Permitting for Environmental Results (PER)

NPDES Profile: Idaho and Indian Country

PROGRAM RESPONSIBILITY

EPA Region 10: NPDES authority for base program, general permitting, federal facilities, pretreatment, and biosolids

EPA Region 10: NPDES authority for all facilities in Indian Country

Program Integrity Profile

This profile characterizes key components of the National Pollutant Discharge Elimination System (NPDES) program, including program administration and implementation, environmental outcomes, enforcement, and compliance. EPA considers profiles to be an initial screen of NPDES permitting, water quality, enforcement, and compliance programs based on self-evaluations by the States and a review of national data. EPA will use the profiles to identify program strengths and opportunities for enhancements. For more information, please contact Michael Lidgard, EPA Region 10, (206) 553-1755.

Section I. Program Administration

1. Resources and Overall Program Management

Because Idaho has not been authorized to implement the NPDES program, EPA Region 10 is the NPDES authority for the State. Currently, there are 390 facilities covered by 200 permits (i.e., 198 individual permits and 2 general permits). The scope of the program includes permit issuance; National Environmental Policy Act (NEPA) compliance for new sources; administration of the biosolids, pretreatment, and stormwater programs; compliance and enforcement; data management; consultation with Tribes; and Endangered Species Act (ESA) consultation.

The program coordinates with the other units within the Office of Water and Watersheds,[1] ensuring a holistic approach to water and watershed protection. The program also obtains support from other organizational units within the Region to ensure that the best information and expertise are used in making environmental decisions. Because of a recent reorganization of staff within the Region, the NPDES Permits Unit is located within the Office of Water and Watersheds while the NPDES Compliance Unit is located within the Office of Compliance and Enforcement. Even though these functions are split between offices, the staff members are located in the same area and work very closely in the administration of the program. The organization chart attached to the end of this profile shows the relationship between the NPDES program and other Region 10 offices and functions.

[1] The Office of Water in Region 10 has recently undergone a reorganization, and it now called the Office of Water and Watersheds to include the addition of the Watershed Protection Unit. Watershed Protection includes the Nonpoint Source Program, State Revolving Funds (SRF), and Coastal Zone Reauthorization Act (CZRA). NPDES Compliance and the Groundwater Protection Program (including underground storage tanks and leaking underground storage tanks) have moved to the new Office of Compliance and Enforcement.

Since 1997 the NPDES Permits Unit has developed comprehensive plans that cover three calendar years. The Unit Plan is based on national priorities and Regional priorities. The overall goals of the Unit Plan are to focus resources on watersheds or industrial sectors where maximum environmental protection and improvement can be achieved; issue permits on a schedule that minimizes the permit backlog consistent with EPA Headquarters' and Region 10's goals; apply technical expertise, innovative methods, and common sense in the decision-making process; integrate the NPDES permits program with other organizational units within and external to the EPA Region 10 Office of Water and Watersheds; build partnerships with States, Tribes, other federal agencies, industry, and the public to facilitate an understanding of the NPDES program and to build capacity; continue to incorporate sludge management, pretreatment, stormwater, and NEPA conditions into NPDES permits; and promote an organizational environment that encourages personal and professional growth, honors diversity, supports risk taking, and promotes team building. The long-term focus of the Unit Plans has been reduction in permit backlog. The Region is currently under the third Unit Plan. The Region uses extensive resources in the planning, development, and implementation of each Unit Plan.

The Region considers comments from the States and Tribes in the development of the Unit Plan, especially comments on the list of priority permits to be issued under the Unit Plan. It also seeks input from other units in the Office of Water and Watersheds.

The resources provided to the Region include funding for travel, room rentals, public notices, court reporters, and contract support, as well as full-time equivalents (FTEs) to support the program. The Region uses this funding primarily for implementation of the NPDES program in Alaska and Idaho, although some funding is used for State oversight. The travel funding is primarily used for site visits, compliance inspections, national meetings, Regional meetings, and training. Contract funding is used to support the drafting of permits and fact sheets, biological evaluations for ESA consultation, SEE grants, contracting with outside labs when samples for inspections have prohibitively small holding times (e.g., fecal coliform bacteria samples), compliance assistance and outreach, technical assistance during inspections, support for the dive team during compliance dive inspections, and various other aspects of work that might need to be contracted out.

Based on the fiscal year (FY) 2003 Operational Plan tied to Goal #2, Point Source Reduction, the Region has 47 FTEs to support the NPDES program: 24 FTEs to support Permits and 23 FTEs for Compliance. The Region does not separate FTEs by State, so the following information applies to the total FTEs in the Region available to conduct oversight of the NPDES programs in Washington and Oregon and to implement the NPDES program in the States of Alaska and Idaho and in Indian Country in Washington and Oregon, as well as for federal facilities in Washington. The number of FTEs has remained relatively constant over the past 10 years. Currently, the FTEs are allocated as follows:

NPDES Permits Unit

Position	No. of FTEs
Unit Manager	1
Administrative Support	2
Permit Writing/State Oversight	10.8
Biosolids Program	1
Pretreatment Program	1
Stormwater Program	1
NEPA	1

Other offices in the Region that support the NPDES program use the remaining 6.2 FTE. Other programs, such as total maximum daily loads (TMDLs) and water quality standards, do not affect NPDES resources.

NPDES Compliance Unit

Position	No. of FTEs
Unit Manager	1
Administrative Support	2
Permit Compliance/State Oversight	7
Stormwater Program	1
PCS Data Entry	2

Other offices in the Region that support the NPDES program use the remaining 10 FTEs. Other programs, such as TMDLs and water quality standards, do not affect NPDES resources.

The Region is uniquely challenged in that NEPA reviews must be conducted for all new source permits; federally recognized Tribes are consulted on nearly all permits; and ESA consultation must be conducted with both the U.S. Fish and Wildlife Service and NOAA Fisheries (the National Oceanic and Atmospheric Administration's National Marine Fisheries Service) on nearly all permits.

The NEPA support for the Permits Unit is a function unique to Region 10 in its role as permitting authority for two States. NEPA review is required for all new source permits and has been increasing over the past few years in the mining and oil and gas industrial sectors. In addition, this position evaluates environmental assessments for congressional earmarks within the Region, mainly for improvements to water and wastewater infrastructure.

Although the number of FTEs for permit writing has remained fairly constant for a number of years, there has been a significant turnover of staff in the past 3 years. The Permits Unit currently has only four experienced permit writers and a relatively new pretreatment coordinator. In addition, workload continues to increase, straining permitting resources. For example, the stormwater program is severely underfunded, affecting the timely issuance of municipal separate storm sewer system (MS4) Phase II permits.

The backlog of permits is increasing because of the shortage of experienced staff. Accompanying the loss of the senior staff was the loss of expertise in many areas, such as whole-effluent toxicity (WET), the seafood industry, concentrated animal feeding operations (CAFOs), combined sewer overflows (CSOs) and sanitary sewer overflows (SSOs), pretreatment, and program oversight. It will take the Region several years to regain this expertise, which might hinder achieving the increased scope of NPDES required by EPA Headquarters.

The NPDES Compliance Unit's (NCU's) FTE resources have been in flux for the past 5 years, with an annual loss of 2 FTEs per year since 1999. Now that NCU is regaining FTEs, it is slowly rebuilding the lost experience and regaining its footing. A major hindrance in having such turnover has been the lack of national training in NPDES compliance. There are some training classes, such as Basic Inspector Training for new compliance officers; however, there is a distinct need for additional compliance officer training. Having NCU in flux has provided challenges in keeping up with the workload, as well as national and Regional priorities.

In sum, challenges facing the NPDES program for Region 10 in Idaho include lack of experienced permit writers, permit backlog control, stormwater Phase II implementation, NEPA compliance for mining projects, consultation with Tribes, and ESA consultation. Additional challenges include maintaining an adequate presence in direct implementation States while balancing national enforcement and compliance priority work, the amount of time it takes to issue administrative complaints and judicial cases, the limited number of compliance officers, the large number of permittees in Region 10, and training of new compliance officers.

2. State Program Assistance

Recently, the State of Idaho has shown an interest in seeking NPDES program authority, including biosolids, federal facilities, and pretreatment. In 2002-2003, EPA provided assistance to the State as it prepared a program analysis and rulemaking package to the Legislature. However, the Legislature did not support full program authority during its 2003 session due to funding issues. The State is currently reconvening a workgroup to continue discussions on program primacy, of which EPA is a member and is prepared to provide guidance and support.

3. EPA Activities in Indian Country

EPA Region 10 conducts Tribal consultation and coordination with respect to Executive Order 13175, the Region 10 Tribal Consultation Policy, and NPDES Permit Unit consultation procedures.

As of April 17, 2001, the NPDES Permits Unit had established consultation procedures for actions taken by the Region that affect Indian Country as well as Tribal resources that are outside Indian Country (including treaty-protected usual and accustomed hunting and fishing areas and subsistence areas under State and federal jurisdiction). The NPDES Permits Unit consults with Tribal governments during the following: development of the NPDES 3-year Unit Plan (which includes the prioritization list of permits to be issued); development, issuance, reissuance, and modification of NPDES permits pursuant to sections 402 and 405 of the Clean Water Act; approval and authorization of an NPDES program pursuant to section 307, 402, or 405 of the Clean Water Act; and development of EPA-led environmental assessments (EAs) and environmental impact statements (EISs) for new source NPDES permits, wastewater treatment construction grant projects, and special Appropriation Act funding projects pursuant to NEPA.

During the development of the NPDES 3-year Unit Plan, the NPDES Permits Unit manager requests that all Tribal environmental departments in Washington, Oregon, Alaska, and Idaho provide a list of wastewater discharge facilities that the Tribes view as priorities for permit issuance/reissuance or indicate interest in consultation on the list within 30 days of notification. A draft prioritization list and a request for additional input are requested within 30 days of notification for all Tribes that indicate interest in consultation. Upon completion of consultation, a copy of the final permit prioritization list is provided to all Tribal environmental departments.

Prior to the development or modification of NPDES permits, the NPDES Permits Unit sends a letter to the Tribal environmental contacts that have expressed an interest or have been identified by the EPA Tribal coordinator as possibly being affected by the action. The letter identifies the facility, receiving water, and EPA permit writer and requests that Tribes respond if they are interested in the permit action and provide any initial concerns with the action within 30 days of notification. The permit writer, upon

request or when appropriate, meets with Tribal environmental staff regarding the action; these meetings generally occur at the same time as site visits or by conference call. The permit writer provides all interested Tribes with preliminary draft copies of the permit and fact sheet 3 weeks prior to public notice and requests that the Tribes provide feedback prior to public notice. Interested Tribes are then provided with copies of the public notice, draft permit, and fact sheet at the commencement of the public notice period for review and comment. When requested by a Tribe, the permit writer prepares a separate response to the Tribe's comments and sends it to the Tribal government.

During any approval and authorization of an NPDES program, affected Tribal governments, identified by the Region 10 Tribal coordinators, are notified by the Director, Office of Water and Watersheds, by letter of those proposed State and Tribal NPDES program approvals and authorizations and asked to submit comments.

For Tribal consultation with respect to NEPA, Tribal environmental management, identified by the Region 10 Tribal coordinators, is notified by the NPDES Permits Unit of the EPA-led EA and EIS activities, and the Tribe(s)'s input is requested.

If disputes arise between one or more Tribes and NPDES Permits Unit staff, the parties strive to address the matter informally at the staff level. In the event that the staff is unable to resolve a dispute, the issue is presented up the chain-of-command to attempt to resolve the dispute. If the dispute is not resolved, the Regional Administrator makes the final decision after consulting with the elected leader(s) of the federally recognized Tribe(s).

4. Legal Authorities

EPA Region 10 implements the NPDES program in the State of Idaho using its authorities under the Clean Water Act.

5. Public Participation

Pursuant to the Clean Water Act and the requirements contained in title 40 of the Code of Federal Regulations (CFR) part 124, Region 10 strives to ensure that the public has an opportunity to participate in NPDES permitting decisions. The Region uses formal and informal mechanisms to encourage public participation. Formal mechanisms include legal notices and public hearings; informal mechanisms include public meetings, use of the Internet, and personal communications.

Legal notices are published for draft NPDES permits in one or more newspapers in the vicinity of the discharge. Where public interest is expressed, EPA holds public hearings, public meetings, or both.

In conjunction with public hearings, Region 10 sometimes conducts public meetings. These sessions are more informal, with a question-and-answer format. They can be useful in educating the public on specific issues associated with a particular permit and on NPDES issues in general.

In addition to the above mechanisms, Region 10 posts the draft permit and fact sheet on the Region's Web page at http://www.epa.gov/r10earth/waterpermits.htm in PDF. Newly issued permits are also posted, along with fact sheets and responses to comments, for 6 months. The Region 10 Web site

provides links to the Permit Compliance System (PCS) database and State databases to provide information on all NPDES permits in the Region.

Region 10 conducts outreach to community groups in areas that could be affected by an NPDES discharge. In addition, staff are available by phone to answer questions regarding either a specific permit or the NPDES program in general. Such contact provides an important means to educate the public and encourage participation in the permitting process.

Region 10 does not have any restrictions on who is considered "the public." The administrative record for the NPDES permit is available for public review at the EPA Region 10 Seattle office. The only legal or procedural barriers to obtaining information are those imposed on Confidential Business Information or Enforcement Confidential Information and those established pursuant to the Freedom of Information Act.

All written comments provided to the Region during the public comment period are considered in establishing final permit conditions. Region 10 provides written responses to comments and sends the responses with the final permit to the permittee and all persons who commented. The response to comments is also posted on the Region's Web page at http://www.epa.gov/r10earth/waterpermits.htm in PDF. The response to comments is also part of the administrative record.

6. Permit Issuance Management Strategy

Idaho currently has 56 major facilities; individual permits cover 37 facilities and one general permit covers 19 facilities. As of June 30, 2004, 95% of the permits for major facilities are current and 81% of the individual permits for major facilities are current. Of the expired permits, one individual permit has been expired more than 2 years and one has been expired for over 10 years[2]. All major facilities covered by general permits are current.

There are currently 334 minor facilities in Idaho; individual permits cover 161 facilities and 2 general permits cover 173 facilities. As of June 30, 2004, 45.5% of the minor facilities are covered by current permits, and 36.6% of the individual permits for minor facilities are current[3]. Of the expired individual permits, 13 have been expired for over 2 years and 36 individual permits have been expired for over 10 years. There are also 28 unpermitted facilities in Idaho[4]. Only one general permit has expired in Idaho and it has been expired less than 2 years.

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[2] The National Data Sources column of the Management Report, measure 21, shows no major permits expired more than 10 years. This is due to the cut-off date used for the national data pull, which allows a 180 day grace period for all backlog counts. In the case of permits expired more than 10 years, the national data pull counted only permits expired prior to 1/2/94 (10 years + 180 days prior to the 6/30/04 pull date). The permit discussed above expired on 1/10/94.

[3] The National Data Sources column of the Management Report, measure 20, shows 44.0% of minor facilities covered by current permits. The discrepancy is due to 3 individual permits that were issued in June 2004 but had not been updated in PCS at the time of the data pull on 6/30/04 and differences in the count of facilities covered under the two general permits between ePIFT data as of March 2004 and PCS data.

[4] These unpermitted facilities appear as Applications pending on the Management Report, measure 18. The Management Report shows 27 applications pending because it counts only applications received prior to 12/1/02. The application for one of the unpermitted facilities in Idaho was received after that date.

Region 10 was successful in meeting the national goal of reducing the backlog of major permits in Idaho to below 10% at the end of calendar year 2001. When the Region developed the current operating plan covering calendar years 2003 through 2005, the goal was to reduce the backlog of total facilities in Idaho to below 15% by the end of 2004. This backlog reduction effort and the goals set were based on the assumed availability of 11 experienced permit writers. However, as described in Section I.1 above, the experience levels of permit writers and the increase in resources to State oversight have severely affected the Region's ability to reach the national backlog goal of 10% for 2004. It is now the Region's goal to reduce the backlog of total facilities in Idaho to below 15% by the end of 2005. The program will use various means, including streamlining efforts, to move the permit issuance process forward in an expeditious and efficient manner.

Table 1: Percentage of Facilities Covered by Current Permits in Idaho

	2000	Nat'l Avg.	2001	Nat'l Avg.	2002	Nat'l Avg.	2003	Nat'l Avg.
Major Facilities	70%	74%	91%	76%	91%	83%	95%	84%
Minor Facilities Covered by Individual Permits	7%	69%	19%	73%	28%	79%	29%	81%
Minor Facilities Covered by Individual or Non-Stormwater General Permits	N/A	N/A	N/A	N/A	35%	85%	35%	86%

Source: PCS, 12/31/00; 12/31/01; 12/31/02; 12/31/03. (The values in the National Data Sources column of the Management Report, measures #19 and #20, are PCS data as of 6/30/04.)

7. Data Management

Data Systems: The Region uses the national PCS database as its NPDES management tool. In addition to PCS, the Region uses the following data systems to manage the NPDES program: the Electronic Permit Information and Forecasting Tool (ePIFT), to track the permit backlog and report it to Headquarters; Enforcement and Compliance History Online (ECHO); Online Tracking Information System (OTIS); permit prioritization database and spreadsheet forecasting tool for permit planning; database to track permit applications; database to track public notices and other newspaper advertisements; and database to track permit issuance progress.

Data Quality: Currently, the Region does not enter all the Water Enforcement Database (WENDB) data elements. The Region recently developed a PCS Plan for Improvement, which refocuses the Region's PCS data entry for all Region 10 States to only those permits for which EPA is the permitting authority (i.e., Alaska, Idaho, federal and Indian Country facilities in Washington, and Indian Country facilities in Oregon). The Region is working with the States of Oregon and Washington to assume PCS data management for those facilities for which the State is the permitting authority. Until this occurs, PCS data entry for Idaho will not meet the PCS Data Quality Targets. Even though Region 10 does not enter all WENDB data elements at this time, the Region is confident it can produce accurate counts for the WENDB data elements the Region does enter into PCS in a timely manner. These WENDB elements

are (1) the number/types of permits issued in Idaho; 2) EPA enforcement actions, and (3) EPA-conducted inspections. The following table provides the categories of WENDB data elements that are entered into PCS for some of the facilities in Idaho, and these reflect the WENDB data elements that should be entered into PCS for all facilities.

Table 2: Categories of WENDB Data Elements

Information Type	Major Facilities	Minor Facilities	
		PL 92-500	Other
Permit Facility Data	✓	✓	✓
Permit Event Data	✓	✓	✓
Inspection Data	✓	✓	✓
Parameter Limits and Pipe Schedule Data	✓		
Significant Compliance Data	✓	✓	
Compliance Schedule Data	✓	✓	
DMR Measurement Data	✓		
Enforcement Action (*Enforcement action data, compliance schedule data, and interim limits data from all active formal enforcement actions and enforcement data from all active informal enforcement actions*)	✓		
Enforcement Action (*Enforcement action data from all active formal and active informal enforcement actions*)		✓	
Enforcement Action/Administrative Penalty Order[a]	✓		
Pretreatment Approval[b]	✓	✓[c]	✓[c]
Single Event Violation Data	✓	✓[c]	✓[c]
Pretreatment Compliance Inspection (PCI)/Audit	✓	✓[c]	✓[c]
Pretreatment Performance Summary	✓	✓[c]	✓[c]

Note: DMR = discharge monitoring report.
a. These data elements are required specifically for administrative penalty orders. Entry of these data elements is required only for EPA actions.
b. Pretreatment program required indicator data element PRET.
c. Only for minor publicly owned treatment works (POTWs) that are pretreatment control authorities.

The Region enters the latitude/longitude data from permit applications into PCS. In general, the latitude/longitude data are not verified.

The Region does not perform data entry quality control protocols for data entered into the national PCS database. The Region does perform a periodic PCS cleanup to remove or inactivate facilities that are no longer discharging pollutants to waters of the United States. To ensure that data are reported in a timely manner, the Region relies on PCS to flag discharge monitoring reports (DMRs) that have not been entered or submitted. If DMRs are late, the first step is to contact the facility. If the DMRs are not submitted, the NPDES Compliance Unit prepares an appropriate enforcement response.

The Region tracks Idaho permittees covered by the stormwater general permits through the EPA Notice of Intent (NOI) Processing Center. Individual permits issued to MS4 facilities are tracked in PCS and/or integrated compliance information system (ICIS). For those covered under the MSGP or the CGP, only entities with an inspection and/or enforcement action are entered into PCS and/or ICIS.

Idaho does not have any Combined Sewer Systems (CSS) so there is no need to have a tracking system for CSSs in Idaho.

Currently, there is no tracking system in the Region for tracking sanitary sewer systems. The Region is working toward developing a database that will track the sanitary sewer systems in the Region. Similarly, the Region does not have a complete inventory of sanitary sewer systems (SSSs) in the Region and in the 2005 on-line commitment system the Region entered into with the Office of Enforcement and Compliance Assurance. The Region is required to have an inventory in place by June of 2005. The Region uses PCS to track the basics of permit and compliance information for the Region's pretreatment and biosolid facilities.

The approved pretreatment programs are direct dischargers and are coded into PCS as pretreatment programs. The annual reports and pretreatment compliance inspections (PCIs) and audits are also tracked in PCS. However, details of numbers of significant industrial users (SIUs) and inspection and sampling of them are included in the annual reports. The Region is considering development of a Regional database to track these.

For some facilities, the Region tracks facility-level information in the biosolids fields (mostly SLIN, SLID, SLCI, SLPV, SLP1, and SLP2) of the PCS database.

Section II. Program Implementation

1. Permit Quality

Permit Quality Procedures: Since 1995 all permits issued by the Region have contained comprehensive requirements, including water quality-based effluent limits (WQBELs), WET requirements, best management practices, quality assurance plan requirements, special effluent sampling, receiving water monitoring, pretreatment requirements, and special studies.

The Region ensures appropriate water quality- and technology-based permitting through a variety of measures. These measures include training, mentoring, and technical leads (e.g., State water quality standards, water quality permitting, modeling, WET, industrial sectors)

Region 10 encourages permit writers to take advantage of training opportunities that become available, such as the Permit Writers' Training Course, Whole Effluent Toxicity Training, or Water Quality Standards Academy. Along with technical training, personal development training is encouraged to enhance written and verbal communications.

At regularly held unit meetings, permit writers discuss one or two topics of interest, such as handling public meetings, addressing limits below detection levels, or implementing new water quality standards for ammonia. The Region strives to ensure that the permits issued are consistent with each other.

One of the permit writers coordinates the issues discussed and keeps them on file so that if the issue comes up again, it can be addressed adequately. If it is necessary to treat a similar issue differently than it was treated before, a rationale is provided for the difference. When guidance is not available from Headquarters, the unit permit writers work together in developing guidance, based on the Clean Water Act, permit regulations, and other guidance documents available, such as the Technical Support Document for Water Quality-based Toxics Control (TSD).

Permits are peer-reviewed by one or more permit writers and by the NPDES Compliance Unit as another method for ensuring that permits are consistent with each other and provide for attainment of water quality standards. Some permits are also reviewed by the Office of Regional Counsel to ensure compliance with the Clean Water Act and federal regulations. When errors are found, they are corrected and the information is shared with the other permit writers to prevent recurrences. For example, during reissuance of many minor municipal permits in Idaho, it was discovered that historically, permits had not been including a percent removal requirement for TSS. Permit writers researched whether there was a basis for this, since the permits had been expired for many years. After discussion among the permit writers, including the fact that the requirement was technology-based, the Region added the requirement to the reissued permits. The NPDES Permits Unit recommended that enforcement discretion be used by Compliance and Enforcement within the Region.

The Region has identified several tools to improve permit quality and streamline issuance, including permit templates, fact sheets, public notices, and letters; water quality-based effluent limitation spreadsheets; and standard operating procedures for permitting.

Region 10 permit writers also identified clear and complete fact sheets as an issue for improvement. To address it, a permit writer workgroup developed a new format, sample language, and a template for the fact sheets. Documentation of peer review is generally evidenced by consistency determinations that may be developed, as described above.

Note: In developing the Permit Quality section of this program profile, State permits were not independently evaluated or compared to a national "standard." Rather, the discussion is based primarily on an assessment of the quality assurance/quality control procedures established by EPA Region 10.

Whole Effluent Toxicity (WET) Program: Region 10 has a well-established WET implementation program. Region 10 has relied on the guidance jointly developed by Region 10 and Region 9 to implement a WET program. Region 10 worked with Region 9 on the guidance for State and Regional permit writers. The guidance includes sections on determining what kinds of WET testing conditions should be included in permits and recommends when testing should be included, as well as the types of tests and species. The guidance makes recommendations for both marine and freshwater testing. Since that guidance was developed, Headquarters has developed a national guidance on reasonable potential for WET, for which Region 10 has provided review and comments.

The Region routinely includes reasonable potential analyses for WET in most major permits. Where WET limits are not needed, or where there is insufficient information to determine whether WET limits are needed, Region 10 permits include monitoring for WET or the fact sheets include a discussion of why the monitoring was not needed. Region 10 considers chronic toxicity a sublethal effect (as described in the WET test method protocols). Final compliance with either chronic WET testing conditions or chronic WET limits must be based on meeting the more stringent results of lethality and sublethal effects such as growth and fecundity.

As part of enhancing work with WET, the Region has a WET coordinator, who is available to answer questions from individual permit writers (both State and EPA) as well as questions from the regulated public. The coordinator also works with other Regional WET contacts in seeking out additional assistance as necessary. The coordinator also provides assistance to the Water Quality Standards Unit, such as reviewing and commenting on proposed standard changes regarding WET by the States. In addition, the Region participates as necessary with the other Regional WET contacts on conference calls regarding issues of permit implementation of WET testing and limits. Because of the recent turnover of staff in the NPDES Permits Unit, the WET coordinator is relatively new. It will take some time for the Region to regain the level of expertise necessary to adequately implement this program.

2. Pretreatment

In Idaho, EPA is the approval authority for pretreatment. EPA has approved 12 publicly owned treatment works (POTW) pretreatment programs in Idaho. EPA relies on approved pretreatment programs to identify and control significant industrial users (SIUs) and categorical industrial users (CIUs) within their jurisdictions. The approved pretreatment programs, for the most part, are doing a good job identifying and controlling SIUs and CIUs with control mechanisms at the local level. EPA encourages POTWs that meet the requirements of 40 CFR 403.8(a) to develop a pretreatment program. EPA is responsible for conducting pretreatment program audits and pretreatment compliance inspections (PCIs).

Generally, EPA conducts audits at each approved pretreatment program within a 4-year cycle, completing 25% annually or over 100% during the 5-year inspection cycle. The Region reviews all aspects of the pretreatment program, such as permitting of SIUs and CIUs, operation and maintenance, compliance and enforcement, data management, and training, to determine compliance with the approved program. Deficiencies and accomplishments are communicated to the POTW during the closing conference on-site. In general, the pretreatment coordinator sends a letter to the POTW with the findings of the audit within 90 days after completion of the audit, depending on workload and other priorities. The pretreatment coordinator briefly reviews the annual reports. If a glaring violation is apparent from the review, the pretreatment coordinator follows up with actions as soon as possible. A formal report is usually sent to the program within 3 months of the audit, depending on the inspector's workload. Deficiencies are communicated with the POTW by phone, email, or a letter as soon as possible.

The pretreatment staff conducts PCIs in addition to audits in Idaho. The PCI focuses on the program's compliance monitoring and enforcement activities. Region 10 conducts approximately one PCI at each program every 4 years. In cases where a program is in significant noncompliance, EPA has taken appropriate enforcement action.

All of the 80 identified SIUs have permits or other control mechanisms from approved POTWs. Currently, the Region has issued two control mechanisms. Two CIUs discharge to non-pretreatment cities. In these cases, Region 10 has issued documents (i.e., quasi-permits) to the CIUs describing the applicable categorical standards and the monitoring and reporting requirements.

One city in Idaho is currently seeking approval from EPA to develop a pretreatment program. Another city in Idaho is contemplating developing a pretreatment program within the next year.

3. Concentrated Animal Feeding Operations

Since the State of Idaho does not have an approved NPDES program, any revisions to the State regulations regarding the new federal concentrated animal feeding operation (CAFO) rule are not required. The State regulations already include NRCS standard 590 in regards to land application of manure, process wastewater, etc.

The current general permit expired in May 2002 but coverage has been administratively extended for approximately 100 facilities (not all of which are CAFOs). EPA Region 10 is currently drafting a new general NPDES permit for all CAFOs within the State of Idaho. The Idaho general CAFO NPDES permit is scheduled for reissuance in 2005. Public notice of the draft permit is projected for the first/second quarter of 2005 and final issuance in third quarter of 2005. Final issuance will depend upon the extent of public comments as well as consultation with Tribes and the Services. The permit will specify all the requirements in the new CAFO rule including the nine minimum elements and applicable effluent limitation guidelines.

All dairies in the State of Idaho have nutrient management plans (NMPs) approved by the Idaho State Department of Agriculture (ISDA). All beef cattle animal feeding operations operating on or before July 1, 2000, shall submit a NMP for approval no later than Jan. 1, 2005. Any new operation after July 1, 2000, shall not operate prior to approval of a NMP.

Idaho has a unique process for enforcing the current NPDES CAFO rules. EPA has entered into two Memoranda of Understanding (MOUs) covering the dairy and beef industries. These industries have more than 95% of the CAFOs regulated under NPDES. These MOUs allow ISDA to inspect these facilities and assist facilities that need to come into compliance. Currently, all of the dairy and large beef CAFOs are inspected at least yearly. Mid-sized beef facilities have been inspected at least once during the past five years. The small beef facilities are inspected when they are identified as causing a problem or as resources become available.

The Idaho Beef Cattle MOU is based on State regulations which reference the previously existing federal CAFO regulations. Enforcement regulations for ISDA are similar to the federal regulations (i.e., up to $10,000 per day per violation). In addition, ISDA implements these regulations using notices of violations, administrative orders, etc. (http://www.agri.state.id.us/Categories/Animals/cattleFeedlots/indexcattlefeedlots.php)

The State regulations governing dairies specify that ISDA has the authority to inspect and enforce these regulations. In particular, if a dairy (regardless of size) is found in violation of State regulations, ISDA has the authority under the State's milk licensing program to issue administrative orders to the dairy processors (e.g., Jerome Cheese, WestFarm Foods, Darigold) which specify that the proceeds/payment for the milk generated at the dairy on the day(s) of documented violations shall be paid to the county where the dairy is located instead of to the owner/operator of the dairy. (http://www.agri.state.id.us/Categories/Animals/Dairy/indexdairyMain.php)

The USDA 1997 census data specified 181 large CAFOs. The number of federally defined CAFOs can vary especially for the medium and small size facilities. Consequently, reporting has focused on maintaining a consistent baseline for large CAFOs.

4. Stormwater

Municipal Dischargers: Region 10 issued one municipal Phase I permit in Idaho to the City of Boise/Garden City/Ada County Highway District/Drainage District #3/Boise State University/Idaho Transportation Department #3. This permit was issued in November 2000 and expires in November 2005.

Municipal Phase II Dischargers: Region 10 received 23 applications from regulated Phase II MS4s in Idaho, located within six urbanized areas. The Region must evaluate approximately 15 additional MS4s for possible inclusion in the program. The NPDES permit applications were submitted by March 10, 2003 as required by 40 CFR §§122.33 and 122.34(d). Region 10 plans to issue individual Phase II MS4 permits to these applicants during 2004-2005. Rationale for the delay in issuing permits: 1) the Region had intended to issue an MS4 general permit, however, given the endangered species act (ESA), Tribal consultation issues, combined with the 9th Circuit Court decision regarding public involvement and the MS4 program, the Region has chosen to address the applications by individual MS4 permits tailored to the urban area/watershed, and 2) lack of adequate resources.

Industrial Dischargers: The Multi-Sector General Permit for Storm Water Discharges from Industrial Activities in Idaho (IDR050000) was issued on October 30, 2000, and expires on October 30, 2005. Approximately 226 facilities are currently authorized under the MSGP. EPA tracks the MSGP permittees through a database, which is maintained by a HQ contractor and distributed to the Regions on a monthly basis.

Industrial Phase II - No Exposure Exclusion: The industrial "No Exposure Exclusion" is available to industrial storm water dischargers in Idaho. Approximately 40 facilities in Idaho have claimed that they have "no exposure" of raw materials to precipitation at their locations.

Construction Dischargers: The NPDES General Permit for Storm Water Discharges from Large and Small Construction Activity in Idaho (IDR100000) was issued on July 1, 2003, and expires on July 1, 2008. Approximately 437 construction projects are currently authorized under the CGP in Idaho. EPA tracks the CGP permittees through the national CGP website, http://cfpub.epa.gov/npdes/stormwater/cgp.cfm.

5. Combined Sewer Overflows/Sanitary Sewer Overflows

There is only one CSO facility for which the Region has direct oversight. That facility has not submitted an long term control plan (LTCP), therefore, the LTCP has not been approved. The current NPDES permit requires the development and approval of the LTCP, and there is currently an enforcement review of the compliance status of that one facility.

SSO Events: The Region is currently developing and populating an SSO database. This database will be used to have all of the SSSs and the SSO events consolidated in one location. This will allow the Region to have a better understanding of the overall universe of SSO events. This better understanding will allow the Region to focus its limited SSO resources where it is needed.

The Region has no procedures in place to notify public health authorities and citizens of SSO events but will be exploring options in the future.

No trends have been observed with CSO and SSO events.

6. Biosolids

Region 10 implements the 40 CFR part 503 standards for biosolids use and disposal, the 40 CFR part 122 NPDES biosolids rules, and additional requirements through individual permits. Region 10 plans to use biosolids-only general permits as well. A few of the individual permits have expired.

EPA has no biosolids joint operating agreement with the State of Idaho. The State uses plan and site approvals to regulate biosolids. Idaho is negotiating a performance partnership agreement (PPA) provision for a future role in EPA permitting and compliance work, and has been helping the Region develop an inventory.

In Idaho, 75% of biosolids are being land-applied or distributed for reuse.

EPA uses a spreadsheet to track the submission of annual biosolids reports.

Section III. NPDES Compliance Monitoring and Enforcement Response

In a separate initiative, EPA's Office of Enforcement and Compliance Assurance, EPA Regions, and the Environmental Council of the States have developed a tool for assessing State performance in enforcement and compliance assurance to ensure that States meet agreed-upon minimum performance levels and provide a consistent level of environmental and public health protection nationwide. OECA will use the State profiles to focus these efforts and identify areas needing further discussion and evaluation. Where the State (such as Idaho) is not authorized to implement the NPDES program, OECA will use the above process to evaluate Regional performance in implementing the NPDES compliance and enforcement programs.

1. Enforcement Program

Identification, prioritization and corrective measures for noncompliance problems causing environmental/human health impacts

The Region does not have its own formal policy to identify and prioritize corrective measures and ensure that they are taken to address noncompliance problems. To identify sectors or facilities that have noncompliance problems, the Region looks closely at priority sectors and uses PCS for the rest of the universe. The Region considers a mixture of national policies, national priorities, and Regional priorities to ensure that noncompliant facilities are addressed. Newer or priority sectors are often handled using an integrated strategy. The integrated strategy is a phased approach to dealing with the compliance of a specific sector by first performing outreach and compliance assistance, then moving toward compliance monitoring and enforcement, with an escalation of enforcement as the sector moves further from the compliance assistance and outreach phase. Discretion or a phased escalating approach is used for sectors that lack sophistication or are newly regulated. Other sectors receive phased escalation or discretion if they have not had the attention of EPA for a long time. A reason that a certain sector might not have been given appropriate attention for some time is that the Region changes its focus on what sectors receive the most compliance monitoring and enforcement targeting. This change in focus occurs every 2 to 3 years. This approach ensures that the Region is able to use its limited resources in a way that will reach every sector in the Region if not on a yearly basis at least on a consistent cycle. The Region addresses noncompliance using the national NPDES Enforcement Management System (EMS) and sector-specific enforcement guidance that OECA offers to the Regions.

Enforcement Actions and Penalties: The Region attempts to have a 6-month time frame to address facilities with enforcement actions starting with the date of violation (such as the date of inspection for inspection violations). The Region uses the national EMS, and any sector-related guidance, as guides for appropriate enforcement response and escalation of enforcement responses. The EMS includes guides that the Region uses to escalate enforcement and penalties if a facility continues to be in noncompliance. To ensure that noncompliant facilities receive the appropriate penalties, the Region uses the Interim Clean Water Act Settlement Penalty Policy.

In fiscal year 2003 the Region did not conduct any formal enforcement actions against facilities in Idaho. The number of facilities in significant noncompliance was small, and most returned to compliance without formal enforcement action.

In any enforcement action, the Region reserves the right to refer cases to the Department of Justice and does so if the violations are severe or numerous. The Region refers cases to the Department of Justice (1) if a facility continues to violate the Clean Water Act after a penalty order or if a facility violates the conditions of its compliance order; (2) if there is a need for injunctive relief; and/or (3) if the nature of the violations(s) is (are) egregious.

With respect to minor discharges, the Region tracked violations of minor facilities using an internal database called NPDES Compliance Evaluation Program (NCEP). Recently, the decision has been made to begin tracking minor facilities in PCS and to manually pull quarterly noncompliance reports for these facilities. The data tracking for minor facilities is most complete in Idaho. The Region works closely with Regional counterparts, the Idaho Office located in Boise, Idaho, and the Idaho Department of Environmental Quality to obtain information regarding complaints or violations at these facilities.

For minor stormwater facilities, the Region has developed an integrated strategy consisting of two phases: Phase I is outreach and compliance assistance, and Phase II is inspections to measure the success of Phase I. The Region has completed Phase I and is now well into Phase II.

Completion of Enforcement Action Provisions: Compliance tracking with enforcement orders is generally done by requiring facilities to report to EPA when they complete tasks. Currently, effluent discharge violations for both major and minor facilities are tracked using PCS through the quarterly reports. If a facility has recently received an enforcement action or a compliance order and the facility has a series of effluent or schedule violations, escalation of enforcement can proceed if warranted. Similarly, each compliance officer is responsible for tracking his or her enforcement actions and ensuring that the facility is completing the provisions in the enforcement action in a timely manner.

2. Record Keeping and Reporting

The Region uses PCS and a central file system to maintain accurate and up-to-date records of the performance of sources in Idaho. The PCS database is available to the public through ENVIROFACTS and ECHO on the EPA Headquarters' Web site, www.epa.gov. The central file system is in the Seattle Regional Office.

Currently, the records in PCS for the State of Idaho are not up-to-date, and the Region does not perform quality assurance checks on the data entered into the PCS database. An effort is under way to correct this and enter all 2005 WENDB data elements. In the past, the Region has directly entered data for all permittees in the Region (including those in Oregon and Washington, where the State has NPDES authority); however, the Region does not have the resources to continue doing this. Recently, the Region has developed a PCS Plan for Improvement that refocuses the Region's PCS data entry work on the EPA direct implementation administered permits and compliance activities. The objective of the PCS Plan for Improvement is to increase the accuracy and timeliness of data entered into PCS for all EPA-regulated entities.

The central file system maintains the administrative records, inspection reports, correspondence, and documents submitted by the permittee (e.g., discharge monitoring reports). The system has not been well maintained for a long time, resulting in missing files, reports, and similar problems. The Region is currently restructuring the file system and using the federal process for archiving files to ensure that the

in-house records are accurate, up-to-date, and available to the public. It is anticipated that the new file system will be complete in 2005.

3. Inspections

Targeting Inspection/Monitoring Strategy: The Region's inspection targeting and monitoring strategy is implemented on an annual basis. Targeting criteria are facilities required to be inspected by the Clean Water Act, national priority facilities, Regional priority facilities, facilities located within impaired watersheds, facilities about to be issued a permit, facilities with a history of noncompliance, facilities that have current or past effluent violations that are known to be toxic, and complaints from the public.

National priorities, in which the Region actively participates, are set primarily in consideration of risk to public health and the environment. For example, the wet weather priorities (CSO/SSO, stormwater, CAFO) were selected because the CSO/SSO and CAFO sectors produce the most exposure to pathogens when violations occur and stormwater causes the most sediment, temperature, nutrient, and pesticide contamination to water bodies. Regional priorities are based on which industries in the Region pose the most risk to public health and the environment, as well as which watersheds are at most risk (i.e., mining, oil and gas, and base program implementation). The NPDES Compliance Unit's (NCU's) priorities reflect the national and Regional priorities that best represent those sectors on which NCU has committed to work. For example, given the Region's extensive salmon habitat, EPA believes that the construction stormwater sector provides the most risk to public health and the environment, and that sector is a national priority on which NCU has committed to work during FY2005 – FY2007. Similarly, the Region has direct implementation of Idaho. In the past, NCU has not focused on the municipalities in Idaho. NCU knows that there are numerous municipalities, within Idaho, with compliance concerns so NCU has dedicated resources in this sector.

Selection of Sectors, Facilities, Pollutants, or Geographic Locations: Most sectors, facilities, pollutants, or geographic locations (i.e., impaired water bodies) are chosen by NCU's inspection-targeting process. The inspection list is constructed by considering national, Regional, and watershed priorities, as well as the priorities of the NPDES Compliance and Permits Units. The Region typically keeps up-to-date with national priorities and initiatives and participates in those as they come up and as resources allow.

4. Compliance Assistance

The Region uses the following innovative strategies, compliance assistance, pollution prevention, and sustainable management practices to assist the regulated community:

- Provide information in a format that the regulated community will read (many pictures with titles and short paragraphs).
- Contact planning departments throughout the State to ask their assistance in handing out the EPA brochures to local builders.
- Supply the regulated entities and local trainers copies of EPA brochures.
- Call permittees receiving permits, for the first time or through renewal of a permit, to give them notice and explain what they should do when the permit arrives.

- Provide compliance workshops and site visits to help permittees understand regulations.

- Use an integrated strategy approach for new or newly scrutinized sectors.

Measurement of Outcomes from Compliance Assistance Activities: The Region has been behind the curve on measuring compliance assistance outcomes because of a lack of resources (i.e., one person is running the program). The Region did not do much compliance assistance until about 2 years ago when the position was requested by EPA Headquarters. Rather than focus on measurement, the Region has focused on building internal and external networks, national coordination, Regional planning for compliance assistance, State support and coordination, coordination with Regional assistance programs (pollution prevention, small business, and environmental justice), a Regional integrated strategy, developing and delivering assistance tools to the regulated community, reporting to Headquarters, and most recently reporting into ICIS.

Changes in understanding reflect an increased knowledge of regulatory or nonregulatory environmental issues, including reporting and monitoring requirements, regulatory schedules, and pollution prevention opportunities. Examples of changes in understanding include the percentage of facilities receiving assistance that indicate an improved understanding of environmental regulations and the number of facilities attending a workshop that gained knowledge about pollution prevention or control technologies. Changes in understanding can most effectively be measured by testing knowledge before and after the workshop.

Behavioral changes represent actual changes that a regulated entity has undertaken as a result of compliance assistance. Examples of behavioral changes include the number of facilities that submitted required permit applications or notification forms because of a training program and the number of facilities that adopted recommendations discussed during an on-site visit. Behavioral changes can be voluntary (e.g., voluntary implementation of pollution prevention technologies as a result of publication of pollution prevention guidance documents or fact sheets) or regulatory (e.g., facilities reporting overlooked chemicals as a result of the publication of regulations).

Environmental and human health improvements are measures of environmental and human health improvements at specific facilities resulting from compliance assistance activities. Examples of environmental and human health improvements include the number of pounds of pollutant emission reductions at a facility that adopted a control technology explained in a training video and the number of facilities reducing workers' exposure to chemicals as a result of practices presented at a workshop.

Section IV. Related Water Programs and Environmental Outcomes

1. Monitoring

The Idaho Department of Environmental Quality (IDEQ) has developed a final State monitoring strategy following the "Elements of a State Water Quality Monitoring Program" guidance that was sent to the Region in October 2004 (EPA document #841-B-03-003).

The Surface Water Monitoring Strategy (SWMS) is the overall, long-term monitoring strategy for the State of Idaho. Included in SWMS are different monitoring plans including the Ambient Monitoring Plan (AMP), a five-year ambient monitoring plan. IDEQ defines the target population for SWMS as perennial streams, rivers, lakes, and reservoirs. Idaho's proposed AMP uses a probability survey design to comprehensively answer questions concerning the overall condition of perennial streams statewide. For rivers, lakes and reservoirs, IDEQ will use a slightly different approach from the perennial streams. Since there are so few of these water body types, IDEQ will attempt to census all these lakes and reservoirs for the statewide surveys. AMP will use a discrete five-year monitoring cycle.

Table 3: Summary Table of all SWMS Components

Product	Question	Data Requirements	Survey Design	Indicators
305(b)/ Integrated Report	What is the condition of Idaho waters?	Obtain representative data of the entire target population	Random (with weighting factors)	Biological, habitat, and some water chemistry (BURP)
303(d)/ Integrated Report	Which waters are impaired and require a TMDL?	Confirm impairment and determine extent throughout watersheds	Random/Targeted	Some additional water chemistry may be collected to confirm impairment
TMDL (Pre-)	What is (are) the pollutant(s) causing the impairment? What is the load allocation?	Confirm causes and sources. Determine pollutant loads for allocation purposes	Targeted Intensive Survey	Additional water chemistry and habitat parameters collected to develop TMDLs
TMDL (Post-)	Is the water body(ies) or watershed meeting water quality standards?	Confirm reduction of pollutant loads and improvement of water quality	Targeted Trend Random (some)	Biological, habitat and water chemistry (BURP)

2. Environmental Outcomes

The total miles of rivers and streams in Idaho are 115,595. Of these, 31,490 (27.2%) are listed as impaired on the 303(d) list. There are 700,000 total lake acres in the State. Idaho has assessed 43.76% of

stream miles, and 29.03% of lake acres[5]. Of these, 37.75% of stream miles are fully supporting their beneficial uses, and approximately 0.02% of lakes fully support their beneficial uses. The lakes figure must be interpreted cautiously, because generally only the larger lakes have been assessed. Of the lakes that are impaired, most of these have approved TMDLs, or TMDLs under development. The source for the data mentioned above is the 2002 National Water Quality Report, which was developed from the State's 305(b) report and 303(d) list.

As more waters are monitored, a higher percentage is found to be fully supporting beneficial uses. This is not surprising, as historic monitoring targeted known problem waterbodies. Continued monitoring of previously 303(d) listed waterbodies has also improved the accuracy of the list, as many waters that were previously listed have been found to meet water quality standards. Idaho is targeting unassessed waterbodies in its current monitoring program, as well as probabilistic monitoring of all waters across the State.

3. Water Quality Standards

The State of Idaho coordinates their updates to water quality standards (WQS) with EPA Region 10 WQS staff. In addition, Region 10 and the State work through the performance partnership agreement (PPA) process to identify WQS elements that will be worked on during that PPA period. For the most part, Idaho updates their designated uses independently of EPA involvement. Only in a couple of cases has the development of a permit resulted in an effort by the discharger working with the State to change a water quality standard (e.g., designated use) or to grant a variance. Re-designation of a waterbodies use comes up more frequently through the TMDL process.

There are some standards that are more difficult to implement than others. For example, implementation of narrative standards in NPDES permits is more difficult to implement than numeric criteria. The State has only narrative criteria for nutrients, yet many discharges are to nutrient impaired waterbodies. It is difficult to establish appropriate water quality-based effluent limitations prior to TMDL development since the appropriate protection levels have not been established.

EPA Region 10 has approved use attainability analyses (UAAs) for a number of Idaho waters. Idaho has a use reclassification policy/provision in their WQS regulations and has submitted 5 UAAs to Region 10 for approval, the State withdrew 1, Region 10 has approved 3 and Region 10 has not acted on 1.

Idaho WQS regulations do include a compliance schedule provision. This provision was approved by EPA many years ago and has been available for use in NPDES permits since then. Compliance schedules have been used extensively in NPDES permits in Idaho.

Idaho has updated their WQS regulations on a relatively frequent basis. The Idaho approval history is as follows: June 2000, March 2001, September 2002, November 2002, and February 2003. These approval dates reflect Region 10 approval of site-specific criteria and UAAs. The State WQS staff coordinate with their permit staff and Region 10 WQS staff coordinates review of Idaho WQS revisions with Region 10 NPDES permit writers and Region 10 TMDL staff.

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[5] While the information above differs from the numbers in the Management Report, measures #47 through #50, the difference is that the Management Report shows waters assessed for particular uses while the narrative includes waters assessed in general (i.e., for one or more uses combined).

Idaho adopted the E. Coli standard in September 2002. Idaho has developed and submitted a nutrient criteria development plan; the plan has not yet been approved. In FY2005, the State will be analyzing lake data to investigate the potential for criteria development and expanding their biomonitoring program to include more nutrient parameters.

4. Total Maximum Daily Loads

There is no formalized mechanism to coordinate between the TMDL and NPDES program implemented by Region 10 in Idaho. However, there are less formal internal understandings as follows:

The Region's TMDL staff solicits review by the Region's NPDES permitting staff of all point source WLAs in draft TMDLs developed by Idaho or EPA. To the extent possible, the TMDL program strives to ensure NPDES program needs and concerns regarding WLAs are addressed.

The Region has a plan of coordination to ensure timely and appropriate inclusion of TMDLs into WQBELs. The permits are identified and grouped together under the NPDES Permits Unit Plan. If the TMDL is near approval, then permits are not drafted until the approval of the TMDL. Otherwise, the permits are issued according to the Unit Plan to meet the backlog goals of EPA Headquarters. In the past, the Region attempted to permit on the TMDL schedule but found that the TMDLs rarely follow the schedule and therefore the permitting backlog was increasing. Once the TMDL is approved, the TMDL WLAs are included as WQBELs either as a permit modification or at the reissuance of the permit, depending on the timing and the availability of resources. The NPDES permits program follows legal obligations to incorporate TMDL WLAs in NPDES permits in Idaho.

Thus far, Idaho TMDLs have largely included sufficient information in WLAs to be incorporated directly into NPDES permits with little difficulty. Some TMDLs are better than others at providing the necessary information to convert WLAs into WQBELs. One problem is when the TMDL gives a period of time greater than 5 years for the water body to come into compliance with the WQS. This gives the permittee the impression that it will be given a long compliance schedule for the WQBEL. Many are surprised when they get a maximum of 5 years. Another problem is when the TMDL gives WLAs for parameters that do not have an existing test method or when the WLA cannot be adequately monitored.

The location, timing, and focus of TMDL development in Idaho is driven almost exclusively by a 2000 settlement agreement, which established a waterbody specific 8-year TMDL development schedule.

As of January 2005, Idaho has 362 approved TMDLs since the 2002 schedule was established[6]. This information was found in the National TMDL Tracking System. Currently 2 TMDLs have been submitted and are awaiting technical corrections (DO, temp; Middle Snake River-Succor) and are expected to be approved by Spring 2005.

According to the annual TMDL status report submitted by IDEQ to plaintiffs in February 2004, Idaho is essentially keeping pace with the current schedule. Two subbasin-scale TMDLs were submitted ahead of schedule (Medicine Lodge, Lower NF Clearwater), and two are late - see below.

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[6] Measure 54 on the Management Report covers all TMDLs approved prior to 9/30/03, including those approved before 2002. The Additional Data for this measure reflects corrections made to NTTS after the pull date for the national data affecting four TMDLs approved in 1992. The 362 TMDLs mentioned above were approved between 2002 and January 2005.

There have been significant delays in submitting some individual TMDLs, as follows:

Bear River complex: The Bear River complex draft is out for public comment until April 1, 2005, and the intent is to finalize it in 2005. Major problems with IDEQ contractor are the biggest holdup. The TMDL affects three States and 2 EPA Regions, which also slows the process.

Lower Snake-Asotin-Columbia temperature TMDL: Due 2002. This project has been delayed due to concerns raised by the Army Corps of Engineers and the Bureau of Reclamation about the feasibility of being able to meet the temperature reductions that the TMDL would require.

A few point sources exist in most of the delayed TMDLs, but they are not significant contributors to problems in these watersheds. Nonpoint sources, primarily from agriculture and to a lesser extent forestry, are the major source of pollutants in these watersheds. In many instances, implementation of agriculture pollution abatement efforts has already begun in these watersheds ahead of TMDL approval.

5. Safe Drinking Water Act

At this point, there is very limited coordination between the SDWA program and the NPDES Program. The Region and State will work together in the future to define a process.

Section V. Other Program Highlights

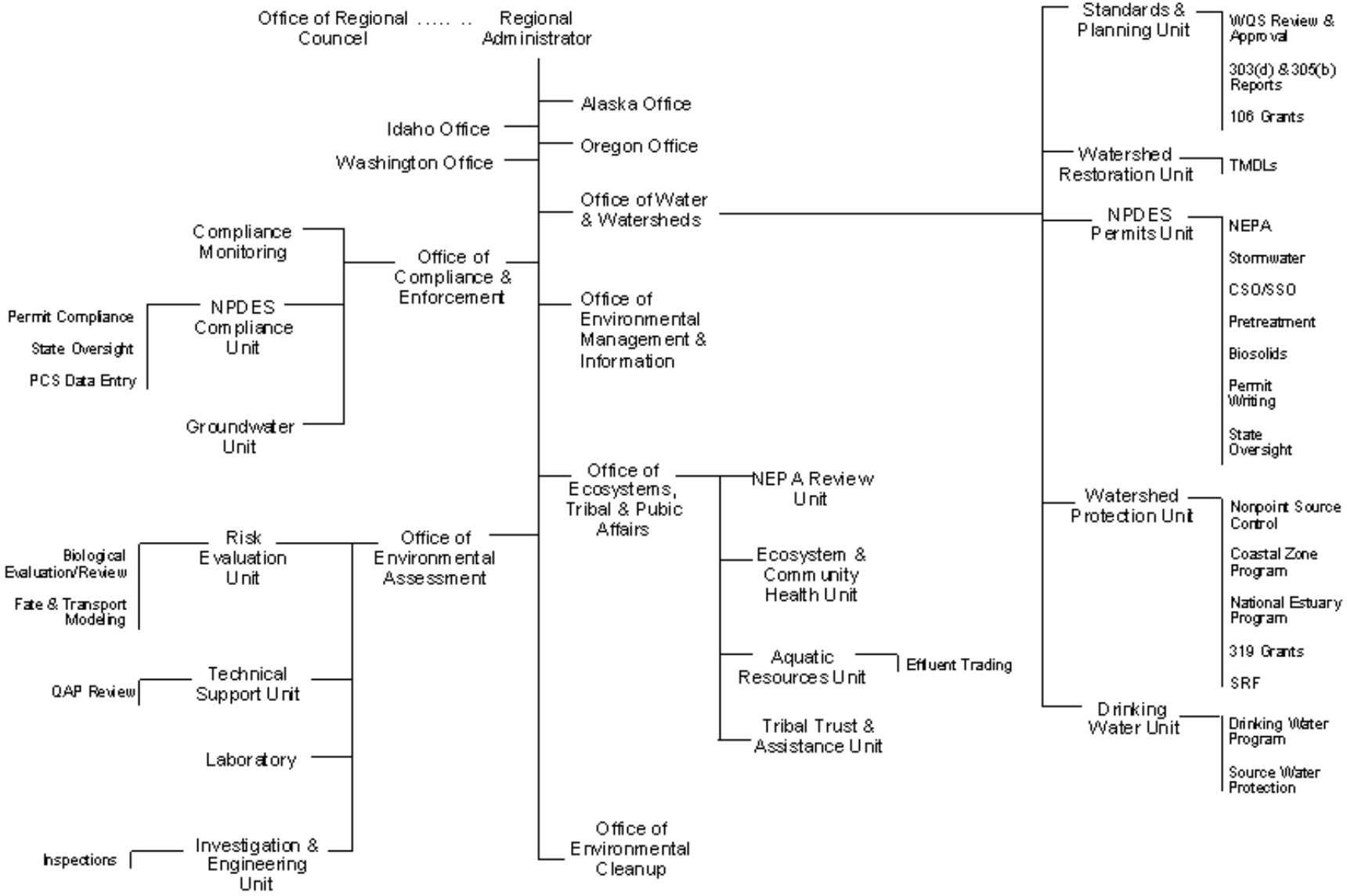
EPA Region 10 has implemented water quality trading in the State of Idaho. Effluent trading is a way to help improve water quality by focusing on cost-effective, local solutions to problems caused by pollutant discharges to surface waters. Typically, a party facing relatively high pollutant-reduction costs chooses to compensate another party to achieve an equivalent or better, though less costly, pollutant reduction. Parties trade only if both are better off as a result of the trade.

Region 10 developed the Water Quality Trading Assessment Handbook (EPA 910-B-03-003) to assist stakeholders in determining where trading may work successfully. The handbook provides a structured, informal assessment of trading opportunities. It looks at the environmental, economic, and technical factors in a watershed that influence the feasibility of creating a water quality trading market.

The Lower Boise River Effluent Trading Demonstration Project is the first effluent trading project in the Pacific Northwest. The Lower Boise project was initiated by Region 10 and IDEQ to examine how effluent trading can help improve water quality and lower the overall cost of meeting pollutant-reduction objectives established by water quality management plans known as Total Maximum Daily Loads (TMDLs). Participants in the project included wide representation from federal, State, and local agencies with water-quality responsibilities, agriculture, municipalities, industry, and the environmental community.

The final report, entitled Summary of Participant Recommendations for an Effluent Trading Framework, describes the trading system design that the group recommends DEQ and EPA incorporate into the lower Boise TMDL and NPDES permits.

IDAHO State Profile



NPDES Management Report, Winter 2005

Idaho

			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources: State Activities	National Data Sources: EPA Activities	Additional Data: State Activities	Additional Data: EPA Activities
NPDES Progress									
Universe	1	# major facilities (6,690 total)	I.1		n/a	n/a	56		
	2	# minor facilities covered by individual permits (42,057 total)	I.1		n/a	n/a	161		
	3	# minor facilities covered by non-storm water general permits (39,183 total)	I.1		n/a	n/a	173		
	4	# priority permits (TBD)	I.6			n/a	--		
	5	# pipes at facilities covered by individual permits (142,761 total)	I.7		n/a	n/a	377		
	6	# industrial facilities covered by individual permits (32,505 total)	I.1		n/a	n/a	85		
	7	# POTWs covered by individual permits (15,197 total)	I.1		n/a	n/a	112		
	8	# pretreatment programs (1,482 total)	II.2		n/a	n/a	12		
	9	# Significant Industrial Users (SIUs) discharging to pretreatment programs (22,158 total)	II.2		n/a	n/a	80		
	10	# Combined Sewer Overflow (CSO) permittees (831 total)	II.5		n/a	n/a	0		
	11	# CAFOs (current and est. future) (17,672 total)	II.3		n/a	n/a	181		
	12	# biosolids facilities (TBD '05)	II.6			n/a	--		
NPDES Program Administration	13	State or Region assessment of State NPDES program (none (N)/assessment (A)/profile (P))	I.1	50 states 2004	n/a	n/a	P		
	14	% pipes at facilities covered by individual permits w/ lat/long in PCS	I.7		46.3%	n/a	19.1%		
	15	State CAFO legal authority expected (mo/yr)	II.3	2005	n/a	n/a	n/a		
	16	# Withdrawal petitions/legal challenges (22 total)	I.4		n/a	n/a	n/a		
	17	DMR data entry rate	I.7		95%	n/a	99%		
	18	# permit applications pending (1,011 total)	I.6		n/a	n/a	27		
NPDES Program Implementation	19	% major facilities covered by current permits	I.6	90%	83.7%	n/a	94.6%		
	20	% minor facilities covered by current individual or non-storm water general permits	I.6	90% 12/04	87.0%	n/a	44.0%		45.5%
	21	# major facilities w/permits expired >10 yrs. (56 total)	I.6		n/a	n/a	0		1
	22	% priority permits issued as scheduled (TBD '05)	I.6	95% 2005		n/a	--		
	23	% pretreatment programs inspected/audited during 5 yr. inspection period	II.2		85.3%	n/a	100.0%		
	24	% SIUs w/control mechanisms	II.2		99.2%	n/a	100.0%		
	25	% of CSO permittees with long-term control plans developed or required	II.5	75% 2008	82.2%	n/a	n/a		
	26	% CAFOs covered by NPDES permits	II.3		35%	n/a	56%		
	27	% biosolids facilities that have satisfied part 503 requirements (TBD '05)	II.6			n/a	--		
	28	# Phase I storm water permits issued but not current (76 total)	II.4		n/a	n/a	0		
	29	# Phase I storm water permits not yet issued (5 total)	II.4		n/a	n/a	0		
	30	Phase II storm water small MS4 permits current (Y/N/D (draft)) (35 States)	II.4	100% states 2008	n/a	n/a	N		
	31	Phase II storm water construction permit current (Y/N/D (draft)) (49 States)	II.4	100% states 2008	n/a	n/a	Y		
NPDES Compliance Monitoring and Enforcement Response	32	% major facilities inspected	III.3		71%	60%	22%		
	33	(inspections at minors) / (total inspections at majors and minors)	III.3		76%	36%	74%		
	34	% major facilities in significant non-compliance (SNC)	III.1		20%	n/a	9%		
	35	% SNCs addressed by formal enforcement action (FEA)	III.1		14%	n/a	0%		
	36	% SNCs returned to compliance w/o FEA	III.1		70%	n/a	67%		
	37	# FEAs at major facilities (666 total)	III.1		n/a	0	0		
	38	# FEAs at minor facilities (1,660 total)	III.1		n/a	0	0		

Explanation of Column Headers:

Profile Section: For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

National Data Sources: The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTS as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The definitions document accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

Additional Data: These columns provide additional data in cases where information from other data sources differs from information in the National Data Sources column for reasons such as different timing of the data "snapshot." Additional data should generally adhere to the same narrative definitions as data in the National Data Sources, and should be derived using similar processes and criteria. Our goal is to work with the States on these discrepancies to ensure consistent and accurate reporting. A State contact is available who can respond to queries. The profiles discuss each additional data element.

State Activities: Information in these columns reflects activities conducted by the State program. (Shaded cells in these columns indicate that the work may not be entirely the State's responsibility, but a breakdown of the data into EPA and State responsibilities is unavailable.)

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			Profile Section	GPRA Goal	Nat. Avg.	National Data Sources: State Activities	National Data Sources: EPA Activities	Additional Data: State Activities	Additional Data: EPA Activities
Water Quality Progress									
Universe	39	River/stream miles (3,419,857 total)	IV.2		n/a	115,595	n/a		
	40	Lake acres (27,775,301 total)	IV.2		n/a	700,000	n/a		
	41	Total # TMDLs in docket at end of FY 2003 (52,795 total)	IV.4		n/a	1,655	--		
	42	# TMDLs committed to in FY 2003 management agreement (2,435 total)	IV.4		n/a	126	1		
	43	# Watersheds (2,341 total)	IV.2		n/a	--	--		
Water Quality Administration	44	On-time Water Quality Standards (WQS) triennial review completed (42 States)	IV.3		n/a	Y	n/a		
	45	# WQS submissions that have not been fully acted on after 90 days (32 total)	IV.3	<25% submis-sions	n/a	n/a	7		
Water Quality Implementation	46	State is implementing a comprehensive monitoring strategy (Y/N) (TBD)	IV.1	all states 2005	--	--	--		
	47	% river/stream miles assessed for recreation	IV.2		13.8%	39.5%	n/a		
	48	% river/stream miles assessed for aquatic life	IV.2		22.0%	48.6%	n/a		
	49	% lake acres assessed for recreation	IV.2		49.4%	43.1%	n/a		
	50	% lake acres assessed for aquatic life	IV.2		48.5%	43.3%	n/a		
	51	# outstanding WQS disapprovals (23 total)	IV.3		n/a	0	n/a		
	52	WQS for E. coli or enterococci for coastal recreational waters (12 States)	IV.3	35 states 2008	n/a	n/a	n/a		
	53	WQS for nutrients or Nutrient Criteria Plan in place (13 States)	IV.3	25 states 2008	n/a	N	n/a		
	54	Cumulative # TMDLs completed through FY 2003 (10,807 total)	IV.4		n/a	571	--	567	
	55	# TMDLs completed in FY 2003 (2,929 total)	IV.4		n/a	119	0		
	56	# TMDLs completed through FY 2003 that include at least one point source WLA (5,036 total)	IV.4		n/a	382	--		
Environmental Outcomes	57	% Assessed river/stream miles impaired for swimming in 2000	IV.2		--	--	n/a		
	58	% Assessed lake acres impaired for swimming in 2000	IV.2		--	--	n/a		
	59	# Watersheds in which at least 20% of the water segments have been assessed and, of those assessed, 80% or more are meeting WQS (440 total)	IV.2	600 2008	n/a	--	--		

Explanation of Column Headers:

Profile Section: For each measure, this column lists the section of the profile where the program area (including any additional data for the measure) is discussed.

National Data Sources: The information in these two columns is drawn from two types of sources:

(1) EPA-managed databases of record for the national water program, such as PCS, the National Assessment Database, and the National TMDL Tracking System. NPDES authorities are responsible for populating PCS with required data elements and for assuring the quality of the data. EPA is working to phase in full use of NAD and NTTS as national databases.

(2) Other tracking information maintained by EPA Headquarters for program areas such as CAFOs, CSOs, and storm water.

The definitions document accompanying this Management Report provides a detailed definition of each data element in the National Data Sources columns.

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