

User's Guide Volume 5

Meeting Date	Comment Date	Commenter	Comment No.	Section	Page	Topic	Comment
4/22/2020	29-Apr-20	EPA	1	5.1.1	19	Eligibility	<p>Section 5.1.1 should be revised to briefly summarize the Phase I MS4 regulations pertaining to "large" or "medium" MS4s, and to better describe the Phase II MS4 regulations at 40 CFR § 122.32 (and/or relevant IPDES regulation). Small MS4s are automatically regulated (aka, required to obtain NPDES permit coverage) as a result of either the latest Decennial Census [40 CFR § 122.32(a)(1)] or as a result of a discretionary designation by IDEQ [40 CFR § 122.32(a)2)]. Instead of only referencing the 2016 IPDES guidance pertaining to the designation process, consider including the following text in Section 5.1.1 : "There are three ways a small MS4 may be designated as a "regulated small MS4" requiring permit coverage:</p> <ol style="list-style-type: none"> 1. Small MS4s located within the boundaries of a Census Bureau-defined Urbanized Area (based on the latest decennial census) are automatically designated; 2. Small MS4s outside of UA that contribute substantially to pollutant loadings of a physically interconnected MS4 regulated by the NPDES storm water program are to be designated. 3. Small MS4s located outside of UAs serving jurisdictions with a population of at least 10,000 and a population density of at least 1,000 people per square mile or which meet certain designation criteria, are to be designated by the permitting authority. <p>DEQ's designation criteria and selection process to make any decisions in the second and third cases described above regarding small MS4s outside UAs can be found in the <i>Idaho Pollutant Discharge System Designation Criteria and Selection Process for Small Municipal Separate Storm Sewer Systems (DEQ 2016)</i> ."</p>
4/22/2020	29-Apr-20	EPA	2	5		Introduction	<p>It would be helpful to include a short discussion or description to define the term "MS4" in this section of the guidance, and perhaps briefly list the types of entities that own and/or operate MS4s. In Idaho, such public entities include not only cities and counties, but also the Idaho Transportation Department; state universities; local colleges; and local highway districts. Based on new Urbanized Area boundaries from the Year 2020 U.S. Census, entities that may become "regulated small MS4s" may also include other federal, state, or local entities whose properties are served by a "conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains)" as defined in 40 CFR §§ 122.26(b)(8) and (b)(16).</p>