

IPDES Guidance Development

Permittee / Permit Writers' Guidance
Compliance / Inspection Guidance



Guidance Development Goals

Generate guidance that:

- 1) Directs DEQ to effectively implement the IPDES Program
- 2) Assists the community through permitting and compliance

Guidance Development Goals

-Permitting-

Develop and issue permits that are:

- Compliant with state and federal regulations
- Timely
- Consistent

Guidance Development Goals -Compliance Evaluation-

Develop procedures to:

- Provide effective compliance assistance
- Maintain inventory of permits and required reports
- Investigate and process notices and reports
- Inspect, survey, and follow-up technical evaluations
- Screen, identify, and prioritize violations
- Produce defensible evidence for enforcement actions

Guidance Development Strategies

Existing EPA guidance:

- NPDES Permit Writers' Manual (September 2010)
- NPDES Compliance Inspection Manual (July 2004)
- Enforcement Management System (February 1986)
- ~25 guidance documents specific to permitting
- ~40 guidance documents specific to compliance, inspections, and enforcement

Guidance Development Strategies

1) Modify existing EPA guidance to meet Idaho-specific requirements:

- NPDES Permit Writers' Manual (September 2010)
- NPDES Compliance Inspection Manual (July 2004)

OR

2) Create *A Permittee's Guide to Permitting and Compliance*

Permittee's Guide to Permitting and Compliance

User benefits include:

- A plain English guide
- One reference document
- Relevant information specific to permittees

Permittee's Guide to Permitting and Compliance

Components include:

- Permittee Responsibilities
- IPDES Personnel Responsibilities
- Application Requirements
- Permit Generation
- Online User Interface
- Compliance Guidance and Assistance
- Inspection Procedures

Guidance Strategy Summary

- **Strategize guidance development**
 - Implement the IPDES Program
 - Guide users through the IPDES process
- **Begin with user-focused guidance**
 - A Permittee's Guide to Permitting and Compliance

Guidance Development Strategies



Specific Guidance Documents

- Public Participation in the Permitting Program
- Designation Criteria and Selection Process for Small MS4s
- Introductory Chapters to Permitting / Permit Writer's Manual

Public Participation in the IPDES Permitting Process

December 2, 2015



IPDES Public Participation -Guidance Objectives-

- **Overview**
- **Basic public participation**
- **Supplemental public participation**
- **Supplemental communication tools**
- **Actions to modify, revoke & reissue, terminate**
- **Appeals process**
- **Online user interface and Permit Issuance Plan (PIP)**

Overview

- **Protect water quality (IDAPA 58.01.02)**
- **Enhance access and equal protection**
- **Ensure efficiency and program integration**
- **Feedback, assessment, continuing improvement**

-Effectively Communicate IPDES Actions-

Basic Public Process

- **Basic process in IDAPA 58.01.25**
 - “Rules Regulating the IPDES Program”

**Draft
Permit**

» **Public notice and 30-day comment**

**Proposed
Permit**

» **Response to comments; EPA review**

**Final
Permit**

» **Administrative record available**

Supplemental Public Processes

- **Additional communication and outreach for projects:**
 - Large and complex
 - Locally or regionally important or controversial
 - Raise resource concerns
 - Near sensitive or protected resources or areas
 - Use new or complex technologies

Supplemental Communication Tools

- **Permit plan**
- **Project representation**
- **Pre-application process**
- **Public meetings**
- **Extended public comment periods**
- **Additional outreach and notifications**
- **Tribal government coordination**

Modify, Revoke and Reissue, or Terminate

- **Modify, or Revoke and Reissue**
 - Modification: only conditions are re-opened
 - Revoke and Reissue: entire permit re-opened
 - **Terminate**
 - For cause or discharge permanently terminated
 - Notice of intent to terminate
- Same public involvement as draft permit-**

Appeals Process

- **IDAPA 58.01.25.204 identifies process for:**
 - **Filing a Petition for Review**
 - **Identifying hearing authority**
 - **Public notification**
 - **Filing a Petition for Judicial Review, etc.**

Additional Public Opportunities

- **Permit Issuance Plan**
 - DEQ permitting schedule
 - Updated annually
 - Emailed/Posted on DEQ webpage
- **Online User Interface**
 - Public access to permit information
 - Search, view, and download documents and content

Summary

- **Effectively and transparently communicate with the public regarding IPDES permitting activities**

Public Participation Process



Designation Criteria and Selection Process for Small MS4s



December 2, 2015



Small MS4 Designation Process

-Guidance Objectives-

- **40 CFR 123.35 – Establish criteria and procedures to identify and regulate Small Municipal Separate Storm Sewer Systems (MS4s)**
 - Not medium or large MS4s – 40 CFR 122.26(b)
 - Not in urbanized areas (UAs) – 40 CFR 122.32(a)(1)

Small MS4 Designation

1. Small MS4s within UAs

- Automatically designated

2. Small MS4s outside of UAs

- Designated

- MS4s that substantially contribute pollutant loadings to a physically interconnected MS4

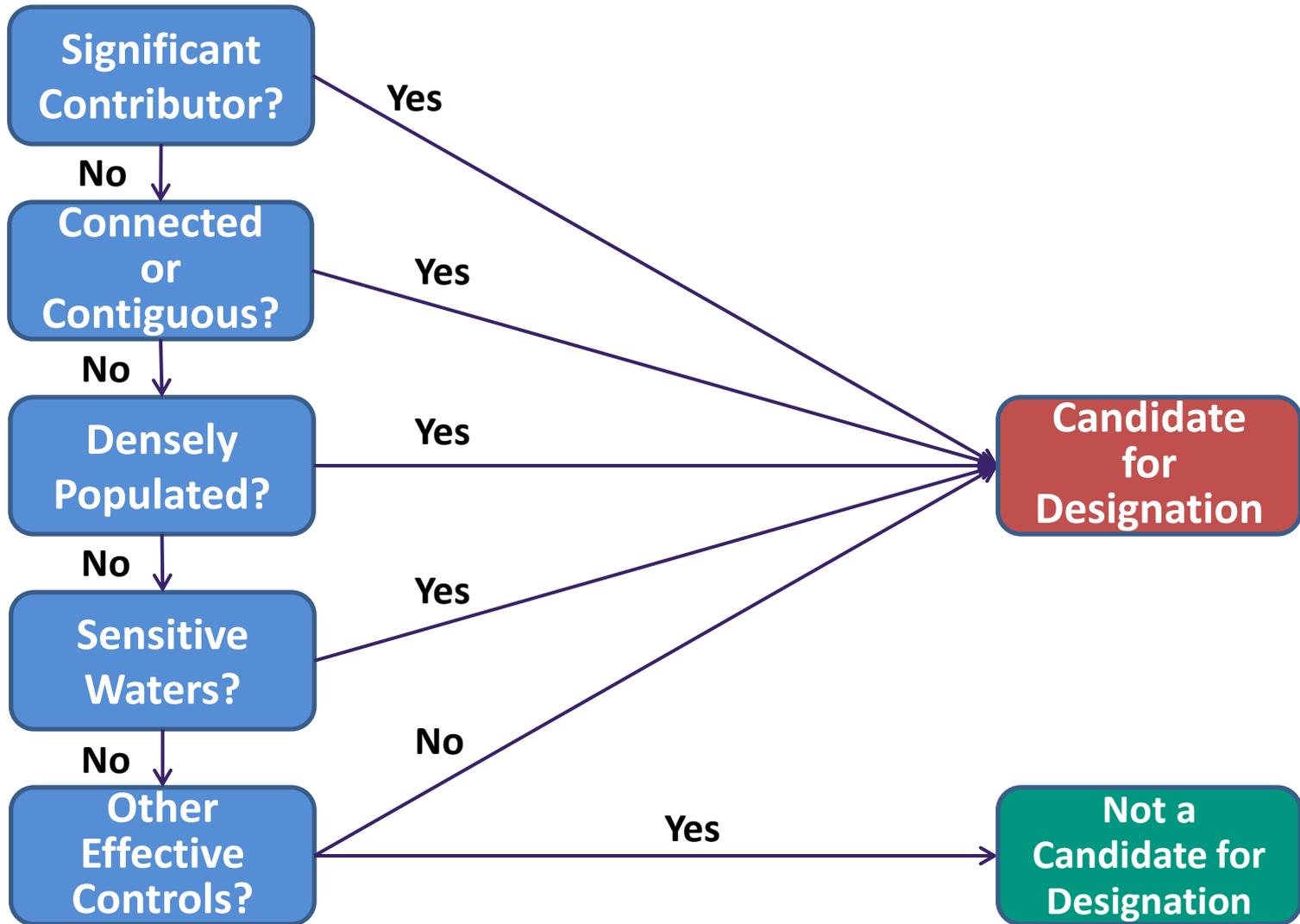
- Candidates

- MS4s that serve 10,000 people and 1,000 people/mi²
- MS4s that meet permitting authority designation criteria

Idaho's Urban Cluster Areas (2010)

City	Population
Ammon	13,816
Blackfoot	15,352
Burley	15,977
Caldwell ^a	46,237
Chubbuck ^a	13,922
Garden City	10,972
Hailey	10,453
Hayden	13,294
Jerome	10,892
Kuna	15,234
Meridian	75,092
Moscow	24,212
Mountain Home	16,531
Post Falls ^a	27,574
Rexburg	26,852
Sandpoint	10,840
Twin Falls	48,836
a. Currently operating with a MS4 permit.	

Small MS4 Designation Criteria



Small MS4 Designation Criteria

- 1. Is the MS4 a significant contributor of pollutants to waters of U.S.?**
 - Discharge to 303(d)-listed waters
 - MS4 required to reduce pollutants via TMDL

Small MS4 Designation Criteria

- 2. Is the MS4 physically interconnected to another MS4 or contiguous to a UA?**
 - Adjacent MS4s will be considered**
 - Significant contributors to interconnected MS4s must be included – 40 CFR 123.35(b)(4)**

Small MS4 Designation Criteria

3. Is the MS4 densely populated or has a high growth potential?

- Densely populated = Serving at least 10,000 people and 1,000 people/mi²
- High growth or growth potential = population grown 10% or more in 10 years

Small MS4 Designation Criteria

4. Does the MS4 discharge storm water to sensitive waters?

– Consideration for discharge within 1 mile of:

- Public drinking water intakes
- Public swimming beaches
- Shellfish beds
- Outstanding Resource Waters
- Federal, state, and local parks
- Waters with T&E species or habitat

Small MS4 Designation Criteria

- 5. Is the storm water from the MS4 effectively addressed by other water quality programs?**
 - Other regulations or programs (e.g. non-point programs)**

Small MS4 Designation Process

- Evaluate MS4s in questions 1 – 5
- Identify candidate small MS4s
- Work with candidates to make appropriate determination

Summary

- **Ensure effective and transparent process to identify candidate and designated small MS4s**

Small MS4 Designation

