

Idaho Pollutant Discharge Elimination System

DRAFT User's Guide to Permitting and
Compliance Volume 4—General Permits
Excluding Storm Water

State of Idaho
Department of Environmental Quality
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1 Introduction (General Permits Excluding Storm Water)

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 4 – General Permits* (User's Guide Volume 4) provides assistance to entities seeking coverage under one of Idaho's IPDES General Permits, excluding storm water, for complying 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.

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 U.S. 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 or 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 General Permit (excluding storm water) facilities. Additionally, this guide is designed to help the regulated community (applicants and permittees) and other users:

- Understand General Permit specific IPDES application processes and NOI requirements.
- Comply with all processes, protocols, and requirements of IPDES general permits.

1.2 Relationship to Existing Rules and Guidance

User's Guide Volume 4 supports implementation of the CWA, federal regulations, and Idaho Code, administrative rules, and guidance. The guide complies with 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 4 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 general permits excluding storm water 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).

1.2.1 Clean Water Act Background

The Federal Water Pollution Control Act (or 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 to discharge pollutants to waters of the United States. 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 general permits. IPDES general permits will describe in the fact sheet how the general permit meets the requirements of the antidegradation policyⁱ and implementationⁱⁱ. More information on the process for conducting an antidegradation review may be found in DEQ's antidegradation guidance (DEQ 2012 draft).

1.3 Legislative and Regulatory Citations

The following conventions are used to cite legislation and regulations:

- Idaho Code—Title of the code follow 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 Computationⁱⁱⁱ

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.

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 general permit must submit a Notice of Intent (NOI) to obtain coverage for discharges to waters of the United States. The required content of an 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^{iv}. This guidance will refer to the operator's responsibilities to acquire coverage under an IPDES general 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(es)
- Federally issued EIN

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(es)
- 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 location(s) (latitude and longitude)
- Township, range, and section
- County
- Whether it lies on Indian lands
- 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 unit processes (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.
- 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

2.3 Approval to Discharge

Each general permit specifies the deadlines for submitting notices of intent for coverage and the process for authorizing a discharge. There are four ways an applicant may be authorized to discharge^v. These include:

1. Upon DEQ's receipt of the notice of intent
2. After waiting a prescribed amount of time
3. On a specific date identified in the general permit
4. Upon the applicant's receipt of a notification from DEQ

DEQ may, in some circumstances where submitting an NOI may be inappropriate, not require the submittal of an NOI. However, DEQ shall consider the type, expected nature, potential for toxic and conventional pollutants, expected volume, and the estimated number of dischargers before making this determination. In these instances, DEQ may consider other means for identifying the dischargers covered by the permit.

If an owner or operator of a facility eligible for coverage under a general permit does not wish to be covered under the general permit, a request to be excluded should be submitted to DEQ^{vi}. 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^{vii}. 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^{viii}.

3 Public Participation

The process for providing public participation on an IPDES permit (either individual or general permit) is identified in the IPDES rules^{ix} and outlined in the Public Participation in the Permitting Process Guidance (DEQ 2016a). An overview of this process is outlined below. Public participation is encouraged and general 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 general permittees and keep them informed during the general permit development process, including developing the NOI requirements for a general permit. 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), SHPO, and any affected Indian tribe
- Any state agency responsible for plan development under CWA, USACE, 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

DEQ will ensure that if any written recommendations from a state or Indian tribe whose waters may be affected by issuing an IPDES permit are not included, DEQ will notify the affected state 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 the first 14 days of the public comment period, or for another good reason.

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. The CAFO general permit requires a 30 day public notification and comment period when a facility seeks coverage. Other general permits do not have the same public notification and comment requirements. Each chapter in this guide will discuss the approval process and potential for public participation.

4 Ground Water Remediation

This chapter helps the reader understand topics about permitting Ground Water Remediation Facilities. The state of Idaho has 1 ground water remediation general permit (IDG911000) at the time of the preparation of this guidance document. DEQ believes that a general permit is appropriate for ground water remediation facilities because they are located within the same geographic area, involve the same or substantially similar types of operations, discharge the same types of waste, require the same effluent limits or operating conditions, require the same or similar treatment technologies or monitoring requirements.

4.1 Understanding the Permit

The following sections identify and summarize the elements of the ground water remediation general permit.

4.2 Permit Coverage

Groundwater Remediation Facilities are defined as facilities where operators conduct *ex-situ* ground water remediation activities, such as pump and treat or seepage water collection systems in which treated ground water is discharged to waters of the United States within the State of Idaho. Operators of construction/excavation dewatering activities, building dewatering, and aquifer pump testing that occur at designated or known contaminated sites are also eligible for coverage under the GWGP, subject to the limitations and conditions set forth in the IPDES GWGP.

4.2.1 Permit Eligibility

Operators of facilities conducting the operations described in 4.2 and that discharge to a water of the United States within the state of Idaho are eligible to be covered by the GWGP. The GWGP covers six existing facilities in the state of Idaho that discharge remediated ground water into waters of the United States. Operators of facilities seeking coverage under the GWGP should apply using the IPDES E-Permitting System when it becomes functional, and until that time, should use the application instructions in Section 4.2.7 below.

4.2.2 Facilities Ineligible for Coverage

Facilities that are eligible for coverage are described above. Facilities ineligible for coverage under the IPDES GWGP are:

- Facilities associated with an on-scene coordinator emergency response action
- Facilities associated with a federal superfund cleanup action
- Facilities associated with mining operations
- Pretreatment facilities
- Underground injection control program permitted facilities
- In-situ treatment facilities
- Facilities authorized under another appropriate NPDES permit

The GWGP provides more information on facilities that are ineligible for coverage. DEQ may determine that a facility should be covered by an individual permit rather than the general permit. Any permittee eligible for coverage under the general permit may instead request an individual permit.

4.2.3 Requirements for an Individual Permit

DEQ may require any discharger requesting, eligible, or authorized by the GWGP to apply for an individual IPDES permit. Individual permits may be more appropriate:

- If the discharger is not in compliance with the general permit
- If a change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point source
- If effluent limitation guidelines are promulgated for the ground water remediation facility
- If a TMDL containing requirements applicable to the point source is approved, or
- If the discharge is a significant contributor of pollutants.

4.2.4 Receiving Waters

The permittee must identify the receiving water and its beneficial uses in their NOI. The ground water remediation general permit authorizes discharge of specific pollutants to waters of the US within the state of Idaho, except for the following:

- Receiving waters not supporting their designated uses as identified in DEQ's most recent EPA-approved Integrated Report (Sections 4(a), 4(b), 4(c) and 5: "Impaired Waters") if the discharge contains the pollutant for which the waterbody is impaired and contributes to the impairment
- Waters designated as Tier 2 "high quality" waters in the State of Idaho Water Quality Standards
- Outstanding Resource Waters
- Receiving waters within one hundred yards upstream of or within a tribal reservation or designated Indian Country inside the State of Idaho
- Receiving waters designated under the Wild and Scenic Rivers Act
- Receiving waters where federally listed threatened, endangered, or candidate species, or designated or proposed critical habitat, pursuant to the Endangered Species Act (ESA) are present, or to any receiving waters determined to be essential fish habitat (EFH) under the Magnuson-Stevens Fishery Management and Conservations Act
- Receiving waters within one-half mile upstream of a permanent drinking water intake for a municipality

4.2.5 Waiver to Discharge to Excluded Receiving Waters

An applicant can apply for authorization to discharge to receiving waters excluded from permit coverage. In that case they must submit a complete request for the waiver with their NOI. More information regarding the required information to submit for the waiver is found in the GWGP, and will typically include a description of the circumstances requiring a discharge to the excluded water and any alternatives considered, a description of why the discharge will not cause

or contribute to a violation of Idaho WQS, and other relevant information. DEQ will consider each case on its individual merit before authorizing the discharge under the general permit.

4.2.6 Authorization to Discharge

Operators of new facilities covered by the general permit will be authorized to discharge as of the date of written notification. A permittee authorized to discharge under the GWGP must submit an updated and/or amended NOI when there is any material change in the information submitted within its original NOI. The authorization to discharge is subject to the limitations in the permit and does not include spills or other unintentional or non-routine discharges of pollutants that are not part of the regular operation of the facility. DEQ will send a letter to the permittee when authorization is granted.

4.2.7 Notice of Intent Requirements

Notices of Intent (NOIs) should be submitted through the IPDES E-Permitting System when it is updated to include general permits. Until the IPDES E-Permitting system is updated, permittees should submit a hard copy of the NOI, and include any waiver requests or other necessary information, with their NOI. In addition to the information described in the GWGP, the applicant will need to submit additional information described below for the GWGP NOI.

4.2.7.1 Facility Category

Operators of facilities applying for coverage under the GWGP must identify the category their facility or activity conforms to. The GWGP describes the six general facility categories covered by the permit. The category chosen will determine the sampling data required to be submitted with the NOI.

- A-1: Gasoline Only Sites
- A-2: Fuel Oils (and Other Oils) Only Sites
- A-3: Mixed Petroleum Sites Containing Other Contaminants
- B-1: Volatile Organic Compound (VOC) Only Sites
- B-2: VOC Sites with Other Contaminants
- B-3: Sites Containing Primarily Metals

4.2.7.2 Operations and Production Information

The NOI must include a drawing of the water flow through the facility with a water balance and a description of any chemical additives or biocides used in the treatment process. Safety Data Sheets must be included for these chemicals.

4.2.7.3 Nature of Contamination

The NOI must include the laboratory analytical results for three rounds of influent and effluent sampling of each chemical of concern (COC) requiring limits in the self-identified ground water remediation facility category. The categories are described in section 4.2.7.1 above. Instead of submitting results for the chemicals of concern, a facility may choose to submit a full Priority Pollutant scan (see 40 CFR 122.21 Appendix D) for the influent and effluent samples from the ground water remediation facility.

Operators of new facilities that have not yet discharged must include the remedial action treatment system design criteria and/or the anticipated effluent concentrations of all COCs known to be present in the effluent.

Operators of facilities can use EPA Form 2E as a template for how to submit the required data to DEQ, or may use a data table of their own to submit the required data. The NOI must include sampling data for all COCs for the facility category, as described in Tables 1-6 in the GWGP.

The operator of the facility must submit the nature of the ground water contamination and how it originated, and include the SIC code of the industry that caused the ground water pollution (if applicable).

4.2.7.4 Description of Discharge

A description of the discharge including the design flow of the facility in gallons per day and the anticipated duration of continuous discharge is required. If the effluent is expected to be batch discharged, provide information regarding the schedule of the batch discharges. If no information regarding the schedule of discharge is provided, it is assumed the discharge is continuous.

The notice also must include the minimum, maximum, and average temperature of the discharge, and the corresponding time of year when each occur.

4.2.7.5 Receiving Water Information

Applicants must identify the name of the receiving water to which they discharge. For example, if the discharge is into a canal that flows into an unnamed tributary, which in turn flows into a named river, provide the name or description (if no name is available) of the canal, tributary, and river. To identify the receiving waters, click on the Idaho Integrated Report interactive map link on DEQ's website or contact IPDES staff for assistance. The name of the receiving water and beneficial uses associated with the receiving water must be included in the notice of intent.

Additional receiving water information that should be provided includes:

- The name of any water bodies within 1 mile downstream of the discharge, and the beneficial uses of those water bodies.
- Any federally listed threatened, endangered, or candidate species in the receiving water.
- The minimum and maximum measured flow in cubic feet per second (cfs) of the receiving water and any other receiving water within 100 yards downstream. Include critical low flows (1Q10, 7Q10, 30Q5) and how they were calculated, if available. IDWR and USGS have flow data available for parts of Idaho.
- Whether the receiving water is identified as impaired on the most recent EPA-approved DEQ integrated report, and if it is, whether the discharge is expected to contain any pollutant(s) listed on the integrated report.
- Any public water drinking sources within 0.5 mile downstream of the discharge.

If the permittee is requesting a waiver to discharge to a receiving water excluded under the general permit, a timely and complete request for the waiver is required with the NOI information. This request must include detailed descriptions of the circumstances requiring a discharge to an excluded water body and why the discharge will not cause or contribute to a

violation of Idaho's WQS. If federally listed threatened, endangered, or candidate species are present, the applicant must provide information demonstrating that there will be no adverse effect on species in the receiving water or degradation of the quality of the receiving water. This information often takes the form of a water quality analysis. More information on how to prepare a water quality analysis may be requested from DEQ.

4.2.7.6 Mixing Zone Request

Mixing zones may be allowed on a case specific basis if requested by the applicant. If a mixing zone is authorized for a general permittee, each pollutant and associated mixing zone for flowing waters or surface area for non-flowing water bodies will be described. The permit writer will use the *Effluent Limit Development Guidance* section 3.4.3 (DEQ 2017b) and *Idaho Mixing Zone Implementation Guidance* (DEQ 2016b) to develop the mixing zone criteria, when appropriate. The permittee must monitor and report the effluent and, in most instances, the background receiving water concentration of all pollutants with authorized mixing zones. Monitoring and reporting requirements are included in the effluent and receiving water monitoring sections of the permit.

If the applicant wants to request a mixing zone, they must provide a request in writing. The request must include analytical results for all COCs in the receiving water body immediately upstream of the influence of the discharge. If more data is available, it should be submitted with the NOI. Low flow statistics for the receiving water body must be calculated, and the analysis should indicate how those statistics were generated. Calculations for a dilution factor for the receiving water body should be provided.

The applicant must include a statement along with the NOI that the owner/operator of the facility will not use dilution as a form of treatment to comply with the concentration based effluent limits in the GWGP^x.

4.2.7.7 Additional Information

DEQ may request any additional information necessary to evaluate whether the discharge is consistent with the authorization criteria under the GWGP.

4.2.8 Effluent Limitations

The standard effluent limitations applicable to all IPDES permits are contained in the GWGP. These limitations are:

- Do not discharge hazardous materials in concentrations that pose a threat to public health or impair the beneficial uses of the receiving water.
- Do not discharge chemicals or toxic pollutants in concentrations that impair the beneficial uses of the receiving water.
- Do not discharge deleterious materials in concentrations that impair the beneficial uses of the receiving water.
- Do not discharge floating, suspended or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair the beneficial uses of the receiving water.

- Do not discharge excess nutrients that can cause visible slime growth or other nuisance aquatic growths impairing beneficial uses of the receiving water.
- Comply with the effluent limits for all COCs that pertain to the self-identified category of ground water remediation facility.
- Dilution of effluent as a form of treatment, or as a means of complying with concentration-based effluent limitations, is prohibited.
- Do not discharge sediment in quantities which impair beneficial uses.
- pH values must not be less than 6.5 standard units (su) nor greater than 9.0 su.
- Use a sufficiently sensitive analytical method for all effluent monitoring.

In addition to these limitations, there are six tables, one for each category of ground water remediation facility, which contain the chemicals of concern and their associated limits.

4.2.9 Whole Effluent Toxicity Testing Requirements

Whole effluent toxicity (WET) is the aggregate toxic effect an effluent has on the receiving water and is measured directly using an aquatic toxicity test. These tests are laboratory experiments that measure the biological effect (e.g., survival, growth, or reproduction) of effluents or receiving water on aquatic organisms. In aquatic toxicity tests, groups of organisms of a particular species are held in test chambers and exposed to different concentrations of an aqueous test sample. Observations are made at predetermined times to test the effect of exposure on the aquatic organisms. At the end of the test, the responses of the test organisms are used to estimate any toxic impacts from the effluent.

The GWGP contains WET testing requirements for non-continuous, intermittent, and seasonal discharges as well as for continuous discharges. If a facility discharges continually for ≥ 1 hour in any 24 hour period, a whole effluent toxicity test as described in [the WET testing section](#) of the general permit must be conducted.

4.2.10 Special Conditions

4.2.10.1 Quality Assurance Project Plan (QAPP)

All operators of facilities seeking coverage under the GWGP 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 should 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.

4.2.10.2 Best Management Practices (BMP) Plan

The permittee must develop and implement a best management practices (BMP) plan which incorporates practices that achieve the objectives and specific requirements listed in the permit. Guidance is available to help in drafting a BMP Plan: *Guidance Manual for Developing Best Management Practices* (EPA, 1993).

The BMP plan should be an iterative process that the permittee enacts that prevents or minimizes the generation and the potential for release of the COCs. Written notification of all new or altered BMP plans must be provided to DEQ by the authorized signatory official for the facility or activity.

New permittees must implement their BMP plan prior to any discharge; and provide notification to DEQ, certified by the authorized signatory official for this facility or activity. Permittees with coverage under the existing GWGP must update their BMP Plans when changes occur and provide notification to DEQ that an update was made.

BMP plan requirements can include:

- The number and quantity of COCs and the toxicity of the effluent generated, discharged or potentially discharged.
- The permittee must ensure the proper operation and maintenance of water management and wastewater treatment systems, and the control of the discharge or potential release of COCs to the receiving water.
- An evaluation for the control of COCs:
 - Each facility component or system must be examined for waste minimization opportunities, and for the potential to cause a release of significant amounts of COCs
 - If a reasonable potential for equipment failure or natural conditions or other circumstances which will result in significant amounts of pollutants reaching surface waters of the US, the plan should include a prediction of the direction, rate of flow, and total quantity of pollutants which could be released as a result of each condition or circumstance.

According to the GWGP, the BMP plan must:

- Be written in narrative form and include any necessary system schematics, drawings or maps and be developed in accordance with good engineering practices.
- Be organized and written with the following structure:
 - Statement of BMP policy
 - Name and location of the facility or activity
 - Description of potential pollutant sources
 - Specific management practices and standard operating procedures
 - Modification of equipment, facilities, technology, processes and procedures
 - The reformulation or redesign of products
 - The substitution of materials
 - The improvement in management, inventory control, materials handling, or general operational phases of the facility
 - Risk identification and assessment of discharges
 - Reporting of BMP failures
 - Materials compatibility
 - Good housekeeping
 - Preventative maintenance and repair
 - Inspections
 - Security
 - Recordkeeping and reporting
 - Employee training

- Prior evaluations of any planned modification
- Any final constructed site plans drawings and maps
- Establish specific BMPs
 - Proper management of solid and hazardous waste
 - Requirements for air emissions
- Include the following minimum BMPs
 - Ensure solids, sludges, or other pollutants removed in the course of treatment or control of water and wastewaters are disposed of in a manner to prevent any pollutant from such materials from entering waters of the U.S.
 - Minimize ground water remediation system upsets
 - Reduce spillage and leaks from the remediation system
 - Use of local containment devices

The permittee must maintain a copy of the BMP plan on-site and amend the BMP plan whenever there is a change in the facility and/or related activities that materially increase the generation of COC or their release or potential release. The BMP plan must be reviewed annually by the plant manager and appropriate staff, and a statement certifying that the annual review occurred must be submitted to DEQ.

The implementation of the BMP plan should prevent or minimize the generation and the potential for release of pollutants from the ground water remediation facility to waters of the US through normal operations and ancillary activities and ensure that methods of pollution prevention, control, and treatment will be applied to all wastes and other substances discharged.

4.2.10.3 Methylmercury Monitoring Requirements

Methylmercury monitoring is required for all permittees. The goal of the monitoring plan is to determine if fish concentrations of methylmercury are compliant with Idaho's fish tissue criterion of 0.3 mg/kg.

Methylmercury monitoring plans should include the following:

- The location of where fish tissue samples will be collected, at least one location upstream of the discharge and at least one location downstream
- The name and address of the organization collecting and analyzing fish tissue samples
- The sample target species, sample number and size, timing of sample collection, and all essential fish collection, handling, and shipping information
- All protocols related to sample preparation methods and analytical methods to be used
- A Quality Assurance/Quality Control section identifying the techniques for sample collection and handling

Monitoring for methylmercury must occur within the time frame specified in the permit, currently within 2 years of the effective date of the permit or permit coverage. Monitoring must continue at least once every 2 years. After three cycles of sampling, the frequency may be decreased.

In conjunction with fish tissue sampling, water column mercury sampling is required.

Results of this monitoring must be submitted to DEQ and any other agencies specified in the permit.

4.2.10.4 Methylmercury Minimization Plan

A methylmercury minimization plan is not included in the existing permit, though it is referenced in the fact sheet. This section may be required as a result of the methylmercury monitoring plan, if methylmercury is detected in the discharge. A methylmercury minimization plan should be developed in accordance with Idaho's Implementation Guidance for the Idaho Mercury Water Quality Criteria (DEQ 2005), and EPA's Guidance for Implementing the January 2001 Methylmercury Water Quality Criterion (EPA 2010).

4.3 DEQ NOI Processing

Upon receipt of an NOI, DEQ will review the supplied materials and notify the applicant if coverage is granted, denied, or if additional information is required. If coverage is not granted, DEQ will advise the applicant on the appropriate course of action, such as applying for an individual permit.

4.4 TBEL Development

Technology based effluent limits (TBELs) require a minimum level of treatment of pollutants based on the available treatment technologies. These TBELs are incorporated into permits either by relying on national effluent limitation guidelines and standards established by EPA or using best professional judgement. EPA has not developed an Effluent Limit Guideline (ELG) for ground water remediation facilities, or similar facilities. TBELs for the Ground Water Remediation General Permit were developed based on Best Professional Judgement. EPA reviewed many documents when determining TBELs, including but not limited to the previous permit, ELGs for facilities that may have caused the contamination, and Idaho Rules.

4.5 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft GWGP is developed. Additional guidance on the process is outlined on page 96 of *IPDES User's Guide to Permitting and Compliance- Volume 1* (DEQ 2017a).

For NOI's received after the GWGP has been issued, DEQ will publish a notice that an owner of a facility is seeking coverage under the GWGP.

4.6 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector; refer to the User's Guide Volume 1, Section 9 (DEQ 2017a). DEQ compliance monitoring is expected to be conducted on 5% of facilities annually. DEQ compliance monitoring activities are described in *IPDES Compliance Monitoring Strategy* (DEQ 2017c). Nothing precludes EPA from conducting an inspection independent of DEQ.

5 Drinking Water Treatment Facilities

This section helps the reader understand topics about permitting drinking water treatment facilities. The state of Idaho has 1 drinking water general permit (IDG380000) at the time of the preparation of this guidance document.

5.1 Permit Coverage

5.1.1 Area Covered by Permit

The Drinking Water Treatment Facility General Permit (DWGP) provides CWA coverage for specific facilities that discharge treated wastewater from water treatment filtration processes to surface waters in the State of Idaho. The drinking water facilities covered under this general permit discharge treated wastewater from the water filtration processes (filter backwash, sedimentation/pre-sedimentation wash-down, sedimentation/clarification, or filter to waste) and their delivery systems. Specific facility eligibility and limitation on the facility type are provided below.

5.1.2 Eligibility

Eligibility for coverage under the DWGP includes facilities using drinking water treatment filtration processes and their delivery systems. The wastewater discharges covered under the general permit may include micro-filtration, coagulation/sedimentation with filter backwash storage /treatment, and coagulation/sedimentation without filter backwash storage/treatment. Process flows contributing to the discharge include: filtration reject water, filter backwash, decant sludge dewatering, influent screen backwash, and from miscellaneous waste streams, which may include, but are not limited to: processed potable water, and wastewater from water supply pipeline and tank disinfection. Currently there are seven facilities covered under the general permit.

5.1.3 Facilities Ineligible for Coverage

Drinking water treatment facilities not covered under this permit use batch regenerated potassium permanganate iron removal, sodium zeolite softening, or reverse osmosis. Facilities that discharge to a receiving water and use any of these listed process should seek an individual permit. Facilities with a discharge that is 100 yards or less upstream from either a state or international boundary or Indian reservation boundary are not covered under this general permit. Additionally, any facility discharging to receiving waters designated as either an Outstanding Resource Water by the Idaho Legislature or under the Wild and Scenic Rivers Act is not eligible for coverage under this general permit. As of 2019 there are no designated Outstanding Resource Waters in the State of Idaho. A facility discharge to a receiving water with an EPA approved TMDL that does not appear in Appendix C is ineligible for coverage under the DWGP.

5.1.4 Notice of Intent Requirements

All operators of facilities covered under a currently effective DWGP must submit an NOI 180 days prior to the expiration of the permit. If a facility is owned by one company or person and operated by another company or person, it is the responsibility of the operator to submit the NOI.

Owner/operators of multiple drinking water facilities must submit a complete NOI for each individual facility.

A new discharger seeking coverage under the DWGP must submit a Notice of Intent (NOI) 180 days prior to the anticipated start of discharge. Operators of new facilities denied coverage under this permit would be directed to apply for an individual permit. Operators of new facilities applying for coverage under this general permit that would discharge to a receiving water with an EPA approved TMDL, may be included in Appendix C of the permit once a determination of appropriateness is made and after the public comment period.

The DWGP outlines the different components that are needed for the Notice of Intent (NOI). There are 11 sections that the NOI must contain. Currently EPA does not have a standard form for the NOI so applicants must submit a legible document that contains all 11 sections of the NOI. NOIs and related application materials must be submitted electronically through the IPDES E-Permitting System. DEQ will develop an NOI form within the IPDES E-Permitting System so it is clear to the applicants what information is required and to increase efficiency of processing the NOIs.

5.1.4.1 Facility Information

The NOI must contain the following information:

- The facility name, address and telephone number. Indicate if the facility is located on Indian Country. Also indicate if the facility name has changed within the last five years. If the name has changed then provide the previous name(s) and the date(s) of the changes.
- Location map of the facility with the map resolution of at least 1:24,000. The map should identify all wells, springs, other surface water bodies and drinking water wells located within the map area. If a USGS map is used, provide the title and catalog number.
- Location information that needs to be included is the plant physical location and the locations of all outfalls with latitude and longitude information with accuracy with 15 seconds of a degree. New facilities should also include the date that the facility is scheduled to start discharging (this date should be no sooner than 180 days after the NOI is submitted).
- List all permits or construction approvals received or applied for under any of the following programs:
 - Hazardous Waste Management under the Resource Conservation and Recovery Act (RCRA)
 - UIC program under the Safe Drinking Water Act (SDWA)
 - Prevention of Significant Deterioration (PSD) program under the Clean Air Act (CAA)
 - Any other relevant environmental permits under the CWA, CAA, or state law.

The facility information section should also identify the water rights number assigned by Idaho Department of Water Resources and provide any ESA listing determinations (if any) related to the receiving waters.

5.1.4.2 Operations and Production Information

The NOI must include a flow diagram defining the path water flows through the facility. It must also include a system water balance, which includes any operations contributing wastewater to the effluent and all treatment units. If a water balance cannot be determined, then the NOI must contain a pictorial description of the nature and amount of any sources of water and any collection and treatment measures used at the facility.

5.1.4.3 Pollutant Characterization

Existing facilities must submit a data table with the NOI document, summarizing the pollutants present within the effluent. The facilities must also submit the data on pollutant concentrations in a separate spreadsheet or text-format electronic file.

New drinking water facilities applying for coverage under the DWGP must submit the treatment system design criteria and/or the anticipated effluent concentrations of all known pollutants that are expected to be present.

5.1.4.4 Description of Discharge(s)

The NOI shall include the following information on the drinking water treatment system's discharge:

- In the description of the discharge include the design flow in gallons per day (gpd) and the overall continuous duration of the discharge. If the discharge is not continuous then provide information on the schedule of discharge and the duration of the batch discharges. If not indicated it will be assumed that discharge is continuous.
- When available, the applicant must provide the following data on the temperature of the discharge. The data must include the minimum, average and maximum temperatures, and the corresponding times of year when they occur.

5.1.4.5 Receiving Water Information

The NOI shall include the following information on the receiving water.

- The name of the receiving water body and any other receiving water within one mile downstream of the discharge.
- The designated beneficial uses of the water from the State of Idaho Water Quality Standards (WQS), IDAPA 58.01.02.110-160. The Idaho WQS can be found at <https://adminrules.idaho.gov/rules/current/58/580102.pdf>.
- Presence of any federally listed threatened, endangered, or candidate species in the receiving water. Information can be found on the United States Fish and Wildlife Service's web page at <https://www.fws.gov/angered/>.
- The minimum and maximum measured flow of the receiving water in cubic feet per second (cfs). If adequate flow data is available, the NOI should also include critical low flow values (1Q10, 7Q10, etc.) and how they were calculated. Stream flow data is available from the USGS's National Water Information System database and/or the IDWR stream gage database.

- Indicate if the receiving water has been included on the state's 303(d) list of impaired waterbodies. If so, indicate what pollutant(s) impairment(s) are listed and state whether any of the pollutants discharged by the facility cause or contribute to the listing(s).

5.1.4.6 Request for a Mixing Zone

For operators of facilities requesting a mixing zone, the following additional information must be submitted in the NOI:

- The result of at least one ambient background sample analyzed for each pollutant for which a mixing zone is being requested. These samples must be collected from the receiving water immediately upstream of the outfall. Any additional receiving water data available must also be included in the mixing zone request.
- The applicable receiving water critical low flows and the source of the flow data. The calculated dilution factors in accordance with equation 25 of the IPDES *Effluent Limit Development Guidance* (DEQ 2017b). The dilution factor calculations must be approved by DEQ.

The NOI must include a statement from the owner/operator that the facility will not use dilution in order to comply with effluent limits^{xi}.

5.1.4.7 Additional Information

This section is for any additional information the applicant would like DEQ to consider when processing the NOI. DEQ may also request additional information that is necessary to evaluate if the facility's discharge can comply with the DWGP criteria.

5.1.4.8 Signatory Requirements

The NOI must be signed by the principle owner/operator and must include the following statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

5.1.5 Special Conditions

5.1.5.1 Quality Assurance Project Plan (QAPP)

All operators of facilities seeking coverage under the DWGP 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 should 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.

5.1.5.2 Best Management Practices (BMP) Plan

BMPs prevent or reduce the discharge of pollutants to waters of the United States. BMPs focus on good housekeeping measures and good management techniques to avoid contact between pollutants and water as a result of leaks, spills, and improper waste (solid, liquid, hazardous) disposal. The permittee must operate the facility in accordance with the BMP Plan to prevent or minimize the generation and potential for release of pollutants from the facility.

The minimal requirements for the BMP can be found in section III.B of the permit.

BMPs or BMP plans may include the following:

- Methods or processes to minimize the number and quantity of pollutants and the toxicity of effluent generated, discharged, or potentially discharged from the facility
- Evaluations for pollutants of concern
- Prohibitions of practices
- Maintenance procedures
- Treatment requirements
- Operating procedures and practices to control
 - Plant site runoff
 - Spillage or leaks
 - Sludge or waste disposal
 - Drainage from raw material storage areas

The permittee must maintain a copy of the BMP plan on-site and amend the BMP plan whenever there is a change in the facility and/or related activities that materially increase the generation of COC or their release or potential release. The BMP plan must be reviewed annually by the plant manager and appropriate staff.

The implementation of the BMP plan should prevent or minimize the generation and the potential for release of pollutants from the drinking water treatment facility to waters of the US through normal operations and ancillary activities and ensure that methods of pollution prevention, control, and treatment will be applied to all wastes and other substances discharged.

5.2 DEQ NOI Processing

Upon receipt of an NOI, DEQ will review the supplied materials and notify the applicant if coverage is granted, denied, or if additional information is required. If coverage is not granted, DEQ will advise the applicant on the appropriate course of action, such as applying for an individual permit.

5.3 TBEL Development

While the EPA has yet to developed Effluent Limit Guidelines (ELG) for drinking water facilities, it has identified the need for ELGS, and these are a candidate for effluent guidelines rulemaking. The TBEL for TSS is based on best professional judgment and follows the effluent limits set in existing individual water treatment facilities permits. EPA also relied on a study of 76 individual water treatment plants and found that the 95th percent occurrence of monthly

average and the 99th percent occurrence of daily average for TSS were 28.1 mg/L and 44.4 mg/L respectively. Further analysis found that the Best Practicable Technology Currently Available (BPT) was equal to the Best Conventional Pollutant Control Technology (BCT). TSS limits were set a 30 mg/L for monthly average and 45 mg/L daily average.

5.4 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft DWGP is developed. Additional guidance on the process is outlined on page 96 of *IPDES User's Guide to Permitting and Compliance- Volume 1* (DEQ 2017a).

For NOI's received after the DWGP has been issued, DEQ will publish a notice that an owner of a facility is seeking coverage under the DWGP. Public notification and participation process will include a public comment period on the applicant's coverage under the general permit and the associated limits based on the information provided in the NOI.

5.5 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector; refer to the User's Guide Volume 1, section 9 (DEQ 2017a). DEQ compliance monitoring is expected to be conducted on 5% of facilities annually. DEQ compliance monitoring activities are described in *IPDES Compliance Monitoring Strategy* (DEQ 2016a). Nothing precludes EPA from conducting an inspection independent of DEQ.

6 Aquaculture—Concentrated Aquatic Animal Production (CAAP) and Fish Processors Associated with Aquaculture Facilities

This section helps the reader understand topics about permitting fish processing facilities and Concentrated Aquatic Animal Production (CAAP) facilities as defined in IDAPA 58.01.25.010 (“[a] hatchery, fish farm, or other facility which meets the criteria in Appendix C of 40 CFR Part 122, or which the Department designates under 40 CFR 122.24(c)”). At the time of the preparation of this guidance document the state of Idaho has 2 Concentrated Aquatic Animal Production general permits (IDG130000 and IDG131000). There is also a third general permit, IDG132000, for fish processing facilities.

6.1 Permit Coverage

6.1.1 Area Covered by Permits

The two Concentrated Aquatic Animal Production general permits, IDG130000 and IDG131000 cover production facilities for cold water and warm water species. The third general permit, IDG132000, authorizes discharges from fish processing facilities.

6.1.2 Eligibility

Eligibility requirement for coverage under the CAAP **and/or fish processors** general permits is explained below.

6.1.2.1 *Aquaculture facilities that meet the criteria in Appendix C of 40 CFR Part 122*

For a facility to be eligible for coverage under these general permits, it must discharge pollutants to surface waters of the United States during at least thirty (30) days per year. The facility must contain, grow, or hold fish in raceways, ponds, or other similar structures and meet at least one the following criteria:

- For cold water aquatic species, the facility must produce 20,000 pounds or more of cold water aquatic species per year and feed at least 5,000 pounds of food in any one calendar month.
- For warm water aquatic species, the facility must produce more than 100,000 pounds of warm water aquatic species per year.

6.1.2.2 *Aquaculture facilities that are designated as a CAAP on a case-by-case basis pursuant to 40 CFR 122.24(c)*

A facility that does not meet the above requirements may still be required to seek coverage if DEQ determines that the facility is a significant contributor. DEQ will consider the following after an on-site visit when determining if a facility is a significant contributor:

- Location and quality of the receiving water
- Holding, feeding, and production capacities of the facility
- Quantity and nature of the pollutants discharged
- Other relevant factors, such as total maximum daily load (TMDL) determinations for the watershed

6.1.2.3 *Fish Processors Associated with Aquaculture Facilities in Idaho—Permit IDG132000*

Fish processing facilities in Idaho associated with aquaculture facilities process fish for packaging and distribution. Fish processing facilities covered under this general permit receive live fish from CAAP or smaller facilities and maintain the fish alive until processing. Pollutants discharged to the receiving water resulting from facility processes, waste streams and normal operations identified in the Notice of Intent are the pollutants of concern (POC) in the general permit.

6.1.3 Facilities Ineligible for Coverage

DEQ may require a facility to seek coverage under an individual permit if the conditions in section 6.1.2 are not met or if any of the following apply:

- The single discharge is, alone or with others, a significant contributor of pollutants.
- The permittee is not in compliance with the terms and conditions of the general permit.

- Circumstances have changed since the time of the request to be covered so that the discharger is no longer appropriately controlled under the general permit.
- A new TMDL has been completed for a water body or a segment of a water body and the WLA is not incorporated into the general permit.

EPA will remain the permitting authority for facilities located within Indian Country. These facilities will not transfer to state authority on July 1, 2020.

6.1.4 Notice of Intent (NOI)

CAAP facilities and fish processors associated with aquaculture facilities must submit a Notice of Intent by the date(s) specified in the general permits. Currently the NOI forms and required information are in Appendix A of the 2007 NPDES general permits. As DEQ gains primacy over the general permits, NOI's will be submitted electronically. DEQ is working with EPA on developing an electronic form that will be located in EPA's NeT electronic reporting system. Facilities seeking coverage will log into EPA's NeT to fill out an electronic NOI. If a permit has been administratively continued for substantial amount of time, facilities seeking coverage may be required to submit an updated NOI to reflect operational changes.

6.1.5 Special Conditions

6.1.5.1 Quality Assurance Project Plan (QAPP)

All operators of facilities seeking coverage under the CAAP and Fish Processors general permits 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 permits. The QAPP should 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.

6.1.5.2 Best Management Practices (BMP) Plan

BMP plans prevent or reduce the discharge of pollutants to waters of the United States. BMPs focus on good housekeeping measures and good management techniques to avoid contact between pollutants and water as a result of leaks, spills, and improper waste (solid, liquid, hazardous) disposal. Permittees are required **by the permit** to operate the facility in accordance with the BMP plan to prevent or minimize the generation and potential for release of pollutants from the facility. Permittees can refer to the *Idaho Waste Management Guidelines for Aquaculture Operations* at http://www.deq.idaho.gov/media/488801-aquaculture_guidelines.pdf for more information on BMPs.

Each aquaculture general permit has specific minimal requirements for BMP plans and they vary by permit. Please see the BMP requirement section within the desired permit for these minimal requirements.

BMPs or BMP plans may include the following:

- Record keeping

- Chemical storage
- Structural maintenance
- Training requirements
- Operational requirements
 - Minimize the discharge of unconsumed food.
 - Cleaning and maintaining treatment equipment to prevent bypass.
 - Excluding fish from quiescent zones, full-flow, and off-line settling basins. Fish that have entered these areas must be removed as soon as practicable.
 - The use of all approved drugs and pesticides must be in accordance with applicable label direction except under other condition established in the respective permits under the specific drug and other chemical use requirements.
 - Use procedures to prevent chemicals, disinfectants, or cleaning agents from discharging to waters of the U.S.
 - Develop procedures to remove mortalities from raceways on a regular basis.
 - Develop and implement procedures to collect, store and dispose of solid wastes.

If the BMP plan calls for a modification of the existing facilities, the permittee must keep in mind the **regulations requirements** of Idaho Code (IC) 39-118(5). Any new facility being built should also refer to IC 39-118(5) and comply with the statute.

The permittee must maintain a copy of the BMP plan on-site and amend the BMP plan whenever there is a change in the facility and/or related activities that materially increase the generation of pollutants or their release or potential release. The BMP plan must be reviewed annually by the facility manager and appropriate staff. A certified statement that the annual review has occurred appears in the Annual Report of Operations and must be submitted by January 20th.

6.1.5.3 Annual Reporting Requirements

Annual Reports are required by all three aquaculture permits. Each general permit identifies the required annual report content and is addressed in the general permit in the appendices. A certified statement that the annual review has occurred appears in the Annual Report of Operations and must be submitted by January 20th of each year.

6.2 Inactive Status

There is no regulatory provision that allows inactivation of an NPDES or IPDES aquaculture permit. In the cases of temporary suspension of operations or inactivity where the facility would require permit coverage in the future, the facility should maintain its permit coverage and not submit a notice of termination. The facility needs to follow all monitoring and reporting requirements within the permit, including submitting discharge monitoring reports (DMR). During the shutdown period, if there is no discharge from the facility, then a no discharge (NODI) code of “c” should be reported on the DMR. If there is discharge from the source water but the facility is not operating, then a NODI code of “9” should be reported on the DMR.

6.3 DEQ **NOI** Processing

When any CAAP or fish processor general permits are reissued DEQ will include an existing facility with coverage under a general permit so long as the facility submitted a renewed NOI prior to expiration of the previous general permit. The general permit will specify the date the renewal NOI must be submitted for these facilities with coverage under an existing general permit.

New facilities seeking coverage under a general permit must submit an NOI prior to commencing discharge. DEQ will review the NOI and notify the applicant, in writing, if coverage under the general permit is granted, denied, or if additional information is required. A new facility that is denied coverage under the general permit will likely need to apply for an individual permit. DEQ will advise the applicant on the appropriate course of action.

6.4 Technology Based Effluent Limits

Technology based effluent limits (TBELs) establish a minimum level of pollutant treatment based on the available treatment technologies. TBELs are incorporated into permits either by relying on national effluent limitation guidelines and standards established by EPA or using best professional judgement. **How TBELs are applied in a permit may be modified when WQBELs (Section 6.5) are also included. Section 6.6 explains how DEQ implements TBELs and WQBELs.**

6.4.1 Aquaculture Facilities—Permits IDG130000 and IDG131000

EPA developed effluent limit guidelines (ELGs) in 2004 for cold water and warm water aquaculture facilities producing at least 100,000 lbs. of aquatic species/year (40 CFR 451). While the ELGs do not provide numerical effluent requirement, they do require narrative effluent limits and reporting requirements. EPA determined that best management practices for solids controls would also control other pollutants of concern when developing the ELGs. The 2007 permits required all facilities to comply with the ELG requirements regardless whether or not the production threshold of 100,000 pounds was met.

In 1999, EPA Region 10 included numeric TBELs for total suspended solids (TSS) and total phosphorus (TP) in the aquaculture general permits. In 1977 the Idaho Department of Health and Welfare's Division of Environmental Quality contracted with Hydrosience Inc. and in 1984 EPA contracted with JRB Associates to provide information necessary to develop TBELs applicable to Idaho aquaculture facilities. The Idaho Policy Advisory Committee reviewed the studies and recommended that new limits be incorporated into Idaho's State Water Quality Management Plan. Based upon the assessments and the actions of the advisory committee, EPA determined through best professional judgment to develop numeric TBELs for the 1999 permit. Although EPA propagated new ELGs in 2004, the numeric limits were still incorporated into the 2007 permit due to antibacksliding requirements (40 CFR 122.44). In 2007, the TSS and TP limits for warm water facilities were revised based on more recent data from multiple facilities.

6.4.2 Fish Processing Facilities—Permit IDG132000

EPA has developed ELGs for certain fish processing facilities. These ELGs can be found at 40 CFR §408. Subpart A provides ELGs for facilities that process farm raised catfish and may apply

to any facility that seeks coverage under the fish processing general permit. Facilities constructed or modified after 1975 are subject to these ELGs.

In the 1999 permit, EPA Region 10 included numerical TBELs for total suspended solids, BOD₅, and oil and grease. In the 2007 permit, EPA developed additional numerical TBELs for total phosphorus and total residual chlorine. The numerical TBELs are based on best professional judgment and data collected from the facilities.

6.5 Water Quality Based Effluent Limits (WQBEL)

Water quality based effluent limits are calculated using water quality standards with relation to the designated and existing beneficial uses. Water quality standards can be narrative based standards and/or numeric based standards. Idaho's water quality standards can be found at IDAPA 58.01.02.

Some facilities have water quality based effluent limits derived from Total Maximum Daily Load (TMDL) waste load allocations (WLA). The TMDLs are written by DEQ water quality staff and are designed to reduce the overall pollutant load to impaired waterbodies. WLAs are assigned to each facility's discharge and are used by IPDES Permit Writers to calculate appropriate permit limits.

6.6 Final Effluent Limits and Trading

When effluent limits are considered by the permit writer, the more protective between the WQBEL and TBEL will be applied. Final effluent limits for Total Suspended Solids (TSS) and Total Phosphorus (TP) are net effluent limits. Net effluent limits are based on the net concentration (effluent - influent) of either TSS or TP. This accounts for the concentrations in the water entering the facility. In some cases the reported number for the net concentration may be negative, indicating the facility is removing all of the pollutant produced by the facility and removing some of pollutant from the source water. When this occurs, it means the concentrations are lower than if the source water bypassed the facility and entered the receiving water.

Under Idaho's water quality standards^{xii}, pollutant trading (also known as water quality trading) may be conducted in conjunction with the development or implementation of water quality improvement plans known as total maximum daily loads (TMDLs), which are designed to restore water quality-limited water bodies to meet water quality standards and support beneficial uses. A framework for pollutant trading of phosphorus was developed in the 2007 IDG130000 permit for the Upper Snake-Rock subbasin (HUC 17040212). The ratio of trading was 1:1; meaning one pound in for one pound out. In 2016, after review of analysis done in 2014, DEQ determined that this ratio was not adequate and revised the ratio to 2:1 (a facility must purchase two pounds for every one pound going towards meeting their limit). The buyer of credits is limited to an upper limit of the alternate TBEL for raceways and full flow settling basin discharges. The complete framework can be found in Appendix A of the 2016 *DEQ Water Quality Trading Guidance* (<http://www.deq.idaho.gov/media/60179211/water-quality-trading-guidance-1016.pdf>).

6.7 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft CAAP general permit is developed. Additional guidance on the process is outlined on page 96 of *IPDES User's Guide to Permitting and Compliance - Volume 1* (DEQ 2017a).

For NOI's received after a permit has been issued, DEQ will publish a notice that an owner/operator of a facility is seeking coverage under the permit.

6.8 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector; refer to the User's Guide Volume 1, section 9 (DEQ 2017a). DEQ compliance monitoring is expected to be conducted on aquaculture facilities classified as major once every two years and all other aquaculture facilities once every five years. DEQ compliance monitoring activities are described in *IPDES Compliance Monitoring Strategy* (DEQ 2016a). Nothing precludes EPA from conducting an inspection independent of DEQ.

7 Concentrated Animal Feeding Operations (CAFOs)

This section discusses the background of the CAFO general permit, and describes the requirements for obtaining and complying with permit coverage. DEQ will continue general permit coverage for this sector after transfer of general permit authority to the state on July 1, 2020. If an applicant believes an individual permit is more applicable in their specific situation, they may request coverage under an individual permit. DEQ may also decide that an applicant who submitted an NOI for general permit coverage is better served by an individual permit and may require that they submit an application for an individual permit instead.

Animal feeding operations (AFO) are facilities where “animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period and where vegetation is not sustained in the confinement area during the normal growing season”^{xiii}. An AFO is a CAFO if it meets the regulatory definition of a Large or Medium CAFO^{xiv} or has been designated as a CAFO^{xv} by DEQ in coordination with Idaho State Department of Agriculture (ISDA).

7.1 Permit Coverage

The CAFO general permit offers coverage for discharges from CAFOs in Idaho. CAFOs are point sources subject to the IPDES permitting program if there is a discharge to a water of the U.S. in Idaho or a facility chooses to submit an NOI seeking coverage under a general permit or an application for an individual permit. Discharges composed entirely of return flows from irrigated agriculture shall not require coverage under an individual or general permit (CWA §§402(1)(1)).

7.1.1 Area Covered by Permit

The CAFO general permit covers all areas of Idaho except Indian Country. CAFOs in Indian Country will continue to be governed by EPA after DEQ takes primacy for this sector.

7.1.2 Eligibility

CAFOs must not discharge to a water of the U.S. unless that discharge is authorized by an IPDES permit. As an AFO increases in size, the permit requirements increase, from a medium CAFO requiring permit coverage, to a large CAFO requiring the most stringent permit coverage. To complement DEQ's leading role in jurisdictional evaluations, ISDA will provide DEQ with information regarding AFOs to help DEQ decide if the AFO needs coverage under an IPDES permit.

7.1.2.1 Large CAFOs

An AFO is classified as a Large CAFO if it stables or confines equal to or more than the number of animals specified in Table 1 for 45 days or more in a 12-month period.

Table 1. Large CAFOs.

Number of Animals	Type of Animal
700	Mature dairy cows, whether milked or dry
1,000	Veal calves
1,000	Cattle, other than mature dairy cows or veal calves (Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs.)
2,500	Swine, each weighing 55 pounds or more
10,000	Swine, each weighing less than 55 pounds
500	Horses
10,000	Sheep or lambs
55,000	Turkeys
30,000	Laying hens or broilers, if the AFO uses a liquid-manure handling system
125,000	Chickens (other than laying hens), if the AFO uses other than a liquid-manure handling system
82,000	Laying hens, if the AFO uses other than a liquid-manure handling system
30,000	Ducks, if the AFO uses other than a liquid-manure handling system
5,000	Ducks, if the AFO uses a liquid-manure handling system

The thresholds for chicken and duck AFOs in the CAFO definitions are based on the type of litter or manure handling system being used. The two systems are either a liquid-manure handling system or other-than-a-liquid-manure handling system. The animal number thresholds that determine whether the system is a CAFO for chicken or duck AFOs using a liquid-manure handling system are lower than the thresholds for CAFOs that use other-than-liquid-manure handling systems.

A chicken or duck AFO is considered to have a liquid-manure handling system if it uses pits, lagoons, flush systems (usually combined with lagoons), or holding ponds, or has systems such as continuous overflow watering, where the water comes into contact with manure and litter. Chicken or duck operations that stack or pile manure are considered to have other than a liquid-

manure handling systems. That includes operations that remove litter from the confinement area and stockpile or store it uncovered in remote locations for even one day.

Duck operations are considered to use a liquid-manure handling system if:

- The ducks are raised outside with swimming areas or ponds or with a stream running through an open lot.
- The ducks are raised in confinement buildings where fresh or recycled water is used to flush the manure to a lagoon, pond, or other storage structure.

In addition, a duck operation that stacks manure or litter as described above for other dry poultry operations is considered to have a liquid-manure handling system.

Dry-lot duck operations include those that:

- Use confinement buildings and handle manure and litter exclusively as dry material.
- Use a building with a mesh or slatted floor over a concrete pit from which manure is scraped into a solid manure storage structure.
- Use dry bedding on a solid floor.

Dry-lot duck operations are generally considered to be “operations that use other than a liquid-manure handling system.”

7.1.2.2 Medium CAFOs

An AFO is a Medium CAFO if it meets both parts of a two-part definition. The first part addresses the number of animals confined, and the second part includes specific discharge criteria. In addition, a medium-sized AFO can be designated a CAFO by DEQ as described in section 7.1.2.5 and 7.1.2.6. If an AFO confines the number of animals listed in Table 2 for 45 days or more in a 12-month period, it meets the first part of the definition of a Medium CAFO.

Table 2. Medium CAFOs.

Number of Animals	Type of Animal
200–699	Mature dairy cows, whether milked or dry
300–999	Veal calves
300–999	Cattle, other than mature dairy cows or veal calves (Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs.)
750–2,499	Swine, each weighing 55 pounds or more
3,000–9,999	Swine, each weighing less than 55 pounds
150–499	Horses
3,000–9,999	Sheep or lambs
16,500–54,999	Turkeys
9,000–29,999	Laying hens or broilers, if the AFO uses a liquid-manure handling system
37,500–124,999	Chickens (other than laying hens), if the AFO uses other than a liquid-manure handling system
25,000–81,999	Laying hens, if the AFO uses other than a liquid-manure handling system
10,000–29,999	Ducks, if the AFO uses other than a liquid-manure handling system
1,500–4,999	Ducks, if the AFO uses a liquid-manure handling system

To be defined as a Medium CAFO, there must be an actual discharge of pollutants to waters of the U.S. An AFO meets the discharge criteria for the second part of the Medium CAFO definition if pollutants are discharged in one of the following ways:

- Into waters of the U.S. through a man-made ditch, flushing system, or other similar man-made device.
- Directly into waters of the U.S. that originate outside the facility and pass over, across, or through the facility or otherwise come into direct contact with the confined animals^{xvi}.

The term *man-made device* means a conveyance constructed or caused by humans that transports wastes (manure, litter, or process wastewater) to waters of the U.S. (USEPA 1995). Man-made devices include, for example, pipes, ditches, and channels. However, it is not necessary for the man-made device to extend the entire distance to waters of the U.S. It is sufficient that the wastes being discharged flow through the man-made device. For example, a culvert could simply facilitate the flow of wastewater from one side of a road to another (and subsequently into a water of the U.S.) and is a man-made device for the purposes of this provision. Also, a flushing system that uses fresh or recycled water to move manure from the point of deposition or collection to another location is a man-made device.

Tile drains in the production area are another example of a man-made device. Tile drains are underground pipes that collect subsurface water for transport away from the site. If tile drains discharge manure to waters of the U.S. from the production area of a medium-sized AFO, the facility meets discharge criterion for the Medium CAFO definition and is a Medium CAFO. An additional example would be the discharge to waters of the U.S. from a continuous-flow-through water trough system.

The Medium CAFO definition addresses discharges directly into a water of the U.S., which originate outside the facility and pass over, across, or through the facility. The discharge criterion is also met if animals in confinement at an AFO come into direct contact with waters of the U.S. *Production area* means that part of an AFO that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment areas. The animal confinement area includes, but is not limited, to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cow yards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions, which separate uncontaminated storm water. Also included in the definition of production area are any egg-washing or egg-processing facilities and any area used in the storage, handling, treatment, or disposal of mortalities.

7.1.2.3 Animal Numbers at Operations under Common Ownership

Under 40 CFR 122.23(b)(2) two or more AFOs under common ownership are considered one operation for the purposes of determining the number of animals at an operation if, among other things, they adjoin each other (including facilities that are separated only by a right-of-way or a public road) or if they use a common area or system for managing wastes. For example,

operations generally meet the criterion where manure, litter, or process wastewater are commingled (e.g., stored in the same pond, lagoon, or pile) or are applied to the same cropland. For facilities under common ownership that either adjoin each other or use a common area or system for waste disposal, the cumulative number of animals confined is used to determine if the combined operation is a Large CAFO and is used in conjunction with the discharge criteria in Section 7.1.2.2 to determine if the combined operation is a Medium CAFO.

7.1.2.4 Operations with Multiple Animal Types

Once an operation is defined as a CAFO on the basis of a single animal type, all the manure generated by all animals confined at the operation are subject to IPDES requirements. If waste streams from multiple livestock species subject to different regulatory requirements are commingled at a CAFO, any IPDES permit for the facility must include the more stringent ELG requirements.

In situations where immature animals (e.g., heifers and swine weighing less than 55 lbs) are confined along with mature animals, the determination of whether the operation is defined as a CAFO depends on whether the mature or immature animals separately meet the applicable threshold. Operations that specialize in raising only immature animals (swine weighing less than 55 lbs and veal calves) have specific thresholds under the regulations. However, once an AFO is defined as a CAFO, manure generated by all the animals in confinement would be addressed by the CAFO's IPDES permit if it is a permitted CAFO.

7.1.2.5 AFOs Designated as CAFOs

The NPDES regulations for CAFOs provide authority and standards for DEQ to designate any AFO as a CAFO if the AFO meets one of the criteria in 40 CFR 122.23(c)(3)(i)-(ii) and is determined to be a significant contributor of pollutants to waters of the U.S. Potential CAFO designations would be considered on a case-by-case basis. AFOs that may be considered for designation include, for instance, the following:

- A small AFO (i.e., confines fewer than the number of animals defined in Table 2) that meets one of the criteria in 40 CFR 122.23(c)(3)(i)-(ii) and is determined to be a significant contributor of pollutants to waters of the U.S.
- An AFO that raises animals other than species identified in the regulatory definitions of Large and Medium CAFOs (e.g. geese, emus, ostriches, llamas, minks, bison, or alligators), satisfies one of the discharge criteria, and is determined to be a significant contributor of pollutants to waters of the U.S.

7.1.2.6 Process for Designating an AFO as a CAFO

To designate an AFO as a CAFO, there must be an on-site inspection of the AFO, the AFO must satisfy one of the discharge criteria in 40 CFR 122.23(c)(3), and then either EPA or DEQ must determine that the AFO is a significant contributor of pollutants to waters of the U.S.^{xvii}. The designation should be based on accurate information. Once an operation is designated as a CAFO, it must seek coverage under an IPDES permit and, among other things, develop and implement a nutrient management plan (NMP).

In determining whether an AFO is a significant contributor of pollutants to waters of the U.S., DEQ will consider the factors specified in 40 CFR 122.23(c)(2), which are listed in the left-hand column of Table 3. The right-hand column in Table 3 gives examples of case-by-case designation factors that can be assessed during the designation inspection. The assessment of regulatory factors may be based on visual observations and water quality monitoring and other sources of relevant information. Absent a discharge to a water of the U.S., the AFO will not be designated as a CAFO.

DEQ will provide a written response to the facility of the results of the inspection and, if appropriate, that the facility will be designated as a CAFO. The response will explain IPDES rules regarding coverage under an IPDES permit if it is designated. After providing the facility a reasonable opportunity to respond with any questions or concerns, DEQ will send the facility a final designation letter. Where applicable, the letter will indicate whether the site qualifies for the general permit or whether an individual permit application should be submitted by a specific date.

Table 3. Example factors for case-by-case CAFO designation.

Designation Factor	Example Factors for Inspection Focus
Size of the operation and amount of wastes reaching waters of the U.S.	Number of animals Type of feedlot surface Feedlot design capacity Waste handling/storage system design capacity
Location of the operation relative to waters of the U.S.	Location of water bodies Location of floodplain Proximity of production area and land application area to waters of the U.S. Depth to ground water, direct hydrologic connection to waters of the U.S. Located in an impaired watershed
Means of conveyance of animal wastes and process wastewaters into waters of the U.S.	Identify existing or potential man-made (including natural and artificial materials) structures that could convey waste Direct contact between animals and waters of the U.S.
Slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of manure and process waste waters into waters of the U.S.	Slope of feedlot and surrounding land Type of feedlot (concrete, soil) Climate (e.g., arid or wet) Type and condition of soils (e.g., sand, karst) Drainage controls Storage structures Amount of rainfall Volume and quantity of runoff High water table Buffers
Other relevant factors	History of noncompliance Use of conservation practices to minimize nutrient transport to waters of the U.S. Working with USDA or Soil and Water Conservation District to improve operation

7.1.3 Facilities Ineligible for Coverage

DEQ may require an applicant who submitted an NOI for the general permit to apply for an individual permit instead. Some factors that may influence DEQs decision include whether the CAFO:

- SFacility size
- Has hHistorical compliance problems
- Significant site-specific environmental concerns
- Is in an Areas of significant environmental concern or with particular water quality impairment
- Is Facilities subject to voluntary alternative performance standards for the production area
- Is Facilities subject to additional state requirements that apply to specific areas or operations
- Have operations subject to other NPDES/IPDES permits, the complexity of which warrants consolidation of multiple types of permit into a single, comprehensive, individual permit

The following CAFOs are not eligible for coverage under the existing CAFO general permit and must instead apply for an individual permit:

- CAFOs that have been notified by EPA or DEQ to apply for an individual permit
- CAFOs that have been notified by EPA or DEQ that they are ineligible for coverage under the general permit due to a past history of non-compliance
- CAFOs that are seeking coverage that will adversely affect species that are federally-listed as endangered or threatened under the Endangered Species Act or adversely modify critical habitats of those species
- CAFOs that are seeking coverage that will have the potential to affect historic properties. CAFO owners/operators must determine whether their permit-related activities have the potential to affect a property that is listed or eligible for listing on the National Register of Historic Places
- New dischargers and new sources to water quality impaired waters, listed on the CWA 303(d) list, unless the owner/operator:
 - Prevents and discharges that contain the pollutants for which the water body is impaired and includes documentation of procedures to prevent such discharges in the Nutrient Management Plan.
 - Documents that the pollutants for which the water body is impaired is not present at the facility and retains documentation of this finding with the NMP.
 - In advance of submitting the NOI, provides data to DEQ to support that the discharges are not expected to cause or contribute to an exceedance of water quality standards, and retains that data with the NMP.
- CAFOs with discharges subject to New Source Performance Standards (NSPS) at 40 CFR 412.
- CAFOs with discharges to a designated outstanding resource water as determined by DEQ.

7.2 Application Requirements

7.2.1 Notice of Intent (NOI)

In addition to the standard information required for NOIs detailed in Section 2, the NOI for the CAFO general permit follows EPA NPDES Form 2B, which requires the applicant to describe:

- Whether the facility is a CAFO Operation and/or CAFO production facility
- Whether the facility is existing or proposed
- The type and number of animals, in open confinement and housed under roof
- Quantity of manure, litter, and/or wastewater production and use
- Topographic map
- Type of containment, storage, and capacity
- A nutrient management plan
- Land application best management practices

Notices of Intent for coverage under the CAFO general permit should be submitted to DEQ's State office, as well as the appropriate regional office. DEQ will determine if an applicant qualifies for coverage under the general permit, and if their NOI is complete. DEQ will then seek comment from ISDA regarding the NMP and its adequacy to meet Clean Water Act requirements.

Any CAFO seeking IPDES permit coverage must submit an NMP as part of its NOI to be covered by the Idaho general permit^{xviii}. The NMP must meet the requirements of 40 CFR 122.42(e). NMPs for Large CAFOs subject to subparts C or D of 40 CFR 412 must also meet the requirements of 40 CFR 412.4(c), as applicable^{xix}. ISDA may provide additional expertise to DEQ in reviewing the NMP effectiveness for a particular facility.

An NMP is a manure and wastewater management tool that every permitted CAFO must use to properly manage discharges from the production or land application areas. The requirements for an NMP are discussed in Section 7.2.2, and in the Idaho General Permit, IDG010000.

7.2.2 Nutrient Management Plan (NMP)

An NMP is a detailed planning document that identifies conservation practices and management activities that, when implemented, help to ensure that both production and natural resource protection goals are achieved. The objective of an NMP is to document those practices and activities that will help achieve the goals of the producer and protect or improve water quality.

An NMP that is part of a CAFO permit must include, at a minimum, BMPs necessary to achieve the nine minimum requirements of 40 CFR 122.42(e)(1)(i)-(ix) and other effluent limits and standards, to the extent applicable^{xx}. The minimum measures include requirements applicable to both the production area and the land application area. Those consist of the following:

- Ensure adequate storage of manure, including procedures to ensure proper O&M of the storage facility.
- Manage mortalities to ensure that they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system that is not specifically designed to treat animal mortalities.

- Ensure that clean water is diverted, as appropriate, from the production area.
- Prevent direct contact of confined animals with waters of the U.S.
- Ensure that chemicals and other contaminants handled on-site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.
- Identify appropriate site-specific conservation practices to be implemented, including as appropriate buffers or equivalent practices, that control runoff of pollutants to waters of the U.S.
- Identify protocols for appropriate testing of manure, litter, process wastewater, and soil.
- Establish protocols to land apply manure, litter, or process wastewater in accordance with site-specific nutrient management practices that ensure appropriate agricultural utilization of the nutrients in the manure, litter or process wastewater.
- Identify specific records that will be maintained to document the implementation and management of the minimum elements described above.

CAFOs must submit a site-specific NMP to DEQ as part of their NOI when they are seeking permit coverage. DEQ may seek comment from ISDA on submitted NMPs, and DEQ may require the CAFO operator to make changes to its NMP before permit coverage is granted^{xxi}. Once coverage is granted, the permittee must implement the NMP approved by DEQ.

An NMP contains, at a minimum, BMPs that meet the requirements specified in 40 CFR 122.42(e)(1).

7.2.3 Agricultural Storm Water Exemption for Permitted CAFO

All permits issued to CAFOs that land apply manure must contain terms and conditions that, when implemented, ensure that all precipitation-related discharges from land application are composed entirely of agricultural storm water. Section 502(14) of the CWA excludes agricultural storm water discharges from the definition of a point source. The CAFO regulations establish when a discharge from a land application area under the control of a CAFO is considered to be exempt agricultural storm water, as opposed to a point source discharge from the CAFO. A precipitation-related discharge from a CAFO's land application areas is considered agricultural storm water only when the manure was applied in accordance with site-specific nutrient management practices that "ensure appropriate agricultural utilization of the nutrients" in the manure to be applied^{xxii}. For CAFOs, the agricultural storm water exemption applies only to discharges from land application areas. Furthermore, discharges occurring during dry weather can never be discharges of agricultural storm water.

Criteria for site-specific nutrient management practices for land application are specified in 40 CFR 122.42(e)(1)(vi)-(ix). For permitted CAFOs, the permit must set forth the, "site-specific nutrient management practices" that will be implemented for each requirement of 40 CFR 122.42(e)(1)(vi)-(ix). Under 40 CFR 122.42(e)(1)(vii), all permitted CAFOs must establish field-specific application rates for manure. The site-specific land application rates are established as enforceable terms in the facility's NPDES permit following either the linear approach described in 40 CFR 122.42(e)(5)(i), or the narrative rate approach described in 40 CFR 122.42(e)(5)(ii).

7.3 DEQ **NOI** Processing and Public Participation

The NPDES regulations for CAFOs establish public participation requirements to ensure adequate opportunity for public review of both a CAFO's NMP and the terms of the NMP to be incorporated into the permit before any CAFO may obtain authorization to discharge under an NPDES general permit^{xxiii}. In addition to the initial public comment period provided for the general permit itself, a second round of public notice and comment is necessary when a CAFO applies for coverage under the general permit. This CAFO specific application process provides the public an opportunity to review the CAFO's site-specific NMP and provide comment to DEQ^{xxiv}.

DEQ must review the NOI submitted by a CAFO owner or operator to ensure that the NOI includes the information required by IDAPA 58.01.25.130.05.vi. The NOI must include an NMP that meets the requirements of 40 CFR 122.42(e), and applicable effluent limits and standards, including those specified in 40 CFR 412. 40 CFR 122.23(h)(1) also provides that if, on review, DEQ determines that additional information is necessary to complete the NOI or clarify, modify, or supplement previously submitted material, DEQ will notify the CAFO owner or operator and request that the appropriate information be provided. When the NOI is complete, DEQ must then proceed with the public notification process required by the rule.

DEQ has entered into an agreement with the Idaho State Department of Agriculture (ISDA) regarding the review of NMPs. This agreement acknowledges ISDA's established relationships with the agricultural community and leverages off of ISDA's knowledge and experience assisting the agricultural community to develop and implement NMPs. ISDA's assistance in the NMP review process further enhances DEQ's ability to ensure that the terms of the NMP are effective and meet the applicable requirements, and that comments are properly addressed.

After making a preliminary determination that the NOI meets the requirements of 40 CFR 122.21(i)(1) and 122.42(e), DEQ will provide public notification on DEQ's website, in local newspapers, and potentially through other electronic means. DEQ may provide notice of multiple NMPs at one time provided that all applicable procedural and substantive permitting requirements are satisfied.

Under the NPDES regulations for CAFOs, DEQ also has discretion to establish an appropriate period for public review of the NOI and draft terms of the proposed NMP. Factors DEQ might consider when establishing an appropriate period include:

- The number of NOIs for which public notice is being given at a time
- The complexity of the material made available for public review
- The expected level of public interest based on prior notices of CAFOs seeking coverage
- The opportunity for the public to request an extension of the comment period for one or more facilities
- Whether individuals can request and receive individual notification of CAFOs seeking authorization to discharge under the permit in a timely fashion

DEQ must also provide an opportunity for the public to request a hearing^{xxv}. The procedures for requesting and holding a hearing on the terms of the NMP to be incorporated into the general permit are provided in IDAPA 58.01.25.109.

DEQ must respond to all significant comments received during the comment period^{xxvi}, and will seek input from ISDA as necessary regarding comments received during the public comment period. As necessary, DEQ will require a CAFO owner or operator to revise the pertinent sections of the NMP to address significant issues raised during the review process. Once DEQ determines that the CAFO's NMP is appropriate and complete, DEQ will make the final decision whether to grant permit coverage to the CAFO under the general permit. If coverage is granted, DEQ will incorporate the relevant terms of the NMP into the general permit and inform the CAFO owner or operator and the public that coverage has been authorized^{xxvii}. Notification is necessary to ensure that the applicant and interested individuals are aware of DEQ's final decision on granting authorization to discharge under the general permit. The specific CAFO coverage and site-specific NMP terms will be incorporated into the general permit in an appendix. Once a CAFO obtains authorization to discharge under the IPDES permit, it must implement the terms and conditions of the NMP as incorporated in the permit, as of the date of permit coverage authorization^{xxviii}.

Information specifically required in the NOI does not qualify as confidential business information. Information submitted to support the NOI that is not specifically required by the NOI may be classified as confidential business information^{xxix}.

7.4 TBEL Development

Technology-based effluent limits and standards for CAFOs must address all pollutant discharges to a water of the U.S. from a CAFO^{xxx}. Technology-based standards have been established through national ELGs for some CAFO discharges. ELGs have been promulgated for only those operations that meet the regulatory definition of a Large CAFO, and apply to the production area for subparts A, B, C, and D and land application area for subparts C and D. There are no ELGs for Small or Medium CAFOs or for exotic animal species. All other discharges must be addressed through technology-based effluent limits developed on a case-by-case basis by the permit writer using their best professional judgement, or a combination of the two methods^{xxxi}. In general, CAFO permits will include limits for process wastewater discharges from the CAFO's production area and land application area.

The production area at a CAFO includes the animal confinement areas and other parts of the facility, including manure storage areas, raw materials storage areas, and waste containment areas^{xxxii}. The land application area means all land under the control of the CAFO owner or operator, including where the CAFO owns, rents, or leases the land to which manure from the production area is applied^{xxxiii}. It includes situations where a CAFO determines when and how much manure is applied to fields not owned, rented, or leased by the CAFO.

The regulation at 40 CFR 412 contains the ELGs applicable to CAFOs. The CAFO ELG establishes the technology-based effluent limits and new source performance standards (NSPS) for those operations that meet the regulatory definition of a Large CAFO.

7.4.1 ELG Animal Sectors

Because the technology-based limits are developed on the basis of information concerning different sectors in the industry, the ELGs for CAFOs are broken into the following subparts addressing specific animal sectors:

- Subpart A: Horses and Sheep
- Subpart B: Ducks
- Subpart C: Dairy Cows and Cattle other than Veal
- Subpart D: Swine, Poultry, and Veal Calves

Table 4 provides a summary of the ELG applicable to each animal sector.

Table 4. Effluent limit summary.

Animal Sector	ELG Technology-Based Limits
Large CAFOs	40 CFR 412
Subpart A – Horses and Sheep	40 CFR 412.13
Subpart B – Ducks	40 CFR 412.22
Subpart C – Dairy Cows and Cattle other than Veal Calves	40 CFR 412.33, 412.37
Subpart D – Swine, Poultry, and Veal Calves	40 CFR 412.45, 412.47

All four subparts include specific discharge limits. Subparts A and B contain technology based requirements for the production area only. Subparts C and D include technology-based requirements for both production areas and land application areas under the control of the CAFO owner or operator. Exotic animal species are those not specifically identified in the ELG, for example: llamas, geese, or ostriches. Nonetheless, just as for any other permitted facility, the CWA requires that an NPDES permit for small, medium, and exotic animal CAFOs include technology-based effluent limits. Where ELGs have not been promulgated, technology-based limits in the permit are determined by the permit writer using Best Professional Judgement (BPJ).

7.4.2 CAFOs that are New Sources

The term “new source” is defined in 40 CFR 122.2, and the tests for determining a new source are identified at 40 CFR 122.29(b)(1). In the definition, any building, structure, facility, or installation from which there is a discharge of pollutants to waters of the U.S. and construction commenced after promulgation of applicable standards of performance is potentially a new source. New source performance standards for Large CAFOs were promulgated on April 14, 2003. Once a facility meets the definition of “new source” in 40 CFR 122.2, the tests in 40 CFR 122.29(b)(1) are used to determine which are defined as new sources.

The first test for identifying a new source is whether the facility meeting the 40 CFR 122.2 definition is also constructed at a location where no other source exists. Any Large CAFO that is newly built at a site where no other source exists would be a new source CAFO subject to new source performance standards. In addition, an AFO that is constructed after the establishment of the new source performance standards that later expands to become a CAFO would be considered a new source if it meets either of the two tests below.

A second way a facility meeting the 40 CFR 122.2 definition can qualify as a new source is where new construction at the facility replaces the process or production equipment that causes the discharge of pollutants at an existing source. For CAFOs this can include:

- Replacement of animal housing
- An overhaul of the facility's production process
- A substantial replacement of production equipment or waste-handling system that causes the discharge of pollutants

Confinement housing and barns at CAFOs are periodically replaced, allowing the opportunity to install improved systems that provide increased environmental protection. Modern confinement housing used at many swine, dairy, veal, and poultry farms is designed so the waste handling and storage generates little or no process water. Such systems negate the need for traditional flush systems and storage lagoons, reduce the risks of uncontrollable spills, and decrease the costs of transporting manure. Similarly, the replacement of an old dairy parlor with a new one would likely result in the facility being considered a new source, particularly where it is accompanied by a change in the size of the dairy herd.

The third test by which a facility can qualify as a new source CAFO is if, when the CAFO was built, its production area and processes are substantially independent of an existing source at the same site. For example, CAFOs could construct new or additional production areas that are on one contiguous property, without sharing waste management systems or commingling waste streams. Separate production areas could also be constructed for biosecurity reasons. New production areas could also be constructed for entirely different animal types, in which case, the more stringent new source performance standards for that animal subpart would apply to the separate and newly constructed production area for any other subparts of animals. In determining whether production processes and waste-handling systems are substantially independent, DEQ will consider factors such as extent to which the new production areas are integrated with the existing production areas, and the extent to which the new operation is engaging in the same general type of activity as the existing source.

A CAFO designated as a new source is subject to the new source performance standards found in the appropriate subpart of 40 CFR 412. These regulations contain applicable effluent limit guidelines and establish technology based effluent limits. 40 CFR 412.46 describes new source performance standards and the applicable dates associated with achieving those standards.

7.4.3 Technology Based Requirements for the Production Area of Large CAFOs

7.4.3.1 Subpart A—Horses and Sheep

The ELG requirements for subpart A, 40 CFR 412.10-15, address the production area only. Any additional technology-based requirements for discharges from the Large CAFO will be developed using best professional judgement.

Existing and new Large CAFOs that confine horses and sheep may not discharge manure or process wastewater (which includes horse wash down water) to waters of the U.S. from the CAFO (i.e., no-discharge standard). The only exception to the no-discharge standard is an overflow that occurs from a facility that is designed, constructed, operated, and maintained to

contain all process wastewater plus the runoff from a 25-year, 24-hour return frequency storm event for the CAFO's location^{xxxiv}.

7.4.3.2 Subpart B—Ducks

The ELG requirements for subpart B, 40 CFR 412.20-26, address the production area only. The ELG distinguishes between two types of manure handling systems in the production area of duck operations (wet lot and dry lot). Any additional technology-based requirements for discharges from the Large CAFO will be developed on a BPJ basis^{xxxv}.

All duck operations constructed before 1974 subject to the ELG must meet specific discharge limits established by 40 CFR 412.22. Those are the only numeric limitations in the CAFO ELGs.

All large duck CAFOs constructed after 1974 are new sources subject to a no-discharge standard that is identical to the BAT standard for subpart A (Horses and Sheep) (40 CFR § 412.25). Subpart B CAFOs may not discharge process wastewater into waters of the U.S., except for an overflow of process wastewater caused by rainfall events from a facility that was designed, constructed, operated, and maintained to contain all process generated wastewater plus the runoff from a 25 year, 24-hour return frequency storm event^{xxxvi}.

7.4.3.3 Subpart C—Dairy Cows and Cattle other than Veal Calves

The ELG requirements for subpart C, 40 CFR 412.30-37, address both the production area and the land application area. Land application requirements can be found in Section 7.4.4, Technology Based Requirements for the Land Application Area of Large CAFOs. This section addresses the technology-based requirements associated with the production area. Subpart C includes requirements for Large CAFOs that confine dairy cattle and cattle other than veal calves. The requirements in subpart C are identical for existing sources and new sources. Existing and new sources subject to subpart C may not discharge manure into waters of the U.S. from the production area^{xxxvii}. The only exception to that no-discharge standard is when precipitation causes an overflow, provided that the production area is designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater including the runoff and direct precipitation from a 25-year, 24-hour return frequency storm event.

To meet the no-discharge requirement, the CAFO must operate the production area in accordance with additional measures and record-keeping requirements specified in 40 CFR 412.37(a)-(b). Those include:

- Requirements for routine visual inspections of the production area,
- The use of depth markers for liquid impoundments,
- Corrective action when deficiencies are identified, and
- Mortality handling.

Records must be maintained onsite, including records for each of the above measures, and records documenting the design of storage structures and any overflows that occur.

7.4.3.4 Subpart D—Swine, Poultry, and Veal Calves

The ELG requirements for subpart D, 40 CFR 412.40-47, address both the production area and the land application area. Subpart D includes Large CAFOs that confine swine, poultry and veal calves. The requirements in subpart D differ for existing and new sources.

Existing sources subject to subpart D are subject to a no-discharge requirement. Those operations may not discharge manure into waters of the U.S. from the production area^{xxxviii}. The only exception to that no-discharge standard is when precipitation causes an overflow, provided that the production area is designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater including the runoff and direct precipitation from a 25-year, 24-hour return frequency storm event.

To meet the no-discharge requirement, the CAFO must operate the production area in accordance with additional measures and record-keeping requirements specified in 40 CFR 412.37(a)-(b) and 412.47(a)-(b). Those include:

- Requirements for routine visual inspections of the production area
- Use of depth markers for liquid impoundments
- Corrective action when deficiencies are identified
- Mortality handling

Records must be maintained onsite, including records for each of the above measures, and records documenting the design of storage structures and any overflows that occur.

The CAFO new source performance standards require certain specified information regarding design, construction, and operation and maintenance (O&M) of the system to be included in the CAFO's NMP. CAFOs must submit a site specific analysis to DEQ^{xxxix}. The site-specific design, construction, and O&M measures are enforceable requirements of the CAFO's permit. As long as the CAFO complies with the requirements, the CAFO is presumed to meet the no-discharge requirement, such that, if a discharge occurs, the CAFO may rely, to the extent they are applicable, on the IPDES upset and bypass provisions of IDAPA 58.01.25.300.13 and 58.01.25.300.14.

7.4.4 Technology Based Requirements for the Land Application Area of Large CAFOs

Each Large CAFO subject to the ELG requirements in subparts C and D that land applies manure must do so in accordance with certain practices that constitute the technology-based effluent limitations for the land application area^{xl}. The operator shall:

- Develop and implement a field-specific NMP that fully incorporates the other requirements of 40 CFR 412.4 concerning land application.
- Land apply manure at application rates that minimize nitrogen and phosphorus transport from the field to waters of the U.S. in compliance with the technical standards for nutrient management. The technical standard for nutrient management must include a field-specific assessment of the potential for nitrogen and phosphorus transport from the field to waters of the U.S. and address the form, source, amount, timing, and method of application of nutrients on each field to achieve realistic production goals while

minimizing nitrogen and phosphorus movement to waters of the U.S. The standard must also include appropriate flexibility for any CAFO to implement nutrient management practices to comply with the standard such as consideration of multiyear phosphorus applications to fields that do not have a high potential for phosphorus runoff to waters of the U.S. and phased implementation of phosphorus-based nutrient management, as determined appropriate by the Director.

- Analyze manure at least once a year for nitrogen and phosphorus content, and analyze soil at least once every 5 years for phosphorus content. The results of the analyses are to be used in determining application rates for manure, litter, and other process wastewater.
- Periodically inspect equipment used for land application of manure for leaks (before each application is recommended to ensure the manure is delivered at the proper rate of application).
- Implement a minimum setback for manure application of 100 feet from surface waters and conduits to surface waters; or substitute with a 35-foot vegetated buffer, or other alternatives where the CAFO demonstrates equivalent pollutant reductions.
- Complete on-site records documenting implementation of all required BMPs and any additional records specified by the permitting.

7.5 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector; refer to the User's Guide Volume 1, section 9 (DEQ 2017a). DEQ compliance monitoring is expected to be conducted on 5% of facilities annually. DEQ compliance monitoring activities are described in *IPDES Compliance Monitoring Strategy* (DEQ 2016a). Nothing precludes EPA from conducting an inspection independent of DEQ. The compliance inspection requirements DEQ must comply with, and may be completed by ISDA in accordance with, the Memorandum of Understanding. ISDA inspects all AFOs in Idaho annually, in accordance with their rules. When those inspections involve a regulated CAFO, ISDA inspectors certified by DEQ to conduct IPDES inspections will be able to evaluate practices associated with the land application of manure, litter, and process wastewater to determine if all land application discharges may be classified as exempt agricultural storm water.

7.6 Special Conditions

This section includes a brief description of the special conditions in the CAFO general permit.

7.6.1 Nutrient Management Plan

Nutrient Management plans were discussed in Section 7.2.2.

7.6.2 Facility Closure

Lagoons and other earthen or synthetic lined basins and other manure, litter, or process wastewater storage and handling structures may only be closed following the permit requirements.

These requirements typically include the following for lagoons.

- No lagoon or other earthen or synthetic lined basin shall be permanently abandoned.
- Lagoons and other earthen or synthetic lined basins shall be maintained at all times until closed in compliance with the permit condition.
- All lagoons and other earthen or synthetic lined basins must be properly closed if the permittee ceases operations.
- All closure of lagoons and other earthen or synthetic lined basins must be consistent with the Idaho NRCS Practice Standard Code 360.
- Completion of closure for lagoons and other earthen or synthetic lined basins shall occur as promptly as practicable after the permittee ceases to operate.

7.6.3 Requirements for the Transfer of Manure, Litter, and Process Wastewater to Other Persons

If CAFO generated manure, litter, or process wastewater is sold or given away, the permittee(s) must maintain records for at least five years showing the date, the amount of manure, litter or wastewater sold, the name and address of the recipient, the representative information of the nutrient content of the manure, litter, and/or process wastewater.

7.6.4 Liner Requirements

CAFOs constructing new wastewater or manure storage structures or modifying existing wastewater or manure storage structures should insure that all wastewater or manure storage structure design and construction will, at a minimum, be in accordance with Idaho NRCS standards. IDAPA 02.04.31 also includes setbacks for wastewater or manure storage.

7.6.5 Wastewater or Manure Storage Structure Dewatering

Develop a schedule for liquid waste removal from the wastewater or manure storage structure. A log indicating weekly inspection of wastewater level in the wastewater or manure structure, including specific measurement of the wastewater level must be kept.

7.6.6 Spills

Appropriate measures necessary to prevent spills and to cleanup spills of any toxic, hazardous, or other pollutants shall be taken. Procedures for materials handling, storage, and the cleaning up of spills must be specified in the NMP and the necessary equipment to clean up shall be made available to facility personnel.

7.6.7 Employee Training

Employees responsible for permit compliance must be regularly trained or informed of any information pertinent to the proper operation and maintenance of the facility and waste disposal. Training should include topics such as land application of wastes, proper operation and maintenance of the facility, good housekeeping and material management practices, necessary record-keeping requirements, and spill response and clean up. The NMP shall identify dates for such training.

8 Pesticide

This section helps the reader understand topics regarding the Pesticide General Permit (PGP). EPA took a general permit approach to pesticide permitting due to the similarity of discharges, the similar type of operations, and the large number of pesticide operations requiring permitting coverage. DEQ intends to continue the general permit approach for pesticide operations.

8.1 Permit Coverage

The PGP covers any “operator” who meets the specific eligibility requirements in the PGP and has submitted a Notice of Intent (NOI). The application of biological or chemical pesticides that leave a residue which may enter surface water when the application is for mosquito and other flying insect pest control, weed and algae pest control, animal pest control, or forest canopy pest control use patterns. An “Operator” is defined as any entity associated with the application of pesticides which results in a discharge to waters of the U.S. in the state of Idaho that either:

1. Performs the application of a pesticide or has day-to-day control of the application.
2. Controls the decision to perform pesticide applications including the ability to modify those decisions.

Operators identified by (1) are applicators, and operators identified by (2) are decision-makers.

Applicants granted coverage under the PGP must follow all other applicable laws; the PGP does not replace or negate the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

8.1.1 Area Covered by Permit

When DEQ takes primacy for general permits in 2020, the 2016 PGP will transfer to DEQ. At that time, the PGP will cover pesticide operations that discharge within the state of Idaho; Indian country is excluded and will remain under EPA authority.

8.1.2 Eligibility

The PGP covers any discharge(s) of biological or chemical pesticides (collectively *pesticides*) that leave a residue, when the application is for one of the following pesticide use patterns:

- Mosquito and other flying insect pest control – to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category may include mosquitos and black flies.
- Weed and algae pest control – to control weeds, algae, and pathogens that are pests in water and at water’s edge, including ditches and/or canals.
- Animal pest control – to control animal pests in water and at water’s edge. Animal pests in this use category may include fish, lampreys, insects, mollusks and pathogens.
- Forest canopy pest control – application of a pesticide to a forest canopy to control the population of a pest species (e.g. insect or pathogen) where, to target the pests effectively, a portion of the pesticide will be applies over and deposited to water.

Dischargers associated with the application of a pesticide as part of a pesticide research and development are automatically covered by the PGP without submitting an NOI. Decision makers that are required to submit an NOI to obtain coverage are described in Table 5. Eligible discharges that do not meet the requirement to submit an NOI described in Table 5 are automatically covered.

Table 5. Pesticide Application & NOIs

PGP Part/Pesticide use	Which Decision makers must Submit NOIs?	For Which Pesticide Application Areas
All four use patterns	Any decision maker with an eligible discharge to a Tier 3 water (Outstanding National Resource Water)	Activities resulting in a discharge to a Tier 3 water
All four use patterns	Any Decision maker with an eligible discharge to waters of the U.S. containing NMFS listed Resources of Concern	Activities resulting in a discharge to waters of the U.S. containing NMFS Listed Resources of Concern
Mosquito and other flying insect pest control	Any agency for which pest management for land resource stewardship is an integral part of the organizations operations	All mosquito and other flying insect pest control activities resulting in a discharge to waters of the U.S.
	Mosquito control districts, or similar pest control districts	All mosquito and other flying insect pest control activities resulting in a discharge to waters of the U.S.
	Local governments or other entities that exceed the annual treatment area threshold	Adulticide (pesticide treatment to control or combat adult mosquitos, an outbreak of mosquito-borne disease, or a very heavy nuisance infestation of mosquitos) treatment if more than 6,400 acres during a calendar year
Weed and algae pest control	Any agency for which pest management for land resource stewardship is an integral part of the organizations operations	All weed and algae pest control activities resulting in a discharge to waters of the U.S.
	Irrigation and weed control districts, or similar pest control districts	All weed and algae pest control activities resulting in a discharge to waters of the U.S.
	Local governments or other entities that exceed the annual treatment area threshold	Treatment during a calendar year if more than either 20 linear miles or 80 acres of water
Animal pest control	Any agency for which pest management for land resource stewardship is an integral part of the organizations operations	All animal pest control activities resulting in a discharge to waters of the U.S.
	Local governments or other entities that exceed the annual treatment area threshold	Treatment during a calendar year if more than either 20 linear miles or 80 acres of water
Forest canopy pest control	Any agency for which pest management for land resource stewardship is an integral part of the organizations operations	All forest canopy pest control activities resulting in a discharge to waters of the U.S.
	Local governments or other entities that exceed the annual treatment area threshold	Treatment of more than 6,400 acres during a calendar year

8.1.3 Limitations Facilities Ineligible for Coverage

The following sections describe some of the limits restrictions to obtaining coverage under the PGP.

8.1.3.1 Discharges to Water Quality Impaired Waters

Discharges are not eligible for coverage under the PGP if the pesticide application will discharge to a water of the U.S. that is identified as impaired by a substance which either is an active ingredient in that pesticide or is a degradant of such an active ingredient. If a discharge from a pesticide application would not be eligible under the PGP because the water is listed as impaired for that specific pesticide, but there is evidence that shows the water is no longer impaired, operators may submit this information with their application and request that coverage be allowed.

8.1.3.2 Discharges to Waters Designated as Tier 3 for Antidegradation Purposes

Discharges are not eligible for coverage under the PGP if the water is designated as Tier 3 for antidegradation purposes. Exceptions for discharges to Tier 3 waters from pesticide applications made include:

- To restore or maintain water quality
- To protect public health or the environment, if
 - Discharge does not degrade water quality, or
 - Discharge only degrades water quality on a short-term or temporary basis

8.1.3.3 Discharges Currently or Previously Covered by Another Permit

Discharges are not eligible for coverage under the PGP if:

- Discharge is covered by another NPDES permit.
- Discharge was included in a permit that in the past 5 years has been or is in the process of being denied, terminated, or revoked (this does not apply to the routine reissuance of permits every 5 years).

8.2 Application Authorization Requirements

PGP operators may be automatically authorized to discharge by the PGP permit. Operators with eligible discharges resulting from research and development of pesticides may be automatically authorized, as well as other operators who would be eligible for coverage but are not required to submit an NOI, as described in the PGP.

Operators who are required to submit NOIs based on the 2016 PGP, and the pesticide applications they are required to submit NOIs for, are described in Table 5.

8.2.1 Notice of Intent

The NOI should be submitted using EPA's electronic Notice of Intent (eNOI) system, even after DEQ takes primacy for general permits.

The **notice of intent NOI must** include the owner and operator information, and the facility location and description, as explained in section 2. In addition, an **notice of intent NOI** for the PGP **must** include the following.

- The name of the pest management area
- Mailing address of the pesticide applicator
- The pesticide use patterns to be included in the pest management area
- The receiving water(s) in the pest management area
 - Rationale for determination that pesticide discharge is necessary to protect water quality, the environment and/or public health and that any such discharge will not degrade water quality or will degrade water quality only on a short-term or temporary basis for any Tier 3 receiving water(s).
 - Evidence that the receiving water is no longer impaired, despite the receiving water being on the Idaho impaired water body list.

~~The NOI should be submitted using EPA's electronic Notice of Intent (eNOI) system.~~

8.2.2 Pesticide Discharge Management Plan

Decision makers who are large entities (any entity that exceeds the small business administration size standard at 13 CFR 121.201 or a local government that serves a population greater than 10,000) and are submitting an NOI also need to prepare a pesticide discharge management plan (PDMP) by the time the NOI is filed. There are two exceptions to the PDMP requirement:

1. Any application made in response to a declared pest emergency situation
2. Any decision maker who is required to submit an NOI solely because their application results in a point source discharge to waters of the U.S. containing **National Marine Fisheries Service (NMFS)** listed resources of concern

The PDMP documents how decision makers will implement the effluent limits, including the evaluation and selection of Pest Management Measures to meet the effluent limits in order to minimize discharges. The PDMP **must** include the following:

- Pesticide discharge management team
- Problem identification
- Pest management options evaluation
- Response procedures
- Spill response procedures
- Adverse incident response procedures
- Documentation to support eligibility considerations under other laws
- Signature requirements

The PDMP should be kept at the address included in the NOI. The permittee should supply the PDMP to DEQ, EPA, or local governing agencies upon request.

8.3 DEQ **NOI** Processing

Any operator with eligible discharges is automatically authorized to discharge under the PGP without submitting an NOI, except those specifically required to submit an NOI **as above and for**

the PGP, also described in Table 5. The timeline for DEQ to grant discharge authorization varies based on the type of activity seeking coverage. For declared emergency pest situations, authorization can be granted immediately upon beginning to discharge. For operators who will exceed any annual treatment area threshold or are otherwise required to submit an NOI, authorization to discharge will be granted no earlier than ten days after DEQ posts receipt of a complete and accurate NOI.

8.4 Technology-Based Effluent Limits (TBEL) Development

Technology based effluent limits are established in regulations known as effluent limits guidelines (ELGs) or by using best professional judgement (BPJ). Until ELGs are developed for pesticide operators, BPJ must be used to develop the limits in the PGP.

The point in time for which a numeric effluent limit would apply is not easily determinable. There are often short duration, highly variable, pesticide discharges to surface waters from many locations for which it would be difficult to establish a numeric limit at each location. The precise location for which a numeric effluent limit would apply is unclear. Due to these factors, non-numeric technology based effluent limits are utilized in the PGP.

Typical requirements for TBEL non-numeric effluent limits within the scope of the PGP are:

- Identify the problem.
 - Establish pest and/or site-specific action thresholds.
 - Identify target pests to develop pest management measures.
- Select and implement efficient and effective means of pest management measures that minimize discharges resulting from the application of pesticides to control pests, ranging from no action, up to pesticide application.
- Conduct surveillance of the pesticide application area to assess when to best apply the pesticide.
- Reduce the impact by applying pesticide only if an action threshold has been met based on surveillance.

8.4.1 Decision Maker's Responsibilities

Decision makers have specific responsibilities regarding pesticide application, though their responsibilities vary by pesticide use pattern. The decision maker should minimize the discharge of pesticides to waters of the U.S. through the use of pest management measures. Pest management measures include any practice used to meet the effluent limitations that comply with manufacturer specifications, industry standards, and recommended industry practices related to the application of pesticides. Decision makers should preferentially choose pesticides that will only affect the target pest and minimize effect on non-target species.

8.4.2 Applicator's Responsibilities

Applicators also have specific responsibilities regarding pesticide application. Applicators should:

- Minimize the discharge of pesticides to waters of the U.S. through the use of pest management measures

- Use only the amount of pesticide and frequency of application necessary to control the target pest
- Maintain the pesticide application equipment in proper operating condition to prevent leaks, spills or other unintended discharges
- Assess weather conditions in the treatment area to ensure application is consistent with all federal requirements

8.5 Water Quality-Based Effluent Limits (WQBEL) Development

Discharges should be controlled as necessary to prevent exceedances of applicable numeric or narrative state water quality standards. If an operator becomes aware, or DEQ or EPA determines, that the operator's discharge causes or contributes to an exceedance of applicable water quality standards, the operator must take corrective actions. Operators should consider monitoring for pH, dissolved oxygen, ammonia, and temperature depending on the pesticide chosen and the beneficial uses of the receiving water, to ensure compliance with Idaho Water Quality Standards.

8.6 Additional Conditions

8.6.1 Conditions Applicable to All Pesticide Use Patterns

In the event of an unauthorized release of hazardous materials to waters of the U.S., the operator should:

1. Stop the spill
2. Contain the spilled material
3. Call 911 then notify the local DEQ office
4. Collect, remove, and properly dispose of the material

8.6.2 Conditions Applicable to Applications of Aquatic Chemical Pesticides

If the application is directly into navigable waters, subject to the jurisdiction of the CWA that contain public drinking water system (PDWS) surface water intakes, the operator should follow the notification requirements in the permit, such as notifying the appropriate DEQ regional office administrator, as well as the PDWS operators/owners at least 14 days prior to the application if:

1. The pesticide contains at least one of the following chemicals: endoathall, diquat, 2,4-D, or glyphosate
2. The targeted pest control area is within 600 feet of the intake or within the distance restrictions (associated with domestic use) specified on the label, whichever is greater

Applications into jurisdictional tributaries of waters of the U.S. with PDWS intakes should also follow the notification requirements above if the application falls within the distance specified. Waters of the U.S with PDWS intakes are available on the DEQ website. Contact information for the DEQ regional office administrators can be obtained at <http://www.deq.idaho.gov/regional-offices-issues>.

If a chemical pesticide containing endothall, diquat, glyphosate, or 2,4-D is applied directly into waters of the U.S. within the distance specified in #2, above, the operator must monitor water quality as described in the permit.

If the application is directly into waters of the United States subject to appropriation under the laws of the State of Idaho, the operator must provide advanced notice to owners of water rights and water permits for domestic and agricultural use that are on record with the Idaho Department of Water Resources (IDWR) that have an authorized point of diversion located within the distance specified in #2, above. Information about water right or water permit owners may be obtained at <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

If an application is into waters of the U.S. that may be used for recreational activities, the operator must post notices at boat launches and public swimming beaches. The operator must also follow the FIFRA label instructions, where applicable, for posting requirements. If the FIFRA label does not have specific requirements for posting notices, then the operator should follow these guidelines.

1. The notice should be placed at locations accessible by the public and the extent of posting limited to the target pest control area
2. The notice should be posted at least fourteen days prior to treatment
3. The notice should indicate the dates of application, the product used, the purpose of the application, any water use restrictions, and operator phone number
4. The notice should be removed within two weeks after the pest control project has been completed

For applications of chemical pesticides to waters of the U.S. for the sole purpose of eradicating vertebrate animals, the operator must notify the appropriate DEQ regional office administrator 30 days prior to the application. Notifications should include the following:

- Operator name and telephone number
- Map with targeted pest control area defined
- Anticipated schedule of applications
- Pesticides that will be used
- Any water use restrictions associated with the pesticide labeling information.

Notifications to the DEQ regional office administrator should be in writing and may be submitted via email, hand delivery, or ground mail.

These conditions do not apply to operators applying pesticides to manmade waterways which they own, operate or maintain for irrigation water delivery or drainage purposes.

8.7 Recordkeeping and Annual Reporting

Recordkeeping and annual reporting requirements may vary depending on the type of operator, the population served by the decision maker, and the reason for needing to submit an NOI. All operators should keep information related to adverse incidents, corresponding corrective action, and spills or leaks. For-hire applicators should keep records on equipment calibration and information on each treatment area to which pesticides are discharged. Small entity decision makers should keep a copy of their NOI and related correspondence with DEQ or EPA.

equipment calibration, and information on each treatment area to which pesticides are discharged.

Large entities required to submit an NOI are required to submit annual reports to DEQ. Annual reports must be submitted by the date specified in the PGP and must cover all pesticide activities covered by the PGP that occurred in the previous calendar year. When a decision maker first exceeds an annual threshold, the annual report should include the pesticide activities that occurred after exceeding the threshold, and all subsequent pesticide application activities in subsequent years until permit coverage is terminated. Large entity decision makers should keep the same documents as small entities, as well as copies of annual reports and their PDMP.

Small entities required to submit an NOI for discharging to a NMFS listed resource of concern are also required to submit an annual report to DEQ.

Annual reports should be submitted through the IPDES E-Permitting system. Annual reports should contain:

1. The decision maker's name and contact information
2. The NPDES permit tracking number
3. Contact person name, title, and contact information
4. A description of each treatment area and pesticide use pattern

8.8 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft Pesticide General Permit is developed. Additional guidance on the process is outlined on page 96 of *IPDES User's Guide to Permitting and Compliance - Volume 1* (DEQ 2017a).

8.9 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector; refer to the User's Guide Volume 1, section 9 (DEQ 2017a). There is no set national compliance monitoring frequency goal for pesticide operators subject to the IPDES program. DEQ intends to conduct compliance monitoring activities in response to tips and complaints and other available information relevant to compliance, as described in *IPDES Compliance Monitoring Strategy* (DEQ 2016a). Nothing precludes EPA from conducting an inspection independent of DEQ.

9 Small Suction Dredge Mining

This section helps the reader understand topics about permitting small suction dredge mining operations in Idaho. The small suction dredge mining general permit (SDMGP) specifies limits on maximum nozzle size and cumulative horsepower rating. Additional permits for the operation of small suction dredge mining are required by Idaho Department of Water Resources (IDWR) and may be required by the US Forest Service (USFS), US Army Corps of Engineers (USACE), or the Bureau of Land Management (BLM).

9.1 Permit Coverage

9.1.1 Area Covered by Permit

The SDMGP covers recreational suction dredging for waters in Idaho that are open to mining. The SDMGP contains a list of waters that are open to suction dredge operations. IDWR has a separate list of open and closed waters for their letter permit. These two lists do not always overlap so a permittee must check both permits to see if the intended site of dredging operations is open.

9.1.1.1 Waters Closed by General Permit

Any water that is closed by the general permit, regardless of IDWR's open/closed status, will not be granted Clean Water Act (CWA) coverage under the general permit. The waters that are closed by the permit are broken down into several categories:

- Nationally Protected Areas
- Tribal Reservations
- National Wild and Scenic Rivers
- Endangered Species Habitat Areas
- Withdrawn Rivers Segments by Idaho Department of Lands
- State Protected Rivers
- Mercury- or Sediment-Impaired Streams without a Waste Load Allocation (WLA) for suction dredging

Nationally Protected Areas and Designated Critical Habitat areas may be open under the general permit if a federal agency has completed an Endangered Species Act (ESA) section 7 consultation, which finds this activity acceptable. DEQ does not do Endangered Species Act (ESA) section 7 consultations for proposed operations. These endangered species habitat areas are considered closed unless an ESA consultation has been done by the appropriate federal agency. DEQ does not perform ESA section 7 consultations for proposed operations. Some endangered species habitat areas might be open after consultation is done with the federal agency (e.g. US Forest Service) that manages the federal lands where the proposed operation site is located.

9.1.1.2 Waters Closed by IDWR Letter Permit

IDWR provides information on their web page for waters that are open under their letter permit. A map of these waters can be found ~~here~~ at <https://idwr.idaho.gov/streams/map.html>. Waters that are closed by IDWR from coverage under their letter permit ~~does are~~ not precluded coverage under the SDMGP; however, additional permitting (called the joint application) by IDWR and ~~US Army Corps of Engineers (USACE)~~ is required. DEQ does not process these joint applications nor can they be used as a replacement for an NOI. Rather, coverage under an IPDES permit (general or individual) must still be attained prior to starting suction dredge mining. For more information about the IDWR permitting process please contact the IDWR stream channel protection team at idwrinfo@idwr.idaho.gov with "Stream Channel Alteration or Recreational Mining Questions" in the subject line or from their website at <https://idwr.idaho.gov/streams/contacts.html>.

Additional restrictions might be in place by federal land managers (USFS, BLM, etc.). It is the responsibility of the permittee to ensure that they check with the appropriate federal agency and obtain any additional permits needed before beginning dredging operations.

9.1.2 Eligibility

Eligibility for coverage under the SDMGP is restricted to specifically listed open waters and by the equipment requirements listed in the general permit. For proposed operations on **unlisted closed** waters or that do not meet the equipment restrictions, DEQ will work with the applicant to determine whether CWA coverage is possible under an individual industrial permit. Please see Volume **three 3** of the IPDES user's guidance at <http://www.deq.idaho.gov/media/60182385/ipdes-user-guide-ipdes-permitting-compliance-vol3-18.pdf>, for more information on individual industrial permits.

9.1.3 Equipment Requirements

The SDMGP restricts the dredging equipment eligible for CWA coverage. The general permit restricts the cumulative nozzle diameter to five (5) inches and a combined pump horsepower (hp) that does not exceed 15 hp. These restrictions are the same as found in IDWR's letter permit. Multiple nozzles are not excluded as long as the diametrical equivalent is no more than 5 inches.

Examples of these equivalents are:

1— 5 inch dredge;

1— 4 inch dredge and 1— 1 inch dredge;

1— 3 inch dredge and 1— 2 inch dredge;

1— 3 inch dredge and 2— 1 inch dredges;

2— 2 inch dredges and 1— 1 inch dredge;

3— 1 inch dredges and 1— 2 inch dredge;

5— 1 inch dredges.

9.1.4 Notice of Intent (NOI)

Notice of Intent (NOI) submittals to DEQ should be submitted electronically through DEQ's E-Permitting system after July 1, 2020; **if application for the 2020 dredging season, where annual NOI's are required (GEM Creeks and South Fork Clearwater)** has been submitted to EPA prior to July 1, 2020, no further action is required for that dredging season. The electronic form will require the same information that is currently required on the paper NOI form. After December 21, 2020 any applicant that wants to submit a paper NOI must first request a waiver from DEQ to be exempt from EPA's electronic NOI requirement. This request must be submitted each time the applicant would like to submit a paper NOI (i.e. if the proposed dredging site is in the GEM or South Fork Clearwater, the request must be made annually before submitting a paper NOI).

Some streams covered by the SDMGP require annual NOI submittals. These waters include:

- South Fork Clearwater River

- Grimes Creek
- Elk Creek
- Mores Creek

NOI's for the South Fork Clearwater River drainage are due 60 days prior to beginning dredging operations. Currently, EPA restricts general permit coverage to the first 15 complete NOI's for the South Fork Clearwater River. All NOI's received for Grimes Creek, Elk Creek, and Mores Creek (GEM) will be allocated dredging hours based on the number of NOI's received.

If a permittee had coverage in either the South Fork Clearwater drainage or the GEM creeks during the previous year, the annual report must be submitted prior to new coverage being granted. Annual reports should be submitted electronically through the IPDES E-Permitting system, or, if an electronic filing waiver has been granted for the mining season, a paper copy may be sent to the appropriate DEQ Regional office:

- South Fork Clearwater River reports to DEQ's Lewiston Regional Office.
- GEM creeks to DEQ's Boise Regional Office.

9.2 DEQ **NOI** Processing

When a new SDMGP is issued DEQ will process all NOI's received and send letters of approval or denial. Letters of approval will include the Miner ID number that must be displayed on the dredge and in the miner's vehicle.

For the yearly NOIs DEQ will process the GEM creeks' NOIs first and then process the South Fork Clearwater NOIs. The process for allocating hours to GEM creeks is based on the number of NOIs received and hours requested in the NOI. DEQ will distribute the allowable hours equitably based on the number of NOIs received and the total hours available. **For an NOI that requests a lower number of hours than the average, the lower number will be granted and the remaining hours redistributed among the remaining NOIs.**

9.3 Technology-Based Effluent Limits (TBEL) Development

Technology-based effluent limits are derived from EPA developed effluent limitation guidelines (ELGs). EPA developed ELGs for the gold placer mining industry but these guidelines are for mechanical placer mining and large dredging operations. Due to the size and nature of **the** small suction dredging operations, with discharge consisting of stream water and bed material, numerical technology-based effluent limits have not been developed. EPA has determined **by** using best professional judgment (BPJ) that Best Management Practices (BMPs) should be established to minimize the impacts from small suction dredge mining.

9.3.1 Pollutants of Concern and Pollution

The pollutants of concern from small suction dredge mining include, but are not limited to, suspended sediment, mercury mobilization, and fuel spills. Additional concerns include, **but are not limited to:** introduction of invasive species, inhibiting fish passage, and impacting spawning fish and spawning habitat. The use of BMPs should in place to minimize impacts.

9.3.2 Best Management Practices (BMP)

Suction dredge mining operations are required to implement the following BMPs.

9.3.2.1 Silt and Clay Areas

The general permit restricts suspended solids plumes downstream of the dredging operations. Visible increases in turbidity above background levels must not extend beyond 500 feet downstream from the suction dredge operations. Dredging of concentrated silt and clay should be avoided. Reasonable care needs to be applied to avoid dredging silt and clay materials that would result in a significant increase in suspended solids. Reasonable care includes moving the suction dredge to a new location or reducing the volume of effluent discharge by limiting operation speed of the suction dredge.

9.3.2.2 Mercury

Elemental mercury (quicksilver) has been used in the past to accumulate gold in sluice mining operations. Consequently, mercury may be dredged from stream sediments. If mercury is found during suction dredging, (i.e. mercury is collected in the sluice box), the operator must:

- Keep the mercury contained and not release the collected mercury; this will require stopping suction dredge operations immediately in order to collect the mercury, and
- Work with the appropriate DEQ Regional Office to properly collect, store, transport, and dispose of the mercury.

The operator should also consult the DEQ *Best Management Practices for Mercury Collection from Suction Dredging Activities* at <http://www.deq.idaho.gov/media/60181379/suction-dredge-mining-activities-mercury-collection-bmps.pdf>. The DEQ BMP explains how to safely remove mercury from dredging equipment, safely contain any mercury collected, and safely dispose of the collected mercury. Please contact the Regional DEQ office where the dredging activity is occurring for further information or for a copy of the BMP.

9.3.2.3 Separation Distance

To ensure compliance with the 500 foot mixing zone for all small suction dredge operations, there should be at least 800 feet from another suction dredge operation. The additional 300 foot provides a buffer so the mixing zones do not overlap. Additionally, suction dredging should not occur within 500 feet above the confluence with a waterbody that is impaired for sediment or mercury.

9.3.2.4 Fish Passage, Spawning Fish and Spawning Habitat

Suction dredging and discharging are prohibited within 500 feet of locations where fish are spawning, redds (spawning beds) occur, or alevins (fry with a yoke sack still present) are known to exist. To protect spawning gravels, suction dredging must not occur in gravel bar areas at the tail of pools or where discharges of suspended solids result in fine sediments settling onto gravel bars.

The permittee shall ensure there is adequate passage for fish around and through the suction dredging area at all times. Intake for the suction dredge pump shall be covered with screening mesh.

If fry-sized salmonids are not present at the site the screen mesh openings shall not exceed 1/4 inch in size. If fry sized salmonids are present then the screen mesh openings shall not exceed 3/32 inch in size.

9.3.2.5 Stream Channel Alterations

Suction dredge operations must occur within the wetted channel. Dredging materials must be used to fill any holes created before new holes can be created. Dredging cannot cause a change in the banks leading to bank erosion (collapse) or undercut the banks. Boulders and logs that are in the channel cannot be moved by motorized **wenches winches** or machines. The general permit does not authorize stream channel damming or diversions; these activities require a 404 permit from the USACE.

9.3.2.6 Refueling and Hazardous/Deleterious Material Storage

The general permit outlines a specific BMP for refueling and hazardous/deleterious material storage that includes the following from the permit:

- a. *Care shall be taken by the operator during refueling of equipment to prevent spillage. When using a fuel container without a nozzle, a funnel must be used while pouring. Absorbent material, such as a towel, must be placed under the fuel tank to catch any spillage from refueling operations. A spill kit that includes material for minimizing the effects of a spill, such as sorbent pads and a boom, must be available in case of accidental spills.*
- b. *Suction dredges must be checked for leaks, and all leaks repaired, prior to the start of operations each day. Equipment must be in proper working order and shall not leak petroleum products.*
- c. *Spill Reports. Spills of petroleum products must be reported to DEQ as required below:*

Owners and operators shall contain and immediately clean up an above ground spill or overflow of petroleum only after identifying and mitigating any fire, explosion and vapor hazards.

- i. *If an above ground spill or overflow of petroleum results in a release that exceeds twenty-five (25) gallons or that causes a sheen on nearby surface water, within twenty-four (24) hours, the owners and operators shall report the spill to DEQ and begin corrective action.*
- ii. *If an above ground spill or overflow of petroleum results in a release that is less than twenty-five (25) gallons and does not cause a sheen on nearby surface water, the owners and operators shall report the spill to the DEQ only if cleanup cannot be accomplished within twenty-four (24) hours.*

Any other spills shall be noted in the log and reported on the AR.

- d. *All chemical or petroleum products shall be stored in a safe and secure location at all times. Fuel not stored and dispensed with an American National Standards Institute (ANSI) or Underwriter Laboratory (UL) approved safety container must be maintained more than 100 feet from the mean (ordinary) high water mark. The USFS requires secondary containment for fuel storage within the National Forest system.*

Hazardous and deleterious material must not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of state waters or waters of the United States unless adequate measures and controls are provided to ensure that those materials will not enter these waters as a result of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third party activities.

- e. Suction dredges must be anchored to the streambank during refueling, so that fuel does not need to be carried out into the stream.*
- f. Owners and operators may transfer fuel over water in a detachable fuel tank or in an approved container for proper storage on the opposite bank (see d., above).*

In the event of a reportable spill, see Appendix A for DEQ contact information. Outside of regular business hours, report to the State Communications Center at (800) 632-8000 or (208) 846-7610.

9.3.2.7 Invasive Species

Equipment must be decontaminated for invasive species prior to placement on or entering a water body. When traveling to a site if the permittee passes an invasive species inspection station (watercraft inspection station) they must stop to have their equipment inspected. If the equipment has been in waters that are known to be infested by Quagga and/or Zebra Mussels within 30 days, documentation of decontamination must be done prior to using the equipment in Idaho waters (IDAPA 02.06.09.202.02). If decontamination has not been done and documented then the permittee must go to an inspection station to have the equipment decontaminated (free of charge).

9.4 Special Conditions

The special conditions within the general permit are a result of the TMDLs for the South Fork Clearwater and the Grimes Creek, Elk Creek, and Mores Creek drainages.

For the South Fork Clearwater River drainage:

- Dredging is only allowed in the drainage above the Harpster Bridge from July 15 to August 15.
- Currently, only 15 dredges will be authorized under this general permit per dredging season. If authorization has **not** been granted from this general permit, regardless of permits issued by other agencies, do not dredge. DEQ may review how the TMDL wasteload allocation is being applied in future permits.
- The NOI are not accepted until April 1 of each year and must be received 60 days prior to your planned dredging start date.
- Permittees are limited to processing an average of 2 cubic yards per hour (yd³/hr) over an 8-hour period each day.
- When background turbidity is 50 Nephelometric Turbidity Units (NTUs) or less: Turbidity **below downstream from** the mixing zone shall not exceed background turbidity by more than 5 NTU.

- When background turbidity is more than 50 NTU: Turbidity below downstream from the mixing zone shall not exceed background turbidity by more than 10 percent and shall not exceed a maximum increase of 25 NTU.
- To ensure compliance with the permit, the permittee should own and properly operate a Nephelometer when background turbidity must be monitored.

For the GEM Creeks and drainages:

- The TMDL limits the number of allowable dredging hours per drainage (If the TMDL is revised in the future the number of allocated hours may change accordingly):
 - Grime Creek drainage—336 hours
 - Elk Creek drainage—44 hours
 - Mores Creek drainage—240 hours
- The dredging season is from May 1 to April 30 of the following year.
- NOIs must be submitted by April 1 of each year.
- An NOI must be submitted for each season.
- Permittees are limited to processing an average of 2 yd³/hr.
- The Grimes Creek allocation is applicable to the main stem of Grimes Creek and all tributaries;
- The Elk Creek allocation is applicable to the main stem of Elk Creek and the tributaries above Eldorado Gulch.
- The Mores Creek allocation is applicable to the main stem of Mores Creek and the tributaries (except Grimes and Elk creeks) below Boulder Creek.

9.5 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft suction dredge mining general permit is developed. Additional guidance on the process is outlined on page 96 of *IPDES User's Guide to Permitting and Compliance - Volume 1* (DEQ 2017a).

9.6 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector; refer to the User's Guide Volume 1, section 9 (DEQ 2017a). DEQ compliance monitoring is expected to be conducted on 5% of the permitted dredge sites annually. DEQ compliance monitoring activities are described in *IPDES Compliance Monitoring Strategy* (DEQ 2016a). Nothing precludes EPA from conducting an inspection independent of DEQ.

10 Potential Future General Permits

DEQ may write general permits for other groups of permittees which DEQ feels are better covered by a general permit.

References

- DEQ (Idaho Department of Environmental Quality). 2012. *Idaho Antidegradation Implementation Procedures*. Boise, ID: DEQ <http://www.deq.idaho.gov/media/792352-antidegradation-implementation-procedures-draft-0112.pdf>
- DEQ (Idaho Department of Environmental Quality). 2016a. *Public Participation in the Permitting Process*. Boise, ID: DEQ. <http://www.deq.idaho.gov/media/60178029/ipdes-public-participation-permitting-process-0216.pdf>
- DEQ (Idaho Department of Environmental Quality). 2016b. *Idaho Mixing Zone Implementation Guidance*. Boise, ID: DEQ. <http://www.deq.idaho.gov/media/60179492/mixing-zone-implementation-guidance-1216.pdf>
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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
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

- ⁱ IDAPA 58.01.02.051 (Antidegradation Policy)
- ⁱⁱ IDAPA 58.01.02.051 (Antidegradation Implementation)
- ⁱⁱⁱ IDAPA 58.01.25.050 (Computation of Time)
- ^{iv} IDAPA 58.01.25.102.02 (Operator's Duty to Obtain a Permit)
- ^v IDAPA 58.01.25.130.05 (Administration)
- ^{vi} IDAPA 58.01.25.130.05.d
- ^{vii} IDAPA 58.01.25.130.06 (Case-by-case Requirements for Individual Permits)
- ^{viii} IDAPA 58.01.25.204 (Appeals Process)
- ^{ix} IDAPA 58.01.25.109 (Public Notification and Comment)
- ^x IDAPA 58.01.25.303.06 (Mass Limitations)
- ^{xi} IDAPA 58.01.25.303.06 (Mass Limitations)
- ^{xii} IDAPA 58.01.02.055.06
- ^{xiii} 40 CFR § 122.23(b)(1)
- ^{xiv} 40 CFR 122.23 (b)(4) or (6)
- ^{xv} 40 CFR 122.23(c)
- ^{xvi} 40 CFR 122.23(b)(6)(ii)
- ^{xvii} 40 CFR 122.23(c)
- ^{xviii} 40 CFR 122.23(h), 122.42(e)(1)
- ^{xix} 40 CFR §§ 122.21(i)(1)(x), 122.23(h)
- ^{xx} 40 CFR 122.42(e)(1)
- ^{xxi} 40 CFR § 122.23(h)
- ^{xxii} 40 CFR § 122.23(e)
- ^{xxiii} 40 CFR 122.23
- ^{xxiv} 40 CFR § 122.23(h)
- ^{xxv} 40 CFR 122.23(h)(1)
- ^{xxvi} 40 CFR 124.17
- ^{xxvii} 40 CFR 122.23(h)
- ^{xxviii} 40 CFR 122.42(e)(5)
- ^{xxix} IDAPA 58.01.25.002
- ^{xxx} 40 CFR § 122.42(e)
- ^{xxxi} 40 CFR § 125.3
- ^{xxxii} 40 CFR § 122.23(b)(8)
- ^{xxxiii} 40 CFR § 122.23(e)(3)
- ^{xxxiv} 40 CFR 412.13, 412.15
- ^{xxxv} 40 CFR § 125.3(a)
- ^{xxxvi} 40 CFR §§ 412.25(b), 26(b)
- ^{xxxvii} 40 CFR 412.31(a), 412.32(a), 412.33(a)
- ^{xxxviii} 40 CFR 412.43(a), 412.44(a), 412.45(a)
- ^{xxxix} 40 CFR § 412.46(a)(1)
- ^{xl} 40 CFR 412.4, 412.37(c)