fees only for the area they are requesting permit coverage.

Table 1. Construction storm water permit fees.

Construction Project Size[a]	Application Fee	Annual Fee
1-10 acres[b]	$200	$0
>10-50 acres	$400	$75
>50-100 acres	$750	$100
>100-500 acres	$1,000	$400
>500 acres	$1,250	$400

a. Although not specified in IDAPA 58.01.25.110, ">" have been added to clearly distinguish project size categories.
b. This includes NOIs for construction that will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale that will ultimately disturb one or more acres of land.

If the operator believes the construction activity will qualify for a low erosivity waiver (LEW) the application can be submitted through DEQ's E-Permitting system. An application fee for a LEW is $125, and there is no annual fee.

~~4.1.1~~4.1.2 Eligibility

The CGP uses the term "Operator" to describe the entities who need permit coverage for their construction activity. An operator fits at least one of the requirements below:

- Has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications, or
- Has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions

In order to qualify for the CGP, the construction site must:

- Be located in Idaho where DEQ is the permitting authority and not in Indian country where EPA will remain the permitting authority.
- Disturb at least one acre of land, or be part of a common plan of development or sale that will ultimately disturb one or more acre of land. An example of a common plan disturbing at least an acre would be a home builder constructing a house on a quarter acre lot, which is part of a neighborhood plan adjacent to more lots totaling at least one acre.
- Discharge any pollutant or combination of pollutants to waters of the US. This includes additions of pollutants in to waters of the US from surface runoff which is collected or channeled by man, discharges through pipes, sewers, or other conveyances leading to privately owned treatment works, or discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person which do not lead to a treatment works.
- Follow the requirements to protect historic properties in the CGP.

If cationic treatment chemicals will be used on the construction site, DEQ must approve their use prior to submitting the NOI. Cationic treatment chemicals require appropriate controls and implementation procedures to ensure that their use will not cause an exceedance of water quality standards.

~~4.1.1.1~~4.1.2.1 *Common Plan of Development*

A common plan of development is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The common plan of development or sale is broadly defined as any announcement or piece of documentation or physical demarcation indicating construction activities may occur on a specific plot. A project that is less than 1 acre that begins construction while the larger common plan of development is still covered by the CGP is expected to obtain permit coverage. If the larger plan of development has ceased construction activity and is no longer covered by the CGP, then such a project would not be expected to obtain permit coverage.

~~4.1.1.2~~4.1.2.2 *Historic Properties Requirements*

Operators must determine whether their project has the potential to impact historic properties by coordinating with SHPO. To determine whether a project may impact historic properties, the following should be considered:

- Will the project storm water controls require subsurface earth disturbance?

- Have prior cultural surveys or other evaluations determined the existence of historic properties?
- If there are historic properties, will the proposed subsurface earth disturbing storm water controls have an effect on them?
- Additional consultation may be required from local or regional historic authorities with additional information not contained at the SHPO or Tribal offices.

SHPO and Tribal authorities will need the project name, a description of the project, contact information for the operator, a map showing the project boundaries, and location of storm water controls that may impact historic properties. Copies of correspondence with historic preservation authorities should be included in the storm water pollution prevention plan (SWPPP).

DEQ will notify SHPO or tribal authorities when NOIs are submitted. DEQ will provide SHPO or tribal authorities the relevant information in the NOI. SHPO or tribal authorities will have 14 days to notify DEQ of the results of any historic review conducted for these NOIs. If they do not respond within 14 days, DEQ will proceed with issuing authorization as appropriate.

~~4.1.1.3~~4.1.2.3 *Threatened and Endangered Species Requirements*

Operators must determine whether their project complies with adequate protection of federally-listed threatened and endangered species and critical habitat by coordinating with the US Fish and Wildlife Service (FWS) and the National Marine Fisheries Service (NMFS). Operators must meet one of the criteria identified in the permit in order to be eligible for coverage:

- No ESA-listed species and/or designated critical habitat is present in the action area.
- Eligibility requirements met by another operator under the 2017 CGP.
- Discharges are not likely to adversely affect federally-listed species and/or designated critical habitat.
- Coordination with USFWS and NMFS has successfully concluded.
- ESA Section 7 consultation has successfully concluded.
- Issuance of section 10 permit.

Operators must specify the basis for the applicable eligibility criterion, and if required, provide sufficient documentation to support the determination in the NOI and SWPPP.

DEQ will notify FWS and NMFS when NOIs are submitted and will provide the relevant information in the NOI. FWS and NMFS will have 14 days to notify DEQ if eligibility for these NOIs are met, not met, or could be met with additional conditions. If they do not respond within 14 days, DEQ will proceed with issuing authorization as appropriate. DEQ will consider FWS and NMFS responses in determining eligibility.

~~4.1.2~~4.1.3 Types of Discharges Authorized

Discharges of storm water associated with construction activity and some non-storm water discharges can be authorized under the CGP. Storm water discharges including, but not limited to, the following can be authorized under the CGP:

- Storm water runoff
- Snowmelt runoff

- Surface runoff and drainage associated with construction activity, or designated by DEQ or EPA as needing a permit
- Storm water discharges from construction support activities like concrete or asphalt batch plants, equipment staging yards, etc.

Non-storm water discharges that are not routed to areas of exposed soil on the construction site may also be authorized. If any of these non-storm water sources come in contact with construction related pollutants prior to discharge, they are not authorized non-storm water discharges. Authorized non-storm water discharges can include:

- Water from emergency fire-fighting activities
- Fire hydrant or potable water line flushing
- Landscape irrigation
- Water used to wash vehicles, equipment building exteriors, or pavement (provided there is no discharge of soap, solvents, detergents, or hazardous substances)
- Water used to control dust, condensate from air conditioning or compressors, foundation or footing drains
- Construction dewatering

Discharges of authorized storm water commingled with a discharge authorized by a different IPDES permit or that does not require IPDES authorization is also authorized.

~~4.1.3~~4.1.4 Prohibited Discharges

The CGP specifically prohibits certain types of discharge. These prohibitions include:

- Wastewater from concrete washouts
- Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials
- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance
- Soaps, solvents, or detergents used in vehicle and equipment washing or building washdown
- Toxic or hazardous substances from a spill or other release

~~4.1.4~~4.1.5 CGP Specific Notice of Intent ~~(NOI)~~ Requirements

To apply for coverage under the CGP, operators must submit an NOI to DEQ. The NOI should be submitted in a timely manner prior to beginning construction activities. DEQ will not process an NOI until the application fee has been paid. However, if the construction activity is in response to a public emergency and the work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, discharge may begin so long as a complete and accurate NOI is submitted within 30 calendar days after commencing construction. Prior to submitting the NOI, operators must develop a SWPPP, described in Section 4.5. The NOI should be completed and submitted using DEQ's E-Permitting System.

Operators of proposed new construction sites should submit their NOI at least 14 days prior to commencing construction activities. New operators at an existing permitted facility should also submit their NOI 14 days prior to the transfer to the new operator. Operators of existing

construction sites will need to submit NOIs when a new permit is issued if they want permit coverage to continue in the new permit. The timing of the NOI submittal in this case will be described in the permit. Each of the operators will be authorized when DEQ notifies them that it has received a complete NOI. Operators of emergency related projects must submit their NOI within 30 days after commencing construction, and will be provisionally authorized to discharge by the CGP, until DEQ notifies them that a complete NOI has been received.

Submittal of a NOI for coverage under the CGP does not require a public comment period.

An NOI for a construction project should include a description of each location where storm water may discharge from the site. This description should include a discharge location name, the name of the first receiving water that receives the discharge (directly or indirectly via an MS4), what, if any, pollutants the receiving water is impaired for, and any TMDLs for the receiving water body.

~~4.1.4.1~~ Low Erosivity Waiver

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Rather than complying with the full requirements of the CGP, operators may have the option to request a Low Erosivity Waiver (LEW). Operators on projects disturbing less than 5 acres of land, and whose Rainfall Erosivity Factor (R factor) is less than 5 may request a LEW. The LEW application requires similar information as an NOI, such as the operator contact information and the project location. In addition, the R factor must be reported along with how it was calculated. The LEW certification requires that the project disturb less than 5 total acres, that the R factor is under 5, and that final stabilization of the project area be achieved as described in the CGP. The R factor incorporates the expected schedule, and can be calculated using EPA's Rainfall Erosivity Factor Calculator, *https://lew.epa.gov/*, or the Construction Rainfall Erosivity Waiver Fact Sheet *https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf*.

If project completion is delayed beyond the end date specified in the LEW, the new expected end date may result in the project no longer qualifying for the LEW (due to the R factor increasing along with the duration of the project). If this occurs, permittees should obtain full coverage under the CGP by submitting a NOI as described in 4.1.5.

If a project disturbs less than one acre, but is part of a larger common plan of development, and therefore requires permit coverage, it may qualify for the LEW waiver depending on its R factor.

4.2 Technology Based Effluent Limits

EPA promulgated effluent limit guidelines (ELG) and new source performance standards (NSPS) to control discharges from construction sites in 2009 (40 CFR 450). In 2014, EPA finalized amendments to these rules removing the numeric turbidity limit and monitoring requirement. The ELG and NSPS have non-numeric limits to prevent the mobilization and discharge of sediment and sediment bound pollutants and minimize the exposure of storm water to construction materials, debris and other sources of pollutants on construction sites.

4.2.1 Storm Water Controls

Storm water controls minimize the discharge of pollutants in storm water from construction activities. Storm water controls are devices or designs that collect storm water and direct them in a manner to reduce contact with construction related pollutants. Storm water controls should be built, designed, and maintained with consideration to the quantity, velocity, and total flow of storm water, the expected frequency of local storm events, and the soil types and soil particles expected to be present on site. Storm water controls can include erosion control and sediment control, described below.

4.2.2 Erosion Control

Erosion control reduces storm water mobilization of sediment. Erosion control often takes the form of covers over sediment preventing rain fall from mobilizing sediment, but also includes minimizing the area disturbed, and directing storm water away from disturbed areas.

Erosion controls required in the CGP include:

- Stabilizing exposed portions of the site
- Directing storm water to vegetated areas and away from disturbed portions of the site
- Minimizing the disturbance of steep slopes
- Preserving the native topsoil

Refer to DEQ's Best Management Practices (BMP) Handbook (DEQ 2020) for more information regarding the installation and maintenance of erosion control.

Erosion controls typically require some time after installation before becoming completely effective. It is important that the time delay between installation and effectiveness be accounted for when planning to install erosion controls prior to storm events.

4.2.3 Sediment Control

Sediment control reduces the amount of sediment being transported by water. Sediment control takes the form of barriers or settling basins that allow sediment to settle out of storm water.

Sediment controls required by the CGP include:

- Installing sediment controls along perimeter areas that will receive pollutant discharges, minimizing sediment track-out
- Minimizing dust
- Protecting storm drain inlets
- Installing sediment basins or other impoundments, and using treatment chemicals

Refer to DEQ's Idaho Catalog of Storm Water Best Management Practices (DEQ 2020) for more information regarding the installation and maintenance of sediment controls.

In general, barrier type sediment controls require maintenance when sediment builds up against the uphill side of the barrier. The maintenance typically involves removing the sediment build up and potentially repairing or replacing damaged sections of the barrier. Similarly, sediment basins

or other storm water impoundments require routine maintenance as well to remove sediment build up and ensure proper functioning.

4.2.4 Pollution Prevention

Pollution prevention with respect to the CGP covers all of the other potential pollutants that may be discharged from a construction site. Pollution prevention includes:

- Proper equipment and vehicle maintenance
- Washing and fueling
- Proper storage, handling, and disposal of building products, materials, and wastes

DEQ's Idaho Catalog of Storm Water Best Management Practices provides descriptions of the various types of BMPs that can be used to reduce the discharge of these construction related pollutants. To prevent the discharge of ancillary construction pollutants, store materials in covered containers to prevent contact with storm water. Liquids should be stored in a leak proof container or be surrounded by secondary containment to contain any potential spills or leaks.

4.3 Water Quality Based Effluent Limits

Discharges from construction sites must meet all applicable Idaho water quality standards. In the absence of information demonstrating otherwise, it is expected that compliance with all permit conditions will result in storm water discharges being controlled as necessary to meet applicable water quality standards. DEQ may require additional controls to meet water quality based effluent limits, or may require an applicant to seek individual permit coverage, if the NOI indicates that discharges are not controlled as necessary to meet water quality standards or to comply with a wasteload allocation in an EPA approved TMDL. ~~The construction general permit assumes that compliance with the conditions in the permit will result in compliance with applicable water quality standards.~~ If it is determined that discharges are not meeting applicable water quality standards, the permittee must take corrective actions and document them as described in the permit.

Site Inspection

Permittees are required to conduct site inspections to determine the effectiveness of the chosen BMPs and to determine if and when maintenance is required for the BMPs. Inspection frequency may vary, but in general is required at least every other week and within 24 hours of a storm event of 0.25 inches of precipitation or greater, or the occurrence of runoff from snowmelt sufficient to cause a discharge. Inspections should be more frequent if discharges are to an impaired receiving water (e.g., sediment or nutrient).

Inspections must be conducted by a qualified person (e.g., staff of the operator or a third party contractor). A qualified person:

- Is knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention.
- Can assess conditions at the construction site that could impact storm water quality.
- Has the appropriate skills and training to assess the effectiveness of any storm water controls selected and installed to meet the requirements of the permit.

Examples of a qualified person include professional engineers, certified professionals in erosion and sediment control, certified inspectors of sediment and erosion control, or other similarly trained people.

4.3.1 Inspection Responsibilities

Permittee inspections should, at a minimum:

- Check whether all storm water controls are properly installed, not damaged, and are operating as intended to minimize pollutant discharges.
- Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site.
- Identify any locations where new or modified storm water controls are necessary to meet the permit requirements.
- Check for signs of visible erosion and sedimentation that have occurred and are attributable to your discharge at points of discharge, and, if applicable, the banks of any waters of the US flowing within or immediately adjacent to the site.
- Identify any incidents of noncompliance observed.
- If a discharge is occurring during the site inspection:
  - Identify all discharge points at the site.
  - Observe and document the visual quality of the discharge and take note of the characteristics of the storm water discharge, including color, odor, floating, settled or suspended solids, foam, oil sheen, and other indicators of storm water pollutants.
- Complete any necessary maintenance based on the results of the inspection.

4.3.2 Inspection Frequency

Permittees can reduce inspection frequency for portions of construction sites that have been stabilized. The reduced frequency only applies for these areas until construction activity resumes. Inspection frequency can also be reduced in arid, semi-arid or drought-stricken areas. Inspections should be conducted at least once per month even under a reduced inspection frequency regime.

Inspections may be suspended if frozen conditions are likely to continue at the project for at least three months, if discharges are unlikely, if land disturbance activities have been suspended, and all disturbed areas of the site have been stabilized. If construction activity is continuing during frozen conditions, the areas where construction activity is continuing must be inspected. Permittees should document reductions in inspection frequency in the project SWPPP, including the beginning and end dates of the reduced inspection frequency.

4.3.3 Inspection Areas

The permittee should observe the following areas during an inspection, so long as it is safe to observe them:

- All areas that have been cleared, graded, or excavated and have not yet completed stabilization.
- All storm water controls installed at the site.
- Material, waste, borrow, and equipment storage and maintenance areas covered by the permit.

- All areas where storm water typically flows within the site, including drainage ways designed to divert, convey, or treat storm water.
- All points of discharge from the site.
- All locations where stabilization measures have been implemented.

4.3.4 Inspection Reports

Permittees should complete inspection reports within 24 hours after any inspection. Documentation of inspections should include the following:

- The date of the inspection.
- The names and titles of the personnel conducting the inspection.
- A summary of inspection findings.
- Any applicable rain gauge data or weather station readings that triggered the inspection.
- If it was determined that part of the site was unsafe to inspect, document the reason why and the locations that were unsafe.

Permittees must ensure that the individual conducting the inspection has signed the inspection reports and keep copies on-site or at an easily accessible location, so they can be readily available for regulatory agency officials during a compliance inspection. Inspection reports may be maintained in electronic form, so long as they are available during an inspection or when requested by the permitting authority. Inspection reports must be kept for three years after permit coverage is terminated or expired.

4.4 Corrective Actions

Permittees are required to take corrective actions when:

- Storm water controls need repair or replacement beyond routine maintenance.
- Storm water controls necessary to comply with the permit were never installed or were installed incorrectly.
- Discharge exceeds applicable water quality.
- A prohibited discharge occurs.

Corrective actions such as cleaning up contaminated surfaces should be taken immediately. If the problem does not require new or replacement controls or significant repairs, it should be corrected before the end of the day following the observation of the problem. If the problem requires a new or replacement control or significant repair, it should be completed within 7 days of observing the problem. If repairs or replacement cannot be completed within the time frames specified in the permit, documentation of why it will take longer should be kept in the SWPPP, and the corrective action should be completed as soon as possible.

4.5 Storm Water Pollution Prevention Plan ~~(SWPPP)~~

A SWPPP is a document detailing the construction project, the choice of BMPs and maintenance of BMPs, the steps taken to reduce discharge of pollutants in storm water associated with construction activity, and identifying the people responsible for said decisions. SWPPPs are living documents that should be continuously updated as construction progresses and appropriate

BMPs change, as storm events occur, as corrective actions occur, and as site personnel change. EPA has produced SWPPP templates that are available through the EPA website.

4.5.1 Contents of SWPPP

A SWPPP should contain a list of all operators engaged in construction on the site, and the associated areas which they are responsible for. It should contain the personnel that are part of the storm water team, as well as their responsibilities. This list of personnel should indicate each of the contractors or subcontractors on the site and their responsibilities regarding storm water pollution prevention. The nature of the construction project should be described, including;

- The size of the property
- The total area expected to be disturbed by the construction activities including the maximum area expected to be disturbed at any one time
- A description of all construction support activities covered by the permit
- The project schedule including any temporary cessation of work expected and when temporary or final stabilization should be achieved
- A list and description of pollutant generating activities on the site, including their respective inventories of expected pollutants
- A site map or series of maps showing
  - The boundaries of the property
  - Locations where construction activities will occur
  - Locations of all waters of the US within the site or within 1 mile of the discharge points from the site
  - Type of preconstruction cover on the site
  - Drainage patterns of storm water and authorized non-storm water including site specific discharge locations
  - Locations of potential pollutant generating activities
  - Locations of storm water controls
- Business days and hours for the project, and
- If the project is in response to a public emergency, a description of the emergency

The SWPPP should also include the BMPs that are intended to be used on the site, and when and how to use them. The BMPs described in the SWPPP should cover the erosion control, sediment control, and pollution prevention required by the permit.

The SWPPP should describe the process for inspections, maintenance, and corrective actions. It should include if and when inspection frequency will be reduced, any inspection checklists to be used, and documentation of training for staff implementing the SWPPP.

After the project receives CGP coverage, the SWPPP should include a copy of the NOI that was submitted, the acknowledgement letter from DEQ that assigned the IPDES ID, and a copy of the CGP.

4.5.2 SWPPP Modifications

The SWPPP is intended to be a living document that is updated as a construction site changes. Conditions that could result in updates to a SWPPP include but are not limited to:

- When new operators begin work on the construction site
- When changes are made to the construction plans, storm water controls, or other on-site activities are not reflected accurately in the SWPPP
- When operational control has been transferred for some areas of the site
- If a regulatory body inspection indicates areas of the SWPPP that need to be updated
- If regulatory requirements change
- If a change to chemical treatment systems is made

When changes are made to a SWPPP include the date when the changes occurred and the name of the person who authorized the change. Changes to the SWPPP should be authorized by the person who obtained the permit coverage, or one of their authorized signatories. A list of the authorized signatories should be included in the SWPPP for reference.

4.5.3 SWPPP Availability

SWPPPs should be kept on-site or be readily available on-site. If a regulatory authority requests to review the SWPPP, permittees should make one available for review. If the SWPPP cannot be kept on-site due to safety concerns, then the location of the SWPPP should be noted near the entrances to the site.

4.6 Idaho Specific Requirements

The 2017 CGP was written as a nation-wide construction general permit. As such it is written to be applicable to most states in the US. However, there are Idaho specific requirements.

4.6.1 Antidegradation

To protect water bodies with high quality water, Idaho provides antidegradation protection on a water body by water body basis. Operators requesting coverage under the CGP should indicate the receiving water body for their project and, if possible, the category of the water body in the most recently approved Integrated Report (CWA Section 305(b)). The Idaho 305(b) Integrated Report is found on DEQ's website at *http://www.deq.idaho.gov/water-quality/surface-water/monitoring-assessment/integrated-report/*. The interactive map can be used to find the water body to which your project discharges, and determine what, if any, impairments are present.

DEQ uses the information from the Integrated Report to determine the level of protection that needs to be applied to the receiving water. Water bodies deemed to have high quality water are provided a second tier of protection (referred to as Tier II) over and above the base level. Basic protections ensure that water quality standards are not violated. Tier II protection ensures that water quality is not degraded, or if it is, that there is a social and economic rationale provided for the degradation.

4.6.2 Turbidity Monitoring

A permittee must conduct turbidity monitoring when a direct discharge of pollutants from an unstable portion of a construction site causes a visible plume in a water of the US. The turbidity monitoring must be done both upstream of the influence of the discharge and immediately

downstream of the discharge. If turbidity monitoring indicates that the discharge is resulting in a downstream turbidity 50 NTU higher than background, then the permittee must take action to reduce the turbidity of the discharge. The permittee should halt construction activity when the turbidity is 50 NTU over background condition, and should not resume until it has returned to within 25 NTU of background for at least 10 consecutive days.

4.6.3 Reporting Discharges Containing Hazardous Materials or Petroleum Products

Report any discharge of hazardous material, deleterious material, or petroleum products which may impact ground or surface waters to the appropriate DEQ regional office. DEQ's contact information is in the CGP and on the DEQ website. Contact 911 if it is an emergency prior to contacting the regional office.

4.7 Termination of Coverage

A notice of termination (NOT) of permit coverage is required in order to stop the permittee's obligation to comply with all pertinent CGP requirements. The NOT should include the IPDES ID for the project, a basis for terminating coverage, operator contact information, the name of the site and address, and certification from the operator. The certification must indicate that the operator understands the requirements to terminate permit coverage and that the site meets the requirements. NOTs must be submitted through DEQ's E-Permitting System within 30 days of conditions allowing for termination to occur.

4.7.1 Conditions for Terminating Coverage

To terminate coverage, all construction activity for which the operator was responsible must be completed. Any areas that had been disturbed during construction must meet the final vegetative or non-vegetative stabilization. All construction materials must be removed, including waste and waste handling devices, and all construction equipment and vehicles. All storm water controls not intended for permanent use should be removed. Lastly, all potential pollutants and pollutant generating activities associated with construction should be removed.

Coverage under the CGP may also be terminated if coverage under an individual permit is obtained, or if another operator has assumed responsibility for all areas of the site which the original operator had responsibility.

4.8 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft CGP is developed. Additional guidance on the process is outlined in the User's Guide Volume 1 (DEQ 2017a).

4.9 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector (User's Guide Volume 1, section 9 [DEQ 2017a]). DEQ compliance monitoring is expected to be conducted on

at least 10% of regulated construction sites annually. DEQ will follow up on tips and complaints about potentially unpermitted sites.

5 Municipal Separate Storm Sewer System ~~(MS4)~~

This section is to help the user better understand the Municipal Separate Storm Sewer System (MS4) Permits. Currently, EPA has written the various MS4 permits as individual permits. MS4 permits cover public entities. In Idaho, such public entities include cities, counties, the Idaho Transportation Department, state universities, local colleges, and local highway districts. Entities that may become "regulated small MS4s" based on new Urbanized Area boundaries resulting from the ~~2020~~ most current U.S. Census Bureau data and statistics, include other federal, state, or local entities whose properties are served by a "conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains)."[11]

5.1 Obtaining Permit Coverage

To obtain permit coverage, a public system must first meet the eligibility requirements described below. Qualifying facilities must apply through DEQ's E-Permitting system, which has instructions on how to sign up and fill out each section of the NOI.

5.1.1 Eligibility

MS4 coverage is broken into two phases, Phase 1 (large and medium) and Phase 2 (small) MS4s. Phase 1 MS4s include two size groups based on population served. Large Phase 1 MS4s are defined as:

- Incorporated places with populations of 250,000 or more based on the 1990 US Census; or
- Counties with unincorporated urbanized areas with populations of 250,000 or more based on the 1990 US Census.

Medium Phase 1 MS4s are defined as:

- Incorporated places with populations between 100,000 and 250,000 based on the 1990 US Census; or
- Counties with unincorporated urbanized areas with populations between 100,000 and 250,000 based on the 1990 US Census.

In 1999 EPA released their second round of MS4 regulation called Phase 2. Phase 2 MS4s are defined as any MS4 that did not meet the criteria of Phase 1 MS4s. Phase 2 was designed to require coverage for some, but not all small MS4s. There are three ways a small MS4 may be designated as a "regulated small MS4" requiring permit coverage:

1. Small MS4s located within the boundaries of a Census Bureau-defined Urbanized Area (UA), based on the latest decennial census, are automatically designated.
2. Small MS4s outside of UAs that contribute substantially to pollutant loadings of a physically interconnected MS4 regulated by the NPDES storm water program are to be designated.

3. Small MS4s located outside of UAs serving jurisdictions with a population of at least 10,000 and a population density of at least 1,000 people per square mile or which meet certain designation criteria, are to be designated by the permitting authority.

DEQ's designation criteria and selection process to make any decisions in the second and third cases described above regarding small MS4s outside UAs can be found in the *Idaho Pollutant Discharge System Designation Criteria and Selection Process for Small Municipal Separate Storm Sewer Systems* (DEQ 2016a).

5.1.2 Applications

To obtain permit coverage, an applicant must register their facility and complete an application through the IPDES E-Permitting System. The application has been designed in accordance to IDAPA 58.01.25.105.18. If a city or municipality already has an IPDES permit for their wastewater treatment facility, then basic registration may already be complete. Please contact the DEQ E-Permitting help desk to find out if registration has been completed or with other questions about completing an application. For entities with an effective MS4 permit, a renewal application is due 180 days prior the expiration date.

5.1.3 Authorized Discharges

MS4 permits have defined limitations on the type of discharges that can occur. For example, storm water discharges from industrial or construction activities are only allowed if they have coverage under the Multi-Sector General Permit (MSGP) or the Construction General Permit (CGP). Additionally, while MS4 permits authorize storm water discharges, the permits also outline types of non-storm water discharges that are allowable as long as water quality standards are met. Allowable non-storm water discharges include the following:

- Uncontaminated water line flushing
- Landscape irrigation (provided all pesticides, herbicides and fertilizer have been applied in accordance with manufacturer's instructions)
- Diverted stream flows
- Uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;
- Rising ground waters
- Uncontaminated pumped ground water
- Discharges from potable water sources
- Foundation drains and footing drains (where flows are not contaminated with process materials such as solvents)
- Uncontaminated air conditioning or compressor condensate
- Irrigation water
- Springs
- Water from crawlspace pumps
- Lawn watering
- Individual residential car washing
- Flows from riparian habitats and wetlands
- Dechlorinated swimming pool discharges

- Routine external building washdown that does not use detergents
- Street and pavement wash waters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed)
- Fire hydrant flushing

5.1.4 Unauthorized Discharges

Unauthorized discharges contain pollutants not covered under the permit. Discharges containing the following are considered unauthorized:

- Hazardous materials in concentrations found to be of public health significance or to impair beneficial uses in receiving waters. ("Hazardous materials" is defined in IDAPA 58.01.02.010.47 and Part 9 of the Permit)
- Toxic substances in concentrations that impair designated beneficial uses in receiving waters. ("Toxic substances" is defined at IDAPA 58.01.02.010.102 and Part 9 of the Permit)
- Deleterious materials in concentrations that impair designated beneficial uses in receiving waters. ("Deleterious materials" is defined at IDAPA 58.01.02.010.21 and Part 9 of the Permit)
- Radioactive materials or radioactivity at levels exceeding the values listed in 10 CFR 20 in receiving waters
- Floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or in concentrations that may impair designated beneficial uses in receiving waters
- Excessive nutrients that can cause visible slime growths or other nuisance aquatic growths that impair designated beneficial uses in receiving waters
- Oxygen-demanding materials in concentrations that would result in anaerobic water conditions in receiving waters
- Sediment above quantities specified in IDAPA 58.01.02.250.02.e or in the absence of specific sediment criteria, above quantities that impair beneficial uses in receiving waters
- Material in concentrations that exceed applicable natural background conditions in receiving waters (IDAPA 58.01.02.200.09). Temperature levels may be increased above natural background conditions when allowed under IDAPA 58.01.02.401

5.2 Storm Water Management Plan ~~(SWMP)~~

Permittees must develop and maintain at least one written Storm Water Management Plan (SWMP) or multiple individual documents that describe how they will comply with the required storm water control measures of the permit. Control measures include the implementation of best management practices (BMPs) to reduce pollutants discharged to the "maximum extent practicable" (MEP). New Phase 2 permits will define when the SWMP must be developed or updated. To provide implementation flexibility, permits also allow permittees the discretion to submit requests to implement one or more Alternative Control Measures (ACM). The permit will specify when requests for ACMs must be submitted to DEQ for approval. DEQ will evaluate and address ACMs on a case-by-case basis.

5.2.1 General Requirements

The SWMP requirements differ if the permittee is a Phase 1 MS4 or a Phase 2 MS4. Phase 1 MS4 SWMP requirements are listed in 40 CFR 122.26(d)(2)(iv). At a minimum, the SWMP must include the following:

- Structural and source control BMPs to reduce runoff from commercial and residential areas to the MS4
- Illicit discharge detection and elimination (IDDE) program
- Industrial and construction site runoff program

Phase 2 MS4 SWMP must include at least the six minimal control measures (MCM) that are listed in 40 CFR 122.34(b):

1. Public education and outreach
2. Public involvement/participation
3. Illicit discharge detection and elimination (IDDE) program
4. Construction site storm water runoff control program
5. Post-construction storm water management in new development and redevelopment control program
6. Pollution prevention/good housekeeping for municipal operations

Some Phase 2 MS4 permits may also contain SWMP requirements similar to Phase 1 MS4 permits. It is the responsibility of the permittee to carefully read the permit to ensure full compliance.

5.2.2 Minimum Control Measures

The six different MCMs can be met by the use of BMPs. DEQ has published a catalog of BMPs for storm water pollution control (DEQ draft). Not all BMPs in the catalog apply to MS4s because the manual is for all types of storm water. Additionally, permittees will have to develop other BMPs for their public outreach and education programs.

5.2.2.1 Public Education and Outreach

MS4 permits set out the minimal requirements for the permittees' public education and outreach program. Target audiences can include, but are not limited to, general public, business/industrial/commercial/institutions, construction/development, and elected officials/land use policy and planning staff. Some potential BMPs that could be implemented are:

- Posting signage in public parks reminding dog owners to pick up after their pets
- Distributing brochures to citizens highlighting storm water issues in the community
- Providing public schools with storm water-related educational materials or conducting presentations at schools
- Developing display materials to showcase at local events (state and local fairs, etc.)
- Developing public service announcements (PSAs) for mass media outlets
- Purchasing or producing give-away materials that educate the public on storm water issues (refrigerator magnets, bookmarks, pens, etc.)
- Painting, stenciling, or marking storm drains to alert citizens not to dump materials into the system

- Running a poster or essay contest to encourage citizens to consider clean water issues

The permittees need to pay particular attention to the requirements of the permit to ensure their public education and outreach program complies with the permit.

5.2.2.2 Public Involvement

MS4 permits require a public involvement plan so that the public has access to information on the storm water management plan and program. This can include:

- Making a copy of the permittee's SWMP and annual reports available to the public (oftentimes on a website)
- Taking public feedback on the SWMP during its development
- Participating in local outreach activities (i.e., stream clean-ups)
- Convening local citizens to serve on a storm water panel
- Working with local civic organizations to install medallions or to stencil catch basins to remind the public that pollutants entering the storm sewer system reach local water

Permittees should ensure that residents from a diverse range of socio-economic backgrounds are able to participate. This may include having hard copies of the SWMP available and publishing the SWMP in different languages.

5.2.2.3 Construction Discharge Management

MS4 permittees must have a construction site storm water runoff control program in place. The program must address construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in the program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The program must use regulatory mechanisms, such as ordinances or other methods, to require erosion, sediment and waste materials management controls to be used and maintained at construction projects from initial clearing through final stabilization. In addition, the program must outline procedures for site plan review which incorporate consideration of potential water quality impacts, procedures for receipt and consideration of information submitted by the public, and procedures for site inspection and enforcement of control measures.

5.2.2.4 Post Construction Storm Water Control

MS4 permittees must also develop a post-construction storm water control program. The program must:

- Develop and implement strategies which include a combination of structural or non-structural BMPs appropriate for the community.
- Use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under state or local law.
- Ensure adequate long-term operation and maintenance of BMPs.

Ordinances are a suitable way to ensure post-construction control methods are implemented. Such ordinances, or other regulatory mechanism, could include:

- Incorporation by reference of established technical standards
- Requirements that developers submit plans for approval prior to construction
- Requirements that developers operate and maintain post construction facilities in accordance with their design
- Enforcement action available to the MS4 permittee if developer noncompliance is discovered.

5.2.2.5 Illicit Discharge Management

Permittees must develop and enforce a program to detect and eliminate illicit discharges to the MS4. The program must:

- Develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the United States that receive discharges from those outfalls.
- To the extent allowable under state, tribal or local law, effectively prohibit, through ordinance, or other regulatory mechanism, non-storm water discharges into the storm sewer system and implement appropriate enforcement procedures and actions.
- Develop and implement a plan to detect and address non-storm water discharges, including illegal dumping, to the system.
- Inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste.

One way illicit discharges are detected is through dry weather monitoring. MS4 permits require that the permittees conduct dry weather monitoring to ensure illicit discharges are not occurring. Additionally, permittees can establish a hotline, email address, or published municipal phone number for reporting of illicit discharges by the public. Public education of permitted non-storm water related discharges should also occur to reduce illicit discharges.

5.2.2.6 Pollution Prevention/Good Housekeeping for Municipal Operations

Pollution prevention and good housekeeping should be achieved through implementing BMPs. The permit may outline some minimal measures that the MS4 must take to ensure compliance. Activities required may include but are not limited to:

- Inspection and cleaning of catch basins and inlets
- Development of operations and maintenance procedures for streets, roads, highways and parking lots
- Inventory and management of street/road maintenance materials
- Street, road, highway, and parking lot sweeping plans
- Litter control
- Operations and maintenance procedures for other municipal areas and activities (parks, snow removal, fleet and vehicle washing operations, etc.)
- Requirements for pesticides, herbicide and fertilizer applications
- Storm water pollution prevention/good housekeeping training for staff

While the list above reflects some common permit requirements the MS4 should always refer to the permit for the complete list of requirements.

5.2.3 Reviewing and Updating the SWMP

The SWMP should be reviewed annually or as required in the permit. In the review permittees should analyze and update the SWMP as needed or required by the permit. Some permits might require the permittee to update the SWMP after a certain time to implement any special conditions. Special conditions might include requirements for activities designed to limit discharge of pollutants of concern.

5.3 Discharge to Water Quality Impaired Receiving Water

In cases where an MS4 is discharging to an impaired waterbody, the permit will contain special conditions. The special conditions will include additional measures that the permittee must take to ensure the MS4 is not increasing loading of the pollutants of concern for the impaired waterbody. Measures could include additional monitoring or BMPs. If an MS4 discharges to an impaired waterbody, permittees need to pay extra attention to the special conditions section of the permit to ensure compliance.

5.4 Monitoring, Recordkeeping, and Reporting

MS4 permits contain the specific monitoring and reporting requirements. The submission schedule will contain most of the reporting requirements with the first date each deliverable is due. Additional submittals may be required, such as the MS4 developing a monitoring/assessment plan, which include monitoring frequency, monitoring locations, and a quality assurance project plan (QAPP).

5.4.1 Monitoring Frequency

Monitoring frequency must be in accordance with the permit. If the permit does not set a specific frequency then the permittee must develop a monitoring/assessment plan sufficient to meet the minimal sampling requirements set forth in the permit. The plan should take into account dry weather discharge monitoring, wet weather monitoring, and any special conditions set forth in the permit.

5.4.2 Monitoring Locations

Monitoring locations for all activities must be identified within the monitoring/assessment plan. The number of outfalls that must be sampled and types of sampling should be based on permit requirements. Locations for wet and dry weather sampling must be identified per the permit and locations/coordinates should be marked on maps within the plan. Alternative or back up location locations should also be preselected in case the primary locations are not accessible.

5.4.3 Quality Assurance Project Plan

All MS4s operators must develop (or update) and implement a QAPP that conforms to the QA/QC requirements of 40 CFR 136.7 for all monitoring required by the permit. The QAPP must be consistent with EPA Requirements for Quality Assurance Project Plans: QA/R-5 (EPA 2001) and Guidance for Quality Assurance Project Plans: QA/G-5 (EPA 2002). The QAPP must be retained on site and made available to DEQ upon request.

5.4.4 Evaluation of Control Measures

Permittees must self-evaluate their compliance with the requirements of the permit. The evaluation must be done according to the schedule in the permit and must include the effectiveness of the control measures from the permit and any additional requirements set in special conditions. Acknowledgment that the self-evaluation was completed can be included in the annual report for documentation purposes. Because every system is different, development of a standard evaluation or framework for all permittees is not feasible. DEQ will provide assistance on an individual basis when requested.

5.4.5 Annual Reporting

The permittees must submit annual reports as required in the permit. The annual report must be submitted through DEQ's E-Permitting system after July 1, 2021. At a minimum the report must include:

- The status of compliance with permit terms and conditions
- Results of information collected and analyzed, including monitoring data, if any, during the reporting period
- A summary of the storm water activities the permittee proposes to undertake to comply with the permit during the next reporting cycle
- Any changes made during the reporting period to the permittee's storm water management program
- Notice that the permittee is relying on another governmental entity to satisfy some of the permit obligations (if applicable), consistent with 40 CFR 122.35(a)
- Any additional information the permit requires to be included in the annual report

5.5 Integrated Planning

User's Guide Volume 1, section 3.2.3.1 (DEQ 2017) discusses a municipality's financial capability and integrated planning for compliance schedule purposes. Additionally, Water Infrastructure Improvement Act provisions signed into law on January 14, 2019, codifies the integrated planning framework of the 2012 Integrated Municipal Stormwater and Wastewater Planning Approach Framework (EPA 2012) and provides local communities flexibilities to meet their Clean Water Act (CWA) obligations.

~~5.5~~5.6 Other Resources

EPA and the National Association of Clean Water Agencies (NACWA) have also developed guidance for MS4 permittees including the *MS4 Stormwater Permitting Guide* (NACWA~~EPA~~ 2018), which can be found on their webpage. Similarly, additional EPA guidance can be found on the EPA NPDES webpage.

6 Multi-Sector Storm Water General Permit (Industrial)

This section helps the reader understand topics about permitting storm water discharges associated with industrial activity under the Multi-Sector General Permit (MSGP). The State of Idaho intends to use a general permit approach to permitting storm water associated with industrial activity, consistent with EPA. Refer to the currently effective MSGP for specific permit requirements.

6.1 Obtaining Permit Coverage

To obtain permit coverage, an applicant must meet the eligibility requirements in the permit, only allow the authorized types of discharge from an industrial activity covered by the permit, and submit a timely, complete, and accurate NOI submitted through DEQ's E-Permitting System MSGP module. Prior to submitting an NOI, an applicant must complete a ~~Storm Water Pollution Prevention Plan (~~SWPPP~~)~~, and select, design, install, and implement control measures to meet numeric and non-numeric effluent limits. Authorization to discharge typically occurs 30 to 60 calendar days after DEQ notifies an applicant of DEQ's receipt of a complete NOI. The E-Permitting website has instructions on how to sign up and fill out each section of the NOI.

The fees associated with an NOI are described in Table 2. Application fees are assessed at the time of application and must be paid before coverage is obtained. Annual fees are determined based on the 12 months of coverage between October 1 and September 30 of the following calendar year[12]. If a facility files a Notice of Termination, their annual fee assessment will be pro-rated for the portion of the year up to when facility coverage is terminated.

Table 2. Multi-sector general permit fees.

Permit Type	Application Fee	Annual Fee
Multi-Sector General Permit	$1,500	$1,000
No Exposure Certification	$250	$100

6.1.1 Eligibility

The MSGP covers facilities that have an allowable discharge of storm water or authorized non-storm water associated with the primary industrial activity of the facility; refer to the current MSGP for details. The specific primary industrial activities or standard industrial classification (SIC) codes covered by the MSGP are identified in the effective permit. In general, industries covered by the MSGP include:

- Timber products
- Paper and allied products
- Chemicals and allied products
- Asphalt paving and roofing materials and lubricants
- Glass, clay, cement, concrete, and gypsum products
- Primary metals
- Metal mining (ore mining and dressing)
- Coal mines and coal mining related facilities
- Oil and gas extraction

- Mineral mining and dressing
- Hazardous waste treatment, storage, or disposal facilities
- Landfills, land application sites, and open dumps
- Automobile salvage yards
- Scrap recycling facilities
- Steam electric generating facilities
- Land transportation and warehousing
- Water transportation
- Ship and boat building and repairing yards
- Air transportation facilities
- Treatment works
- Food and kindred products
- Textile mills, apparel, and other fabric product manufacturing; leather and leather products
- Furniture and fixtures
- Printing and publishing
- Rubber, miscellaneous plastic products, and miscellaneous manufacturing industries
- Leather tanning and finishing
- Fabricated metal products
- Transportation equipment, industrial, or commercial machinery
- Electronic, electrical, photographic, and optical goods
- Non-classified facilities

6.1.1.1 Types of Discharges Authorized

Discharges of storm water associated with industrial activity and some non-storm water discharges can be authorized under the MSGP. Storm water discharges such as the following can be authorized under the MSGP:

- Storm water runoff associated with the primary industrial activity of the facility.
- Discharges designated by EPA or DEQ as needing a storm water permit.
- Discharges that do not otherwise require an IPDES permit but that mix with another discharge authorized by the MSGP.
- Storm water discharges from facilities subject to any national storm water specific ELGs.

Non-storm water discharges also authorized under the MSGP include:

- Discharges from emergency/unplanned fire-fighting activities
- Fire hydrant flushings
- Potable water, including water line flushings
- Uncontaminated condensate from air conditioners, coolers/chillers, and other compressors and from the outside storage of refrigerated gases or liquids
- Irrigation drainage
- Landscape watering, provided all pesticides, herbicides, and fertilizers have been applied in accordance with the approved labeling
- Pavement wash waters with no detergents, hazardous cleaning products, or other toxic or hazardous materials

- Routine external building washdown or power wash water that does not have detergents or hazardous cleaning products
- Uncontaminated ground water or spring water
- Foundation or footing drains where flows are not contaminated with process materials
- Incidental windblown mist from cooling towers that collects on rooftops or adjacent portions of your facility, but not intentional discharges from cooling towers

Specific industries may have additional allowed non-storm water discharges, which are specifically described in the effective MSGP permit.

6.1.1.2 Prohibited Discharges

The MSGP prohibits the discharge of some storm water and non-storm water. The specific prohibitions are contained in the permit, but are generally:

- Storm water mixed with unauthorized non-storm water discharge
- Storm water associated with construction activity
- Discharges associated with another IPDES or NPDES permit
- Storm water discharges subject to ELGs other than specifically allowed by the MSGP
- Discharges that will negatively impact historic properties
- New dischargers or new sources that will not meet applicable water quality standards
- New dischargers or new sources that will discharge pollutants to a water body that is already impaired by the pollutants proposed to be discharged, unless the discharge will meet water quality standards at the point of the discharge
- New dischargers discharging to a Tier 2 water body that will lower water quality
- New dischargers discharging to a Tier 3 water body
- Discharges to a Federal CERCLA site

6.1.2 Conditional Exclusion for Non-Exposure

Facilities that do not expose any industrial processes or materials to storm water may be eligible for exclusion from the MSGP under a No Exposure Certification (NEC). In order to qualify for this exclusion, industrial materials and activities must not be exposed to the following:

- Rain
- Snow
- Snowmelt and/or runoff

Industrial materials and activities include the following:

- Material handling equipment or activities
- Industrial machinery
- Raw materials
- Intermediate products
- By-products
- Final products
- Waste products

Material handling activities include the storage, loading and unloading, transportation, or conveyance of any:

- Raw material
- Intermediate product
- Final product
- Waste product

Additional information regarding this exclusion can be found in EPA's Guidance Manual for Conditional Exclusion from Storm Water Permitting Based on "No Exposure" of Industrial Activities to Storm Water (EPA 2000).

Permittees previously covered under the MSGP, and who subsequently qualify for and submit an NEC, do not need to terminate coverage under the MSGP. However, these permittees must continue to submit NECs every 5 years.

Facilities that have an individual IPDES permit that authorizes their discharge do not need to submit an NEC.

6.2 Effluent Limits

Effluent limits can be numeric or non-numeric. Numeric limits are tied to specific pollutant parameters which may not be discharged above specific levels. Non-numeric limits are narrative in nature and are generally met by utilizing Best Management Practices (BMPs) to reduce pollutant discharge.

6.2.1 Technology Based Effluent Limits

EPA promulgated effluent limit guidelines (ELG) and new source performance standards (NSPS) to control discharges from various industrial activities. Refer to Table 3 for industry specific effluent limit guidelines.

Table 3. Storm water-specific effluent limitations guidelines.

Regulated Activity	40 CFR Section	MSGP Sector	New Source Performance Standards (NSPS)	New Source Date
Discharges resulting from spray down or intentional wetting of logs at wet deck storage areas	Part 429, Subpart I	A	Yes	1/26/81
Runoff from phosphate fertilizer manufacturing facilities that comes into contact with any raw materials, finished product, by-products or waste products (SIC 2874)	Part 418, Subpart A	C	Yes	4/8/74
Runoff from asphalt emulsion facilities	Part 443, Subpart A	D	Yes	7/28/75
Runoff from material storage piles at cement manufacturing facilities	Part 441, Subpart C	E	Yes	2/20/74
Mine dewatering discharges at crushed stone, construction sand and gravel, or industrial sand mining facilities	Part 436, Subparts B, C, and D	J	No	N/A
Runoff from hazardous waste and non-hazardous waste landfills	Part 445, Subparts A and B	K, L	Yes	2/2/00
Runoff from coal storage piles at steam electric generating facilities	Part 423	O	Yes	11/19/82
Runoff containing urea from airfield pavement deicing at existing and new primary airports with 1,000 or more annual non-propeller aircraft departures	Part 449	S	Yes	6/15/12

In addition to the numeric effluent limits described in the industry specific ELGs, the MSGP contains non-numeric technology based effluent limits. These include:

- Minimizing exposure of storm water to pollutants
- Maintaining good housekeeping of the site to reduce the quantity of pollutants available for contact with storm water
- Maintaining storm water controls to ensure effectiveness in pollutant reduction
- Spill prevention and response
- Erosion and sediment control
- Runoff management
- Employee training related to storm water management
- Non-storm water discharge management
- Dust and vehicle tracking reduction

6.2.2 Water Quality Based Effluent Limits

WQBELs are developed based on the specific water body to which a facility discharges. Properly chosen, designed, and implemented storm water controls will typically meet WQBELs. When appropriate, DEQ will authorize a discharge incorporating additional measures to meet water quality standards or a TMDL or may require a permittee obtain an individual permit rather than coverage under the MSGP.

6.3 Control Measures

Control measures are processes or BMPs to minimize pollutant discharges. They are chosen, designed, installed, and implemented to help a facility meet the numeric and non-numeric limits in the MSGP. Factors that should be considered when choosing and designing control measures include:

- Preventing storm water from contacting pollutants rather than trying to remove pollutants from storm water
- Combining control measures which may be more effective than using control measures in isolation
- Understanding the type and quantity of pollutants present on your site to better design or install control measures
- Reducing connected impervious areas to minimize runoff
- Reducing the rate of discharge to reduce the pollutant discharge

6.4 Site Inspection

Permittees are required to conduct routine site inspections and discharge inspections to determine the effectiveness of the storm water controls. The goal of the inspection is to identify whether the storm water controls that are installed are effective, in need of maintenance, or in need of corrective actions. Inspections should be conducted during normal business hours and should cover the industrial areas of the facility that are exposed to storm water. Inspections should be conducted by personnel knowledgeable regarding storm water controls and pollution prevention.

Routine inspections should identify areas where industrial materials may come in contact with storm water, where leaks or spills have occurred, where there is track-out of pollutants from the facility, and where any control measures need maintenance, repair, or replacement. Storm water discharge inspections should include storm water discharge sampling and observation to determine what, if any, pollutants are being discharged and in what quantity.

6.4.1 Inspection Frequency

Permittees should conduct routine and discharge inspections at least once per quarter for all facilities. Some facilities may consider more frequent inspection. It is possible, though not required, that storm water monitoring and routine inspections occur at the same time. Visual storm water monitoring should be conducted for each of the discharge locations of the facility, except when two or more discharge locations have substantially identical effluent, in which case visual monitoring of one location may be assumed to apply to all identical discharge locations. Discharge inspections should be conducted within the first half hour of discharge, when possible.

Inspection frequency may be reduced when a facility is inactive or unstaffed and there are no industrial materials or activities exposed to storm water.

6.4.2 Inspection Areas

The permittee should observe the following areas during an inspection, so long as it is safe to observe them:

- All areas that have industrial activity or industrial materials
- All discharge locations
- All storm water controls
- All applicable areas with cleaning supplies (i.e. spill kits, etc.)
- All areas with snowmelt discharges

6.4.3 Inspection Reports

Routine inspections may determine that corrective action or routine maintenance is required. Routine inspections should be documented with, at minimum:

- Inspection date and time
- Name and signature of the inspector
- All of the observations of the inspection
- Any additional control measures necessary to comply with the permit
- Any incidents of non-compliance observed
- Any corrective actions taken, including date and time of completion

When a discharge inspection is conducted concurrently with a routine inspection, they may be documented together. Discharge inspections require additional documentation, including:

- Visual description of the discharge
- Location of the samples collected
- Time and date the samples were collected
- Sources of any storm water contamination

6.5 Corrective Actions

Permittees are required to take corrective actions when:

- An unauthorized discharge occurs.
- A discharge violates a numeric effluent limit applicable to your facility.
- The control measures installed are insufficient to meet water quality standards or non-numeric effluent limits in the permit.
- A required control measure was never installed, installed incorrectly or is not being properly operated or maintained.
- When a visual assessment shows evidence of storm water pollution.

Corrective actions can be taken the same day as discovery of the condition, as well as subsequent actions taken within the following 14 days. If more than 14 days are needed to conduct corrective actions, the permittee should notify DEQ of the intention to exceed 14 days, their rationale, and the expected completion date. The permittee must maintain a record of all corrective actions.

Taking corrective action to address an effluent limit violation does not remove the original violation. The goal of corrective action is to prevent subsequent violations. When the violation is at a "substantially similar" discharge location with reduced monitoring as described in the permit then corrective action is required at each of the substantially similar discharge locations.

6.6 Monitoring Requirements

Permittees must collect and analyze storm water based on specific requirements for each sector covered. Storm water must be collected at each discharge location unless multiple locations have substantially similar discharge, in which case, a single, representative sample may be collected. Substantially similar discharges have similar exposed materials, storm water controls, and runoff coefficients. Discharge locations subject to numeric effluent limits must all be sampled. Samples should be conducted prior to a discharge commingling with discharges that are not authorized under the permit.

Monitoring should occur for storm events with at least 72 hours of dry weather prior to the storm event. Monitoring for snow melt should occur when there is measurable snowmelt discharge.

Sampling must be conducted once per quarter for the first four quarters of permit coverage, unless there is no storm water discharge during a quarter because of seasonal weather patterns, in which case sampling should continue on a quarterly basis until at least four sampling events have occurred. The results of the sampling will determine if additional quarterly sampling is required, and may result in additional implementation measures. Additional implementation measures are additional steps taken to reduce pollutant loads in storm water runoff.

6.6.1 Benchmark Monitoring

Permittees must analyze their storm water discharge to compare with their sector's specific benchmark values. Exceedance of benchmark values indicates that the storm water controls chosen are not effectively treating storm water discharge. Benchmark values are not effluent limits and exceeding them does not constitute a permit violation. The goal of the benchmark values is to inform the permittee if their storm water controls are effective and help the permittee determine if corrective action is necessary. Failure to complete a necessary corrective action can be a permit violation.

Permittees must conduct sector specific benchmark monitoring at least once per quarter for the first year of permit coverage. If the annual average of the benchmark values exceeds the annual average benchmark, the permittee is required to continue benchmark monitoring until a rolling annual average is below the annual average benchmark.

When an annual average benchmark is exceeded, the permittee should evaluate the storm water controls chosen, their installation and maintenance, and the potential need for additional storm water controls. If the evaluation determines that further reductions are not technologically available or economically practicable, then the permittee must continue to monitor at least once per year. The rationale for why no further pollutant reduction is possible must be documented in the facility's SWPPP.

6.6.2 Additional Implementation Measures

Permittees are required to take Additional Implementation Measures (AIM) in response to exceeding benchmark testing values. Further, if benchmark values continue to be exceeded consistently, the required AIMs increase in stringency. AIMs can be as simple as reviewing the selection, design, installation, and implementation of your control measures, or as complex as

installing permanent structural source controls such as infiltration or retention controls. As the complexity of the AIM increases, the timeline allowed for completing the AIM is extended. AIMs may be required as soon as 14 days after the benchmark exceedance triggering the AIM, or as late as 90 days of the benchmark exceedance. If more than 90 days are necessary to conduct the AIM response, a permittee may request an extension from DEQ.

6.7 Storm Water Pollution Prevention Plan ~~(SWPPP)~~

A SWPPP is a document detailing the facility, the choice and maintenance of control measures, the steps taken to reduce discharge of pollutants in storm water associated with industrial activity, and the people responsible for said decisions. EPA has produced SWPPP templates and guidance for completing a SWPPP that are available through the EPA website. The SWPPP must be prepared by a qualified person who is knowledgeable about good engineering practices and industry standards. This person may be a professional engineer or professional geologist depending on the specific industry.

6.7.1 Contents of SWPPP

A SWPPP must contain a list of all facility personnel responsible for storm water pollution prevention and indicate each person's specific responsibilities related to storm water pollution prevention. The storm water pollution prevention team is responsible for overseeing development of a SWPPP, modifying the SWPPP, implementing and maintaining control measures, and conducting corrective actions.

A SWPPP should describe the facility and industrial activities. The description may be a narrative explaining the industrial activities at the facility. It should also include maps showing the general area the facility is located in and receiving waters for storm water discharges. In addition, there should be a separate site map that shows the following:

- Boundaries and size of the property
- Location and extent of significant structures and impervious surfaces
- Directions of all storm water flows
- Locations of all storm water controls
- Locations of all receiving waters in the immediate vicinity of the facility
- Location of all storm water conveyance
- Location of all potential pollutant sources
- Location where significant spills or leaks have occurred
- Location of all storm water monitoring points
- Location of all storm water inlets and discharge points
- Any MS4s to which the storm water is discharged
- Any critical or endangered species habitats
- Locations where industrial activity is exposed to storm water

The SWPPP should contain a narrative explaining the industrial material or activity exposed to storm water or from which authorized non-storm water discharges occur. The type of industrial activity that should be described include:

- Material handling areas

- Industrial machinery
- Raw materials
- Industrial production and processes
- Intermediate products
- By-products
- Final products
- Waste products that are exposed to storm water

The SWPPP should contain a description of the BMPs utilized by the site to comply with the effluent limits in the permit. This narrative description should include:

- Good housekeeping measures and schedules
- Preventative maintenance procedures and schedules
- Spill prevention and response procedures
- Employee training records related to storm water
- Inspection and monitoring results

6.7.2 SWPPP Modifications

The SWPPP is intended to be a living document that is updated when storm water controls are changed or facility personnel receive training. Conditions that require corrective action frequently also require updates to the SWPPP. The SWPPP must be signed, and dated by the qualified person who prepared it when it is first developed, and reviewed, signed, and dated by a qualified person after each modification.

6.7.3 SWPPP Availability

SWPPPs must be kept readily available on-site, which may include electronic form so long as it is readily accessible for regulatory inspectors. The SWPPP also must be made available to the public except for confidential business information.

6.8 Annual Reporting

Each year permittees must submit an annual report through DEQ's E-Permitting System that summarizes the storm water pollution prevention efforts taken in the prior year. It should summarize:

- Inspections conducted
- Visual observations
- Water quality test results
- Any corrective actions taken
- Changes to the storm water controls implemented based on the above
- Any noncompliance during the previous year or currently ongoing

6.9 Sector-Specific Requirements

Each sector covered by the MSGP has specific requirements relevant to the industrial processes, materials, and wastes typically found at that type of facility. Sector-specific requirements may

include alternate BMPs, documentation of industry specific materials, additional monitoring or inspection requirements, or specific numeric or non-numeric effluent limits.

6.10 Conditions for Terminating Coverage

Coverage under the MSGP should be terminated if one of the following conditions is met:

- A new owner or operator has taken responsibility for the facility
- All industrial activity has ceased at the facility or
- An individual permit has been obtained

Some industrial sectors may have additional requirements to file for termination of permit coverage. The specific requirements of each industry are explained in the permit in the sector-specific requirements sections.

6.11 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft MSGP is developed. Additional guidance on the process is outlined in the User's Guide Volume 1 (DEQ 2017a).

6.12 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector (User's Guide Volume 1, section 9 [DEQ 2017a]). DEQ compliance monitoring is expected to be conducted on at least 10% of regulated industrial facilities annually. DEQ will follow up on tips and complaints about potentially unpermitted sites.

References

DEQ (Idaho Department of Environmental Quality). 2017. *User's Guide to Permitting and Compliance Volume 1 – General Information*. Boise, ID: DEQ. *http://www.deq.idaho.gov/media/60179930/ipdes-user-guide-ipdes-permitting-compliance-vol1-0417.pdf*

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NACWA (National Association of Clean Water Agencies). 2018. *MS4 Stormwater Permitting Guide. https://www.nacwa.org/docs/default-source/news-publications/white-papers/2018-03-07permittingguide.pdf?sfvrsn=29e1f761_4*

Key Terms

Citations for key terms used in this guide are provided below. To see the official definition for a term, users should go directly to the rule that is referenced.

Term	IDAPA, CFR, or CWA Citation
Discharge	IDAPA 58.01.25.010.27.
Effluent Limit Guideline (ELG)	IDAPA 58.01.25.003.02.y
Existing Source	IDAPA 58.01.25.010.36
General Permit	IDAPA 58.01.02.010.40
Idaho Pollutant Discharge Elimination System (IPDES)	IDAPA 58.01.25.010.42
Industrial Wastewater	IDAPA 58.01.25.010.46
Major Facility	IDAPA 58.01.25.010.51
National Pollutant Discharge Elimination System (NPDES)	IDAPA 58.01.25.010.56
New Discharger	IDAPA 58.01.25.010.57
New Source	IDAPA 58.01.25.010.58
Notice of Intent (NOI) to Obtain Coverage Under an IPDES General Permit	IDAPA 58.01.25.010.60
Outstanding Resource Water	IDAPA 58.01.02.10.72
Permit	IDAPA 58.01.25.010.63
Person	IDAPA 58.01.25.010.64
Pollutant	IDAPA 58.01.25.010.66
Pretreatment	IDAPA 58.01.25.010.68
Process Wastewater	IDAPA 58.01.25.010.71
Reuse	IDAPA 58.01.16.010.71
Sewage Sludge	IDAPA 58.01.25.010.84
Silvicultural Point Source	IDAPA 58.01.25.010.87
Storm Water	IDAPA 58.01.25.010.94
Technology-Based Effluent Limit (TBEL)	IDAPA 58.01.25.010.95
Total Maximum Daily Load (TMDL)	IDAPA 58.01.02.010.100
TMDL WLA	IDAPA 58.01.02.010.108
Variance	IDAPA 58.01.25.310
Wasteload Allocation (WLA)	IDAPA 58.01.25.010.104
Water Quality-Based Effluent Limit (WQBEL)	IDAPA 58.01.25.010.107
Waters of the United States	IDAPA 58.01.25.003.02.aa
Watershed	IDAPA 58.01.02.010.115
Whole Effluent Toxicity (WET)	IDAPA 58.01.25.010.110

Endnotes: IDAPA and CFR References

[1] IDAPA 58.01.02.051 (Antidegradation Policy)
[2] IDAPA 58.01.02.051 (Antidegradation Implementation)
[3] IDAPA 58.01.25.050 (Computation of Time)
[4] IDAPA 58.01.25.102.02 (Operator's Duty to Obtain a Permit)
[5] IDAPA 58.01.25.130.05 (Administration)
[6] IDAPA 58.01.25.130.05.d
[7] IDAPA 58.01.25.130.06 (Case-by-case Requirements for Individual Permits)
[8] IDAPA 58.01.25.204 (Appeals Process)
[9] IDAPA 58.01.25.109 (Public Notification and Comment)
[10] IDAPA 58.01.25.110 (Fee Schedule for IPDES Permitted Facilities)
[11] 40 CFR 122.26(b)(8) and (b)(16).
[12] IDAPA 58.01.25.110 (Fee Schedule for IPDES Permitted Facilities)