

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101

**Authorization To Discharge Under The
National Pollutant Discharge Elimination System (NPDES)**

In compliance with the provisions of the Clean Water Act, 33U.S.C. §1251 et seq., as amended by the Water Quality Act of 1987, Public Law 100-4 (hereafter CWA),

**Regulated Municipal Separate Storm Sewer Systems (MS4s)
Within the State of Idaho**

as described in Part 1 of this General Permit (GP), are authorized to discharge into waters of the United States, in accordance with the eligibility requirements, narrative effluent limitations, monitoring requirements and other conditions set forth herein.

A copy of this GP (including the following Appendices) must be kept as part of the Permittee's Stormwater Management Program (SWMP) documentation.

- Appendix A- Regulated MS4 Discharges Covered By this GP
- Appendix B- Required Information for Notices of Intent and Termination
- Appendix C- Endangered Species Act Eligibility Guidance
- Appendix D- National Historic Properties Act Eligibility Guidance
- Appendix E- Stormwater Management Program Documentation and Annual Reports
- Appendix F- Requirements for Discharges to Impaired Waters
- Appendix G- Biological Monitoring Requirements
- Appendix H- Addresses and Contact Information

This GP becomes effective XXXXXXXXXXXXXXXXXXXX.

This GP and the authorization to discharge expires at midnight, XXXXXXXX.

Permittees must reapply for authorization to discharge on or before XXXXXXXX, (180 days before the expiration of this Permit), pursuant to Part 7.2 (*Duty to Reapply*), if the Permittee intends to continue its operational control and management of discharges from the MS4 beyond the term of this GP.

Signed this day of

Daniel D. Opalski, Director
Office of Water and Watersheds

SCHEDULE OF SUBMISSIONS

This table summarizes items the Permittee must complete and/or submit to EPA and IDEQ during the term of this GP.

Action Item	Due Date
<p>1. Notice of Intent (NOI) MS4s notified by EPA after the GP effective date must submit a NOI - See Part 1.4.5</p>	<p>No later than 180 days of EPA notification (unless a later date is specified)</p>
<p>2. Joint Responsibilities and/or Shared Implementation Permittee(s) must submit a copy of the written agreement of joint or shared implementation with co-Permittees/other entities –See Parts 2.3.2 and 2.3.3.</p>	<p><i>[Insert due date of 1st Year Annual Report]</i></p>
<p>3. SWMP Plan Document Permittee must submit Updated SWMP Plan- See Part 2.3.6.</p>	<p><i>[Insert due date of 1st Year Annual Report]</i></p>
<p>4. Storm Sewer System Map and Outfall Inventory. Permittee must submit the Permittee's outfall inventory, and an electronic GIS version of the map. See Part 3.4.2</p>	<p><i>[Insert due date of 4th Year Annual Report]</i></p>
<p>5. Annual Reports and Monitoring Reports. See Part 5.3</p>	<p>XX each year, 20XX</p>
<p>6. Monitoring and Quality Assurance Plan. If applicable, the affected Permittee must submit an updated Monitoring and Quality Assurance Plan. See Part 5.1. Cooperative Monitoring Notification to EPA and IDEQ. See Part 5.5.2</p>	<p><i>[Insert due date of 1st Year Annual Report]</i> <i>(Insert Date 90 days from PED)</i></p>
<p>7. Records. See Part 5.2</p>	<p>Retain for a period of at least five years.</p>
<p>8. Twenty-Four Hour Notice of Noncompliance. Permittee must report certain noncompliance by phone. See Part 6.9.</p>	<p>Within 24 hours from the time Permittee is aware of circumstances</p>
<p>9. Notice of Termination of Discharge.</p>	<p>See Part 1.6</p>
<p>10. Reapplication/NOI. See Part 7.2. A Permittee intending to continue its control and management of MS4 discharges beyond the expiration date must submit a new NOI for continued coverage with following documents:</p> <ul style="list-style-type: none"> • SWMP Plan (Part 2.3.6); • Enforcement Response Policies for Construction & Permanent Stormwater Controls (Parts 3.2.6 & Part 3.3.5.2) • <i>Street Materials Assessment Report</i> (Part 3.4.5); and • (If Applicable) <i>Investigation Summary Report of Dry Weather Flows Caused by Irrigation and/or Groundwater Seepage</i> (See Appendix F.4). 	<p><i>{Insert Date 180 days prior to GP expiration Date}</i></p>

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ACRONYMS

BMP	Best Management Practice
CAA	Clean Air Act
CFR	Code of Federal Regulations
CGP	Construction General Permit, i.e., the most current version of the <i>NPDES General Permit for Storm Water Discharges from Construction Activities in Idaho</i>
CWA	Clean Water Act
DMR	Discharge Monitoring Report
EFH	Essential Fish Habitat
ERP	Enforcement Response Policy
EPA	United States Environmental Protection Agency, Region 10
ESC	Erosion and Sediment Control
ESA	Endangered Species Act
FR	Federal Register
GP	General Permit
IDA	Idaho Department of Agriculture
IDAPA	Idaho Administrative Procedures Act
IDEQ	Idaho Department of Environmental Quality
IDWR	Idaho Department of Water Resources
LA	Load Allocation
µg/L	Micrograms per Liter
mg/L	Milligrams per Liter
MEP	Maximum Extent Practicable
ML	Minimum Levels
MPRSA	Marine Protection Research and Sanctuaries Act
MS4	Municipal Separate Storm Sewer System
MSGP	<i>NPDES Multi-Sector General Permit for Storm Water Discharges Associated with Industrial Activities in Idaho</i>
NHPA	National Historic Properties Act
NOAA	National Oceanic and Atmospheric Administration
NMFS	National Marine Fisheries Service
NOI	Notice of Intent
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
OWW	EPA Office of Water and Watersheds
pg/L	Picograms per Liter
POTW	Publicly Owned Treatment Works
PSD	Prevention of Significant Deterioration
QAPP	Quality Assurance Project Plan
QA/QC	Quality Assurance/Quality Control
RCRA	Resource Conservation Recovery Act
SDWA	Safe Drinking Water Act
SIC	Standard Industrial Code
SWMP	Stormwater Management Program
SWPPP	Storm Water Pollution Prevention Plan

TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
UIC	Underground Injection Control
US	United States
USC	United States Code
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
UST	Underground Storage Tank
WLA	Wasteload Allocation
WQS	Water Quality Standards

1 APPLICABILITY AND NOTIFICATION REQUIREMENTS

1.1 Facilities Eligible for Coverage

Facilities eligible for coverage under this GP are regulated MS4s located within the State of Idaho.

A regulated MS4 is a “small MS4,” “medium MS4” or “large MS4,” as defined in Permit Part 8 (*Definitions*), and includes any MS4 designated by EPA as contributing to a violation of a water quality standard, or as a significant contributor of pollutants to waters of the United States, pursuant to 40 CFR §§122.26(a)(1)(v) and/or 122.26(a)(9).

1.2 Geographic Area of Coverage

This GP covers regulated MS4s located within, or partially located within, an Urbanized Area of the State of Idaho, as defined by the U.S. Bureau of Census.

1.2.1 Geographic Area for Regulated MS4s owned and/or operated by a City

The minimum geographic area of permit coverage for MS4s owned and/or operated by a City is the entire incorporated City area.

1.2.2 Geographic Area for Regulated MS4s owned and/or operated by Other Municipal Entities

For any regulated MS4 owned and/or operated by a county, college, university, highway district, state department of transportation, school district, drainage district, and/or other public entity, the minimum geographic area of permit coverage is the area under that entity’s jurisdictional control within an Urbanized Area of the State of Idaho, as defined by the U.S. Bureau of Census.

1.3 Eligibility Requirements

Regulated MS4 operators listed in Appendix A.1 and Appendix A.2 have met the eligibility requirements of this GP and are not required to submit a Notice of Intent (NOI), and/or the documentation regarding Endangered Species Act (ESA), Essential Fish Habitat (EFH) and National Historic Properties Act (NHPA) described below. Submittal of an NPDES permit application constitutes submittal of an NOI.

To be eligible for coverage under this GP, a regulated MS4 operator not listed in Appendix A.1 or Appendix A.2 who seeks coverage under this Permit must submit a timely and complete NOI to EPA, in accordance with Part 1.4 (*NOI Requirements*). The NOI must include the information set forth in Parts 1.3.1 to 1.3.3, below:

1.3.1 Documentation Regarding Endangered Species Act

To be eligible for coverage under this Permit, the regulated MS4 operator must demonstrate that the MS4 discharges are not likely to adversely affect any species listed as endangered or threatened under the ESA, and are not likely to result in the adverse modification or destruction of designated critical habitat under the ESA. See Appendix C of this GP.

1.3.2 Documentation Regarding Essential Fish Habitat

To be eligible for coverage under this Permit, the regulated MS4 operator must demonstrate that MS4 discharges (and/or discharge related activities) do not cause adverse effects on any Essential Fish Habitat (EFH) under the Magnuson-Stevens Fishery Management and Conservation Act. See Appendix C of this GP.

1.3.3 Documentation Regarding Historic Properties

To be eligible for coverage under this Permit, the regulated MS4 operator must demonstrate that its MS4 discharges, and/or implementation of the required Stormwater Management Program (SWMP), do not adversely affect properties listed or eligible to be listed in the National Register of Historic Places under the NHPA. See Appendix D of this GP.

1.4 Notice of Intent (NOI) Requirements

1.4.1 Operator Responsibility

When the discharges from a regulated MS4 are owned by one entity, and the MS4 is operated by another entity, it is the operator's responsibility to submit a NOI to obtain permit coverage. The operator's NOI must identify all portions of the MS4 within the geographic area of permit coverage under its operational control, and briefly summarize any existing agreement between the owner and the operator, as appropriate. A copy of any written agreement between the parties must be included with the NOI.

1.4.1.1 For the operator of multiple and/or non-contiguous regulated MS4s (such as those operated by a state transportation department), a single NOI may be submitted to address all regulated MS4s in the geographic areas served by the individual operator.

1.4.1.2 A regulated MS4 operator may seek to obtain coverage under this GP as a co-Permittee with one or more regulated MS4s eligible for this GP. In such instances, a single, joint NOI, that includes all required information and certification signatures for each co-Permittee, must be submitted to EPA. See Part 2.3 (*Permittee Responsibilities*).

1.4.2 Content of the Notice of Intent

The NOI must include all information listed in Appendix B of this GP. The NOI may consist of a letter, report or a table, with all necessary attachments to address the required information. Operators may use the example NOI Format provided in Appendix B. The NOI must be signed in accordance with Part 7.5 (*Signatory Requirements*) of this GP.

1.4.3 Where to Submit the NOI

A regulated MS4 operator must submit a legible, original NOI to EPA at the following address in order to be considered for coverage under the GP:

Director, Office of Water and Watersheds
Attention: Idaho MS4 General Permit Coordinator
U.S. Environmental Protection Agency, Region 10
1200 6th Avenue, Suite 900, OWW-191
Seattle, Washington 98101

The regulated MS4 operator must also submit copies of the NOI information to the IDEQ state office, the appropriate IDEQ regional office, and any affected tribe whose waters may be impacted. See Appendix H for the list of IDEQ and tribal government office addresses.

If EPA notifies a MS4 operator (either directly, by public notice, or by making information available on the Internet) of other NOI submittal options that become available at a later date (such as electronic submission of forms or information), the MS4 operator may use such options to satisfy these NOI requirements.

1.4.4 Amended Information.

A Permittee covered by this GP must submit to EPA an updated and/or amended NOI when there is any material change in the information submitted in its original NOI or application materials. A material change may include, but is not limited to, changes in the operator(s)/owner(s) of the MS4, identification of co-Permittees, if appropriate; identification of MS4 receiving waters not previously identified; and/or a summary of any known water quality impacts on the newly identified receiving waters.

1.4.5 Deadlines

Regulated MS4 operators not listed in Appendix A.1 must submit a NOI for coverage under this GP within 180 days after the GP effective date unless the EPA grants a later date.

A regulated MS4 operator whose operational control commences after the effective date of this GP must submit the NOI no later than 180 days prior to assuming operational control of the MS4 discharge.

The operator of a newly regulated MS4 who is notified by EPA after the GP effective date that authorization to discharge under the GP is required must submit the NOI no later than 180 days after the date of EPA's notification, unless EPA grants a later date.

1.5 Authorization to Discharge

Regulated MS4s will be authorized to discharge under this GP as of the date of the

written notification that EPA has granted coverage under this GP and EPA has assigned the Permittee a permit number.

1.6 Individual NPDES Permits.

1.6.1 Permittee Request for Individual Permit.

Any regulated MS4 operator eligible for coverage under this GP may request to be excluded from this GP by applying for an individual NPDES permit. The regulated MS4 operator must submit an individual NPDES permit application, with reasons supporting the request, to EPA no later than 90 days after the effective date of GP. Coverage under this GP will be automatically terminated on the effective date of the individual permit.

1.6.2 EPA Requires Individual Permit.

EPA may require any regulated MS4 operator requesting coverage under this GP to apply for and obtain an individual NPDES permit, if one of the circumstances set forth below in Part 1.6.3 is met. In such a case, the applicant or Permittee will be notified in writing that an individual permit is required, and will be given a brief explanation of the reasons for the decision.

1.6.3 Circumstances for Individual Permit

Individual NPDES permits may be appropriate if:

- 1.6.3.1 The regulated MS4 discharge is not in compliance with the conditions of this GP;
- 1.6.3.2 A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the regulated MS4 discharges;
- 1.6.3.3 Effluent limitation guidelines are promulgated for the regulated MS4 discharge;
- 1.6.3.4 A Total Maximum Daily Load (TMDL) or Water Quality Management Plan containing requirements applicable to the regulated MS4 discharge is approved;
- 1.6.3.5 Circumstances have changed since the time of the request to be covered so that the regulated MS4 discharge is no longer appropriately controlled under the GP, or either a temporary or permanent reduction or elimination of the authorized MS4 discharge is necessary; and/or
- 1.6.3.6 The regulated MS4 discharge is a significant contributor of pollutant(s) which is not adequately addressed by this GP, as determined by EPA after considering factors pursuant to 40 CFR §122.28(b)(3)(G).

1.7 Notice of Termination of MS4 Discharge

No later than 30 days prior to discharge termination, a Permittee must notify EPA by submitting a Notice of Termination of MS4 Discharge (NOT). See Appendix B.2. Such requests to terminate authorization to discharge under this GP must be made in writing, signed/certified in accordance with Part 7.5 (*Signatory Requirements*), and submitted to EPA at the following address:

Director, Office of Water and Watersheds
Attention: Idaho MS4 General Permit Coordinator
U.S. Environmental Protection Agency, Region 10
1200 6th Avenue, Suite 900, OWW-191
Seattle, Washington 98101

The Permittee must also submit the NOT to the IDEQ state office, the appropriate IDEQ regional office, and any affected tribe whose waters may be impacted. See Appendix I for the list of IDEQ and tribal government office addresses.

Authorization under this GP may be terminated in accordance with 40 CFR §122.64. In the case in which the entire discharge is permanently terminated either by elimination of the flow or by connection to a publicly owned treatment works, termination of discharge authorization will become effective 30 days after the written determination is sent by EPA to the Permittee, unless the Permittee objects within that time. Pursuant to Part 7.2 (*Permit Actions*), authorization to discharge may be terminated in accordance with the provisions of 40 CFR §§122.64 and 124.5 for a single Permittee or co-Permittee without terminating authorization for the other Permittees or co-Permittees subject to this GP.

2 EFFLUENT LIMITATIONS AND CONDITIONS

2.1 Discharges Authorized Under This General Permit

Subject to the limitations and conditions set forth herein, the Permittee is authorized to discharge storm water to waters of the United States within the State of Idaho from all portions of its MS4 located within the boundaries described in Part 1.2 (*Geographic Area*).

Pursuant to Part 2.2 below, this GP also conditionally authorizes the discharge of flows from the Permittee's regulated MS4 which are categorized as allowable non-storm water discharges.

This GP does not authorize the discharge of any waste streams, including spills and other unintentional or non-routine discharges of pollutants, that are not part of the normal operation of the MS4, as disclosed in the Permittee's NOI, or any pollutants that are not ordinarily present in such waste streams.

2.2 Limitations on Permit Coverage

2.2.1 Discharges Threatening Water Quality

The Permittee is not authorized to discharge storm water that will cause, or have the reasonable potential to cause or contribute to, an excursion above the Idaho water quality standards.

2.2.2 Snow Disposal to Receiving Waters

The Permittee is not authorized to push or dispose of snow plowed within the geographic area of permit coverage directly into waters of the United States, or directly into the MS4(s). Discharges from the Permittee's snow disposal and snow management practices are authorized under this GP only when such sites and practices are designed, conducted, operated, and maintained to prevent and reduce pollutants in the discharges so as to avoid excursions above the Idaho water quality standards, pursuant to Part 3.4 (*Stormwater Infrastructure and Management*).

2.2.3 Storm Water Discharges Associated with Industrial or Construction Activity

The Permittee is not authorized to discharge storm water associated with industrial activity (as defined in 40 CFR §122.26(b)(14)), and/or storm water associated with construction activity (as defined in 40 CFR §122.26(b)(14)(x) and (b)(15)). Such discharges are regulated through the *NPDES General Permit for Stormwater Associated with Construction Activities in Idaho* (Idaho CGP), the *NPDES Multi-Sector General Permit for Stormwater Associated with Industrial Activities in Idaho* (MSGP), or another appropriate NPDES permit.

2.2.4 Non-Storm Water Discharges

The Permittee is not authorized to discharge non-storm water from the MS4, unless such discharges satisfy one of the following conditions:

- 2.2.4.1 The non-storm water discharges are in compliance with a separate NPDES permit;
- 2.2.4.2 The discharges originate from emergency firefighting activities;
- 2.2.4.3 The non-storm water discharges result from a spill, and are the result of an unusual and severe weather event where reasonable and prudent measures have been taken to prevent and minimize the impact of such discharge; or consist of emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to prevent and minimize the impact of such discharges; or
- 2.2.4.4 The non-storm water discharges fall under one of the allowable categories listed in Part 2.2.5 below, and such discharges are not sources of pollution to waters of the United States as defined in Part 2.2.6.

2.2.5 Categories of Allowable Non-Storm Water

The categories of allowable non-storm water include:

- 2.2.5.1 Uncontaminated water line flushing;
- 2.2.5.2 Potable water sources;
- 2.2.5.3 Landscape irrigation (provided all pesticides, herbicides and fertilizer have been applied in accordance with manufacturer's instructions);
- 2.2.5.4 Lawn watering;
- 2.2.5.5 Irrigation water;
- 2.2.5.6 Flows from riparian habitats and wetlands; Diverted stream flows;
- 2.2.5.7 Springs;
- 2.2.5.8 Rising ground waters;
- 2.2.5.9 Uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(20)) to separate storm sewers;
- 2.2.5.10 Uncontaminated pumped ground water or spring water;
- 2.2.5.11 Foundation and footing drains (where flows are not contaminated with process materials such as solvents);
- 2.2.5.12 Uncontaminated air conditioning or compressor condensate;
- 2.2.5.13 Water from crawlspace pumps;
- 2.2.5.14 Individual residential car washing;
- 2.2.5.15 Dechlorinated swimming pool discharges;
- 2.2.5.16 Routine external building wash down which does not use detergents; street and pavement wash waters, where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed); and
- 2.2.5.17 Fire hydrant flushing.

2.2.6 Sources of Pollution to Waters of the United States

A discharge is considered a source of pollution to waters of the United States if it:

- 2.2.6.1 Contains hazardous materials in concentrations found to be of public health significance or to impair beneficial uses in receiving waters. (Hazardous materials are those that are harmful to humans and animals from exposure, but not necessarily ingestion); and/or
- 2.2.6.2 Contains toxic substances in concentrations that impair designated beneficial uses in receiving waters. (Toxic substances are those that can cause disease, malignancy, genetic mutation, death, or similar consequences); and/or
- 2.2.6.3 Contains deleterious materials in concentrations that impair designated beneficial uses in receiving waters. (Deleterious materials are generally substances that taint edible species of fish, cause taste in drinking waters, or cause harm to fish or other aquatic life); and/or
- 2.2.6.4 Contains radioactive materials or radioactivity at levels exceeding the values listed in 10 CFR § 20 in receiving waters; and/or
- 2.2.6.5 Contains floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or in concentrations that may impair designated beneficial uses in receiving waters; and/or
- 2.2.6.6 Contains excessive nutrients that can cause visible slime growths or other nuisance aquatic growths that impair designated beneficial uses in receiving waters; and/or
- 2.2.6.7 Contains oxygen-demanding materials in concentrations that would result in anaerobic water conditions in receiving waters; and/or
- 2.2.6.8 Contains sediment above quantities specified in IDAPA 58.01.02.250.02.e or in the absence of specific sediment criteria, above quantities that impair beneficial uses in receiving waters; and/or
- 2.2.6.9 Contains material in concentrations that exceed applicable natural background conditions in receiving waters (IDAPA 58.01.02.200. 09). Temperature levels may be increased above natural background conditions when allowed under IDAPA 58.01.02.401.

2.3 Permittee Responsibilities

2.3.1 Individual Responsibility

Each Permittee is individually responsible for Permit compliance related only to portions of the MS4 operated solely by that Permittee, or where this GP requires the specific Permittee to take an action.

2.3.2 Joint Responsibility and Joint Agreements

2.3.2.1 If regulated MS4 operators elect to submit a joint NOI, each co-Permittee is jointly responsible for Permit compliance:

2.3.2.1.1 Related to portions of the MS4 where operational or SWMP control measure implementation authority has been transferred from one Permittee to another, in accordance with a written and enforceable agreement between the co-Permittees as described in Part 2.3.2.2;

2.3.2.1.2 Related to portions of the MS4 where co-Permittees jointly own or operate a portion of the MS4;

2.3.2.1.3 Related to the submission of reports or other documents required by Parts 3, 4 and 5 of this GP; and

2.3.2.1.4 Where this GP requires an action and a specific Permittee is not named.

2.3.2.2 When Permittees elect to work together in joint agreement under this GP, those co-Permittees must maintain a written and enforceable agreement between the parties. The written agreement must describe each organization's respective roles and responsibilities related to this GP, and identify all areas served by the MS4(s) where the co-Permittees share such joint responsibility. Any previously signed agreement may be updated, as necessary, to comply with this requirement. In such cases, a joint agreement between co-Permittees must be submitted with the 1st Year Annual Report.

2.3.3 Shared Implementation with Outside Entities.

Implementation of one or more of the SWMP control measures may be shared with or delegated to another entity other than another Permittee(s). A Permittee may rely on another entity only if:

2.3.3.1 The other entity, in fact, implements the minimum control measure;

2.3.3.2 The action, or component thereof, is at least as stringent as the corresponding GP requirement; and

2.3.3.3 The other entity agrees to implement the minimum control measure on the Permittee's behalf. A binding written agreement is required. The Permittee must acknowledge this agreement within the SWMP Plan

required in Part 2.3.6, and submit a copy of the written agreement with the 1st Year Annual Report.

2.3.3.4 If the other entity agrees to report on the minimum control measure, the Permittees must supply the other entity with the reporting requirements in Part 5.3 (*Reporting Requirements*). The Permittee remains responsible for compliance with the Permit obligation if the other entity fails to implement the required minimum control measure.

2.3.4 Reduce the Discharge of Pollutants from the MS4 to the Maximum Extent Practicable

The Permittee must develop, implement and enforce a Stormwater Management Program (SWMP) designed to reduce the discharge of pollutants from their MS4 to the maximum extent practicable and protect water quality in receiving waters. The Permittee's SWMP must be implemented throughout the geographic area described in Part 1.2 (*Geographic Area of Coverage*).

The Permittee must comply with the SWMP actions and activities outlined in Part 3 (*SWMP Control Measures*) and Part 4 (*Special Conditions*), and the assessment/monitoring requirements required by Part 5 (*Monitoring, Recordkeeping and Reporting*). The SWMP actions and activities require the Permittee to use BMPs, control measures, system design, engineering methods, and other provisions appropriate to control discharges of pollutants from the MS4 to the maximum extent practicable.

2.3.5 Maintain Adequate Legal Authority

The Permittee must maintain relevant ordinances or other regulatory mechanisms sufficient to control pollutant discharges into and from its MS4, and meet the requirements of this GP. In the SWMP Plan required by Part 2.3.6, the Permittee must summarize all of its existing and unique legal authorities which satisfy the six criteria listed below.

If existing legal authority is not sufficient to meet the criteria, the Permittee must adopt new ordinances or regulatory mechanisms that provide it with adequate legal authority as allowed and authorized pursuant to applicable Idaho law, no later than the implementation schedule associated with the related control measure outlined in Part 3 (*SWMP Control Measures*).

To the extent allowable pursuant to the respective authority granted the Permittee under Idaho law, the Permittee must:

2.3.5.1 Prohibit and eliminate, through statute, ordinance, policy, permit, contract, court or administrative order, or other similar means, illicit discharges to the MS4;

2.3.5.2 Control through statute, ordinance, policy, permit, contract, court or administrative order, or other similar means, the discharge to the MS4 of

spills, dumping or disposal of materials other than storm water, pursuant to Part 3.5.2;

2.3.5.3 Control the discharge of storm water and pollutants from land disturbance and development both during the construction phase and after site stabilization has been achieved, consistent with Parts 3.2 (*Construction Site Runoff Control Program*) and 3.3 (*Storm Water Management for Areas of New Development and Redevelopment*);

2.3.5.4 Control through interagency agreements among Permittees as necessary or appropriate, the contribution of pollutants from one MS4 to another interconnected MS4;

2.3.5.5 Require compliance with conditions in statutes, ordinances, policy, permits, contracts, or court or administrative orders; and

2.3.5.6 Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with these Permit conditions, including the prohibition of illicit discharges to the MS4.

2.3.6 **SWMP Plan Document.**

The Permittee must prepare written documentation of its SWMP, called the SWMP Plan, no later than [insert date]. The SWMP Plan must be written to inform the public of how the required SWMP control measures are implemented within their jurisdiction, and to describe the implementation schedule for any program components to be developed over the permit term. The SWMP Plan must be organized according to the program components listed in Part 3 (*SWMP Control Measures*) and 4 (*Special Conditions*). The SWMP document must be submitted with the subsequent Annual Report, and updated at least annually thereafter. The SWMP Plan document must include:

2.3.6.1 The names and titles of people responsible for program implementation, including a summary description of any joint implementation agreements with other co-Permittees or shared implementation responsibilities with other entities;

2.3.6.2 A broad narrative description of the physical attributes of the Permittee's jurisdiction and the MS4 serving that area, including total number of outfalls to specific receiving waters, and other general statistics to define the unique characteristics of the Permittees system. As appropriate, this description should be augmented with illustrative maps, photos or graphics to appropriately describe the MS4 for the general public audience;

2.3.6.3 A discussion of the water quality status for all receiving waters within the MS4 jurisdiction, specifying any waters which are impaired, the

associated pollutants of concern, and any applicable Total Maximum Daily Loads (TMDL) analyses for the receiving waters;

- 2.3.6.4 For each control measure, a brief narrative description of the manner in which the Permittee implements the specific measure or component.
- 2.3.6.5 Where a specific control measure or its component(s) are not yet in place, the Permittee must summarize its intended schedule, including interim milestones and measurable goals, associated with full implementation of the specific control measure or component no later than the date specified;
- 2.3.6.6 For each control measure, the Permittee must name the applicable legal authority or regulatory mechanism upon which the Permittee/applicant relies to implement and enforce the required SWMP control measure, including full title and/or reference to all codes, ordinances, programs, procedures and/or other existing regulatory mechanisms.
- 2.3.6.7 Where a required ordinance or legal authority must be updated or is not yet in place, the Permittee must summarize its intended schedule, including interim milestones and measurable goals, associated with full implementation of the necessary legal authority no later than the date specified;
- 2.3.6.8 A summary of specific actions and activities conducted by the Permittee to comply with any additional special conditions associated with an applicable TMDL or other provision of this GP.

2.3.7 SWMP Information and Statistics

The Permittee must maintain a method of gathering, tracking, and using SWMP information to set priorities, and assess Permit compliance. Permittees must track activities and document program outcomes as stipulated by the respective SWMP control measure (e.g., the number of inspections, official enforcement actions, and/or types of public education actions, etc.), and must cite relevant information and statistics, reflecting the specific reporting period, in each Annual Report.

2.3.8 SWMP Resources

The Permittee must provide adequate finances, staff, equipment and other support capabilities to implement the SWMP control measures and other requirements outlined in this GP. In each Annual Report, the Permittee must summarize and report on their total operational costs associated with SWMP implementation over the prior 12 month reporting period. Permittees are encouraged to consider establishing consistent funding sources for continued program implementation.

2.3.9 Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation.

The Permittee must implement the actions and activities of the SWMP in all new areas added or transferred to the Permittee's MS4 (or for which a Permittee becomes responsible for implementation of storm water quality controls) as expeditiously as practicable. Any additions and schedules for implementation must be documented in the next Annual Report following the transfer.

3 STORMWATER MANAGEMENT PROGRAM (SWMP) CONTROL MEASURES

To the extent allowable under Idaho State law, the Permittee must implement and enforce the SWMP control measures outlined in this Part, including all individual control measure components, to reduce the discharge of pollutants from their MS4 and protect water quality in receiving waters.

3.1 Compliance Dates

Compliance dates are established for each SWMP control measure cited in Parts 3.2 through 3.6.

3.1.1 Existing MS4 Permittees

Existing MS4 Permittees listed in Appendix A.1 must continue implementation of all existing SWMP control measures within their jurisdiction, and must begin development and implementation of new control measure components, upon the effective date of this GP. Existing Permittees must implement any new control measure components by the compliance date specified.

3.1.2 New MS4 Permittees

New MS4 Permittees listed in Appendix A.2 must begin development and implementation of the SWMP control measures no later than the effective date of this GP.

New MS4 Permittees must implement all SWMP control measure components no later than the Permit expiration date. New MS4 Permittees may use the compliance dates cited in Parts 3.2 through 3.6 below as interim milestone dates to ensure full implementation of SWMP control measures no later than the expiration date of this GP.

3.2 Construction Site Runoff Control Program

At a minimum, the Permittee must develop, implement and enforce a program to reduce discharges of pollutants and control storm water runoff from construction project site activity that results in land disturbance of 5,000 square feet or more occurring within its jurisdiction. The Permittee must continue to impose any existing program to ensure the proper installation and maintenance of erosion controls, sediment controls, and waste material containment/pollution prevention controls during all phases of construction activity occurring within their jurisdiction.

3.2.1 Compliance Dates for New Actions

Not later than *[insert date 4 years from PED]* all existing and new MS4 Permittees must update their existing construction site runoff control program to impose the SWMP components in Parts 3.2.2 through 3.2.8 below on project sites within their jurisdiction that result in land disturbance of 5,000 square feet or more.

3.2.2 Ordinance and/or other regulatory mechanism.

Through ordinance or other regulatory mechanism to the extent allowable under Idaho state law, the Permittee must require erosion controls, sediment controls, and materials management techniques to be employed and maintained at construction projects from initial clearing through final stabilization.

To be considered adequate, the Permittee's ordinance or other regulatory mechanism must require construction site operators to maintain adequate and effective controls to reduce pollutants in storm water discharges from sites, as described in Part 3.2.3; and must require construction site operators to submit site plans for preconstruction review and approval, as described in Part 3.2.4. The Permittee must use inspections and enforcement actions (such as, written warnings, stop work orders and/or fines) to ensure compliance, as required by Part 3.2.5 below, and must describe such efforts in a written enforcement response policy, as required by Part 3.2.6.

3.2.2.1 Compliance with Other NPDES Permit Requirements: For construction projects within the geographic area of coverage that disturb one or more acres (or that disturb less than one acre but part of a common plan of development or sale that exceeds one acre), the Permittee must update their ordinance or other regulatory mechanism, as necessary, to be consistent with this GP and with the current version of the Idaho CGP.

3.2.3 Construction Site Runoff Control Specifications

The Permittee must require the use of construction site management controls as defined and adopted by the Permittee.

The Permittee must maintain written specifications that address the proper installation and maintenance of erosion controls, sediment controls, and waste material containment/pollution prevention controls during all phases of construction activity occurring within their jurisdiction. The Permittee, at its discretion, may adopt specifications created by another entity which complies with this Part.

Construction site runoff control specifications must include:

3.2.3.1 Requirements for use of erosion control, sediment control, and pollution prevention practices which complement and do not conflict with the current version of the Idaho CGP.

3.2.3.2 Sizing criteria, performance criteria, illustrations, and design examples, as well as recommended operation and maintenance of each practice

and guidance on selection and location of construction site runoff control practices; and

- 3.2.3.3 Specifications for proper long term operation and maintenance of such construction site runoff control practices, including appropriate inspection interval and self-inspection checklists for use by the responsible party/construction site operator.

3.2.4 Preconstruction Site Plan Review and Approval

The Permittee must review and approve preconstruction site plans, erosion and sediment control (ESC) plans, and/or Stormwater Pollution Prevention Plans (SWPPPs) from construction site operators within their jurisdictions using a checklist or similar process to document the review(s). The Permittee must use qualified individuals, knowledgeable in the technical review of ESC plans/SWPPPs, to conduct such preconstruction plan reviews.

Site plan review procedures must include consideration of the site's potential water quality impacts, and include provisions for receipt and consideration of information submitted by the public in accordance with the applicable ordinance or enforceable mechanism required by Part 3.2.2 above.

The Permittee must not approve any preconstruction site plan, ECS plan, or SWPPP unless it contains appropriate site-specific construction site control measures that meet the Permittee's runoff control specifications as outlined in Part 3.2.3 above, and includes specifications for permanent storm water management controls as outlined in Part 3.3.3 (*Permanent Storm Water Control Specifications*). The Permittee must ensure that the site operator is prohibited from commencing construction activity prior to receipt of written approval.

3.2.5 Construction Site Inspection and Enforcement

The Permittee must inspect construction sites occurring within their jurisdictions to ensure compliance with the Permittee's applicable requirements.

The Permittee may establish an inspection prioritization system to identify the frequency and type of inspection, based upon such factors as project type, total area of disturbance, location, and potential threat to water quality. If a prioritization system is used, the Permittee must describe the construction site inspection prioritization system in the SWMP Plan, and must summarize the nature and number of inspections, follow-up actions, and any subsequent enforcement actions conducted during the relevant reporting period in each Annual Report as required by Part 2.3.7 (*SWMP Information and Statistics*).

Based on site inspection findings, the Permittee must take all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance.

Construction site inspections conducted by the permittee must include, but not be limited to:

- 3.2.5.1 A determination of whether a construction site is required to and/or has coverage under the CGP;
- 3.2.5.2 A review the applicable ESC plan/SWPPP to determine if control measures are installed, implemented, and maintained as approved;
- 3.2.5.3 An assessment of the site's compliance with the Permittees' ordinances/requirements, including the implementation and maintenance of required control measures;
- 3.2.5.4 An assessment of the appropriateness of planned control measures;
- 3.2.5.5 Visual observation of any existing or potential non-storm water discharges, illicit connections, and/or discharge of pollutants from the site, and recommendations for follow-up;
- 3.2.5.6 Education or instruction to the construction site operator related to additional storm water pollution prevention practices, if needed; and
- 3.2.5.7 A written or electronic inspection report.

3.2.6 Enforcement Response Policy for Construction Site Runoff Control

The Permittee must develop and implement a written escalating enforcement response policy (ERP) appropriate to their organization. The Permittee must submit its ERP to EPA with the permit reapplication no later than (*insert date 180 days before the expiration date of this GP*).

- 3.2.6.1 The ERP for a Permittee/MS4 owned or operated by Cities, Counties, and Highway Districts must address enforcement of construction site runoff controls for all construction projects within their jurisdictions, to the extent allowable under Idaho State law.
- 3.2.6.2 The ERP for a Permittee/MS4 owned or operated by Idaho Transportation Department, Drainage Districts, colleges, universities, or other municipal entities must address the enforcement of construction site runoff controls for all construction projects within their jurisdictions, through the use of contracts, to the extent allowable under Idaho State law.
- 3.2.6.3 Each ERP must describe the Permittee's potential response to violations with appropriate educational or enforcement responses. The ERP must address repeat violations through progressively stricter responses, as needed, to achieve compliance. The ERP must describe how the Permittee will use techniques such as: verbal warnings; written notices;

escalated enforcement measures such as stop work orders, monetary penalties; and/or other escalating measures to the extent allowable under Idaho State law.

3.2.7 CGP Violation Referrals

For construction project sites disturbing one or more acres (or disturbing less than one acre but is part of a larger common plan of development which exceeds one acre), and that are subject to the Idaho CGP but do not sufficiently respond to Permittee's educational, compliance, or enforcement efforts, the Permittee may provide EPA with information regarding the individual construction project sites or operators who cannot demonstrate they have previously obtained appropriate CGP coverage from EPA, and/or deemed by the Permittee as not complying with the CGP and/or comparable local requirements.

The Permittee may refer CGP-related site information to the EPA NPDES Compliance Hotline in Seattle, Washington, by telephone, at (206) 553-1846, and should include relevant information describing, at a minimum: the construction project location and description; name and contact information of project owner/operator; estimated construction project disturbance size; and background information which describes the Permittee's prior interaction with the site operator regarding the applicable requirements.

3.2.8 Construction Runoff Control Training for Staff and Site Operators

The Permittee must educate appropriate audiences regarding the selection, design, installation, operation and maintenance of construction site runoff controls. This training may be coordinated with other training required by Parts 3.3.7 (*Permanent Stormwater Controls Training*), 3.4.11 (*Stormwater Infrastructure Staff Training*) and 3.5.8 (*Illicit Discharge Staff Training*).

3.2.8.1 Staff Training: At least twice during the Permit term, the Permittee must ensure that all persons responsible for preconstruction site plan review, site inspections, and enforcement are appropriately trained to conduct such activities. Training must include selection, design, installation and maintenance of construction site controls; plan review procedures; inspection reporting/tracking and the Permittee's ERP. If the Permittee utilizes outside parties to conduct inspections and/or review plans, outside staff must be appropriately trained to conduct such activities.

3.2.8.2 Construction Operator Training: At least twice during the Permit term, the Permittee must provide opportunity and/or conduct training sufficient to ensure that construction operators working within their jurisdiction are aware and informed of the Permittee's requirements for appropriate selection, design, installation, and use of required construction site control measures.

3.3 Storm Water Management for Areas of New Development and Redevelopment

The Permittee must develop, implement and enforce a program to reduce discharges of pollutants and control storm water runoff from new development and redevelopment project sites. The Permittee must continue to implement and enforce its existing program to ensure that appropriate permanent storm water management controls are utilized at development sites within their jurisdiction, and must modify their program as necessary to comply with this Part.

3.3.1 Compliance Date

No later than *{insert date 4 years from PED}*, all existing and new Permittees must update their existing programs to impose the required SWMP components in Parts 3.3.2 through 3.3.7 below at new development and redevelopment project sites within their jurisdiction that result in land disturbance of 5,000 square feet or more.

3.3.2 Ordinance and/or other regulatory mechanism

Through ordinance or other regulatory mechanism to the extent allowable under Idaho state law, the Permittee must require the installation and long-term maintenance of permanent storm water controls at new development and redevelopment project sites.

Site controls must be sufficient to retain onsite the runoff volume produced from a 24-hour, 95th percentile storm event; or sufficient to provide the level of pollutant removal greater than the pollutant removal expected by using onsite retention of runoff volume produced from a 24 hour, 95th percentile storm event.

3.3.2.1 Treatment equivalent to the onsite storm water design standard:

Using a continuous simulation hydrologic model or other comparable evaluation tool, the Permittee may establish storm water treatment requirements which attain an equal or greater level of water quality benefits as onsite retention of storm water discharges from new development and redevelopment sites.

3.3.2.2 Alternative Compliance. The Permittee's ordinance or regulatory mechanism may allow for alternative compliance with the onsite retention requirement at a particular project site based on factors of technical infeasibility, and/or site constraints. Such factors may include, but are not limited to: shallow bedrock; high groundwater; groundwater contamination; soil instability as documented by a thorough geotechnical analysis; and/or a land use that is inconsistent with capture, reuse and/or infiltration of storm water.

3.3.2.2.1 Stormwater Mitigation Options: Before allowing options for alternative compliance with the onsite storm water

management design standard, the Permittee must create an inventory of appropriate alternative projects, as well as institutional standards and management systems to value, estimate and track these situations. Using planning mechanisms such as completed sub-watershed plans or other appropriate means, the Permittee(s) must identify priority areas within sub-watersheds of their jurisdiction(s) wherein off-site mitigation, and/or public storm water mitigation projects may be implemented.

3.3.2.2.2 Off-site mitigation: An off-site mitigation option should only apply to redevelopment sites and may not be applied to new development sites. Management of the entire runoff volume produced from a 24-hour, 95th percentile storm event, or a portion of the volume, may be implemented at another location within the same sub-watershed of the MS4, subject to siting restrictions established and approved by the Permittee. Before allowing an offsite mitigation option, the Permittee must establish and apply criteria for determining the circumstances under which offsite mitigation may be allowed, and identify priority areas within the MS4 drainage area where such off-site mitigation projects can be completed. The Permittee must identify the party(ies) responsible for long-term maintenance of mitigation projects, and establish enforceable written agreements as required by Part 3.3.6.1 (*O&M Agreements*).

3.3.2.2.3 Payment in lieu. To the extent allowable under Idaho State law, payment in lieu may be made by the project to the Permittee, who must apply the funds to a public storm water project. The Permittee must maintain a publicly accessible database of approved projects for which these payments may be used.

3.3.2.3 Plan Review and Approval: The ordinance or other regulatory mechanism must include procedures for the Permittee's review and approval of permanent storm water control plans for new development and redevelopment projects, consistent with Parts 3.2.4 (*Preconstruction Site Plan Review and Approval*) and 3.3.4(*Permanent Controls Plan Review and Approval*).

3.3.3 Permanent Storm Water Controls Specifications

The Permittee must require project sites within their jurisdiction to use permanent storm water controls and specifications as defined and adopted by the Permittee.

The Permittee must develop or update as necessary any written specifications which address proper design, installation and maintenance of appropriate permanent storm water controls. A Permittee may adopt appropriate criteria

created by another entity and which complies with this Part. If the specifications previously adopted by the individual Permittee do not meet these requirements, the Permittee may create supplemental provisions to include therein order to comply with this GP. The written specifications must include:

- 3.3.3.1 Specifications and incentives for the use of site-based practices appropriate to local soils and hydrologic conditions;
- 3.3.3.2 All acceptable control practices, including sizing criteria, performance criteria, illustrations, and design examples, and guidance on selection and location of practices; and
- 3.3.3.3 Specifications for proper long term operation and maintenance, including appropriate inspection interval and self-inspection checklists for responsible parties.

3.3.4 Permanent Stormwater Controls Plan Review and Approval

The Permittee must review and approve pre-construction plans for permanent storm water controls using a checklist or similar process. The Permittee must review plans for consistency with the ordinance/regulatory mechanism and Storm Water Control Specifications required by this Part. The Permittee must ensure that the project operator is prohibited from commencing construction activity prior to receipt of written approval from the Permittee.

The Permittee must not approve or recommend for approval any plans for permanent controls that do not meet the minimum requirements specified in their written specifications.

The Permittee must use qualified individuals, knowledgeable in the technical review of plans for permanent controls, to conduct such reviews.

3.3.5 Permanent Stormwater Controls Inspection and Enforcement

The Permittee must periodically inspect permanent storm water controls within their jurisdictions to ensure proper long-term operation and maintenance of all such controls.

The Permittee may establish an inspection prioritization system to identify new development and redevelopment sites for inspections of permanent control installation and operation. Factors used to prioritize sites must include, but are not limited to: size of new development or redevelopment area; sensitivity and/or impairment status of receiving water(s); and history of non-compliance occurring at the site during the construction phase.

- 3.3.5.1 **Inspect High Priority Locations:** The Permittee must identify and inventory all high priority locations, and schedule associated inspections to occur at least once annually. The inspections must determine whether

permanent storm water management or treatment practices have been properly installed (i.e., an “as built” verification). At appropriate intervals to be determined by the Permittee through the specifications established in compliance with Part 3.3.6 below, Permittee inspections must evaluate the ongoing operation and maintenance of such practices, identify deficiencies and potential solutions to reduce negative water quality impacts to receiving waters. The Permittee must use inspection checklists, and maintain records of actions taken in response to inspections of permanent storm water controls at high priority new development and redevelopment sites.

- 3.3.5.2 Enforce Requirements:** The Permittee must develop and implement an enforcement response policy similar to that required in Part 3.2.6 (*Enforcement Response Policy for Construction Site Runoff Control*) sufficient to ensure and maintain the functional integrity of permanent storm water controls in their jurisdiction. The Permittee must submit its ERP for permanent storm water controls to EPA with the permit reapplication no later than (*insert date 180 days before the expiration date of this GP*).

3.3.6 Operation and Maintenance (O&M) of Permanent Storm Water Controls

The Permittee must maintain a database inventory to track and manage the operational condition of permanent storm water controls within its jurisdiction. All available data on existing permanent controls known to the Permittee must be included in the database inventory. Such tracking must begin in the plan review stage with a database that incorporates geographic information system (GIS) information and/or developed in conjunction with the MS4 Map required in Part 3.4.2 (*MS4 Map and Outfall Inventory*). The tracking system must also include reference to the type and number of permanent storm water controls; O&M requirements; activity and schedule; responsible party; and any applicable self-inspection schedule.

- 3.3.6.1 O&M Agreements:** Where parties other than the Permittee are responsible for the operation and maintenance of permanent storm water controls, the Permittee must require a legally enforceable and transferable O&M agreement with the responsible party, or other mechanism, that assigns permanent responsibility for maintenance of such permanent storm water control practices.

3.3.7 Permanent Stormwater Controls Training

The Permittee must educate appropriate audiences regarding the selection, design, installation, operation and maintenance of permanent storm water controls. This training may be coordinated/combined with other Permittee staff education and training requirements in Parts 3.2.8 (*Construction Runoff Control*

Training), 3.4.11 (*Stormwater Infrastructure Staff Training*) and 3.5.8 (*Illicit Discharge Staff Training*).

- 3.3.7.1 **Staff Training:** At least twice during the Permit term, the Permittee must ensure that all persons responsible for reviewing site plans for storm water controls at new development and redevelopment sites, and/or for inspecting the installation and operation of permanent storm water controls, are appropriately trained to conduct such activities. Training should be sufficient for individuals to determine the adequacy and proper operation of storm water controls at new development and redevelopment sites. If the Permittee utilizes outside parties to review plans and/or conduct inspections, outside staff must be appropriately trained according to conduct such activities
- 3.3.7.2 **Local Audience Training:** At least twice during the Permit term, the Permittee must provide opportunity and/or conduct training sufficient to educate and ensure that engineers, site designers, and/or other locally appropriate audiences working within their jurisdiction are aware and informed of appropriate selection, design, installation, and use of specific permanent control specifications imposed by the Permittee as described in this Part.

3.4 Storm Water Infrastructure and Management

The Permittee must properly operate and maintain the MS4, and its facilities, , using prudent good housekeeping and pollution prevention measures to protect water quality and reduce the discharge of pollutants through the MS4 as required by this Part.

3.4.1 Compliance Date

Not later than *{insert date 3 years from PED}* all existing and new MS4 Permittees must ensure that their storm water infrastructure and management program includes the required components described in Parts 3.4.2 through 3.4.11 below.

3.4.2 MS4 Map and Outfall Inventory

The Permittee must update, or develop if not already completed, its map of the MS4 and all associated outfall locations within their operational control within the geographic area of permit coverage.

The Permittee must develop an outfall and interconnection inventory to accompany the MS4 map that identifies each outfall and interconnection discharging from the MS4, records its location and condition, and provides a framework for tracking inspections, screenings and other activities under the Permittee's Illicit Discharge Management Program required by Part 3.5 of this GP.

An electronic GIS version of the MS4 map, and the accompanying Outfall Inventory, must be submitted to EPA as part of the 4th Year Annual Report.

To be considered adequate, the MS4 Map and Outfall Inventory must depict and/or contain the following information:

- 3.4.2.1 Location of all inlets, catch basins and outfalls owned/operated by the Permittee, including a unique identifier for each outfall, spatial location (latitude and longitude, with a minimum accuracy of +/-30 feet), and general information regarding dimensions, shape, material (concrete, PVC, etc.);
- 3.4.2.2 Location of all MS4 collection system pipes, open channel conveyances, (laterals, mains, etc.) owned/operated by the Permittee, including locations where the MS4 is physically interconnected to the MS4 of another operator;
- 3.4.2.3 Location of all structural flood control devices, if different from the characteristics listed above;
- 3.4.2.4 Names and locations of receiving waters of the U.S. that receive discharges from the inventoried MS4 outfalls, including an indication of

all use impairments as identified by IDEQ in the most recent Integrated Report;

- 3.4.2.5 Location of all existing permanent storm water controls owned and/or operated by the Permittee, including structural or treatment controls (e.g., detention and retention basin, infiltration systems, bioretention areas, swales, oil/water separators and/or other proprietary systems), and indicate the date of the most recent inspection;
- 3.4.2.6 Identification and delineation of sub-watersheds or catchments, including associated land uses, and approximate acreage draining into each MS4 outfall;
- 3.4.2.7 Physical condition and indicators of potential non-storm water discharges from MS4 outfalls (including presence or evidence of suspect flow and sensory observations such as odor, color, turbidity, floatables, or oil sheen) as of the most recent visual inspection;
- 3.4.2.8 If applicable, the location of any MS4 outfalls with ongoing dry weather flows that are identified by the Permittee as being caused by irrigation return flows and/or groundwater seepage, pursuant to Part 3.5.5 and/or Appendix F.4 of this GP; and
- 3.4.2.9 Location of Permittee-owned vehicle maintenance facilities, material storage facilities, maintenance yards, and snow disposal sites; Permittee-owned or operated parking lots and roadways.

3.4.3 Inspection and Cleaning of Catch Basins and Inlets

The Permittee must inspect all Permittee-owned or operated catch basins and inlets at least every two years, and take all appropriate maintenance or cleaning action based on those inspections. Material removed from catch basins and inlets must be managed in accordance with Part 6.13 (*Removed Substances*). Catch basin and inlet inspection and cleaning records must be maintained by the Permittee and summarized in each Annual Report.

3.4.4 O&M Procedures for Streets, Roads, Highways and Parking Lots

A Permittee responsible for the operation and maintenance of streets, roads, highways, and/or parking lots must review and update as necessary any existing O&M procedures to ensure that those O&M procedures protect water quality and reduce the discharge of pollutants through the MS4. For each type of maintenance activity or facility, the Permittee must specify inspection and maintenance schedules, and appropriate pollution prevention/good housekeeping actions. Where feasible, the Permittee should consider and utilize water conservation measures for all landscaped areas as part of these updated operation and maintenance procedures.

- 3.4.4.1 The Permittee must use the updated operation and maintenance procedures to reduce pollutants from any streets, roads, highways, and parking lots and that are owned, operated, and/or maintained by the Permittee and comprise $\geq 3,000$ square feet of impervious surface.
- 3.4.4.2 At a minimum, O&M procedures must address practices to prevent road and parking lot debris/other pollutants from entering the MS4, and include practices related to: road deicing, anti-icing, and snow removal practices; snow disposal areas; storage areas for street/road traction material (e.g. salt, sand, or other chemicals); and the long term maintenance of permanent storm water control practices associated with the Permittee's streets, roads, highways, and parking lots.

3.4.5 **Inventory and Management of Street Maintenance Materials**

Any Permittee responsible for the O&M of streets, roads, highways, and/or parking lots must address all locations of road material stockpiles (such as sand, salt, or sand with salt stockpiles) within the geographic area of permit coverage to prevent pollutants in storm water runoff from discharging to the MS4 or into any receiving waterbody.

The Permittee must maintain an inventory of street /road maintenance materials stored at each location, and record the annual use of sand and salt for winter road maintenance. The Permittee must assess the physical adequacy of each material storage location to prevent potential adverse water quality impacts, and make any physical improvements as necessary to eliminate such impacts.

The Permittee with street maintenance responsibilities must submit a *Street Materials Storage Location Assessment Report* no later than [insert date 180 days prior to the expiration date of this GP]. The Street Materials Storage Location Assessment Report must describe the estimated average annual quantity of all materials stored/utilized at each maintenance material location over the permit term, and summarize the physical assessment of each location, and include a description of any structural or non-structural improvement made by the Permittee at the individual location to address and prevent pollutants in runoff from discharging into the MS4 or directly into any receiving waterbody.

3.4.6 **Street, Road, Highway and Parking Lot Sweeping**

Any Permittee responsible for the O&M of streets, roads, highways, and/or parking lots must update, or develop if not already completed, a sweeping management plan(s). The plan(s) must categorize all streets, roads, highways, and/or public parking lots owned, operated or maintained by the Permittee for sweeping frequency based on land use, traffic volumes or other factors) into one of the following categories:

- *Downtown City Areas*
- *Arterial and Collector Roadways* (non-downtown) – Streets and road

segments with high traffic volumes serving commercial or industrial districts.

- *Residential* – Streets and road segments that include, but are not limited to, light traffic zones and residential zones.
- *Paved Alleys and Public Parking Lots* – large lots serving schools and cultural facilities, plazas, sports and event venues or similar facilities.

3.4.6.1 The Permittee responsible for the O&M of streets, roads, highways, and/or parking lots must inventory and map all of their designated streets, roads, highways and public parking lots to reflect the sweeping frequency.

3.4.6.2 The Permittee responsible for the O&M of streets, roads, highways, and/or parking lots must sweep their streets, roads, and public parking lots according to the following schedule:

Table 3.4

Roadway Type	Roadway Sweeping Schedule			
	Two Times Per Month	Every Six Weeks	Four Times Per Year	One Time Per Year
Downtown City Areas	X			
Arterial and Collector Roadways (non-downtown)		X		
Residential			X	
Paved Alleys and Public Parking Lots				X

3.4.6.3 If the Permittee’s existing street/road/parking lot sweeping program provides equivalent or greater sweeping frequency to the requirements above, the Permittee must continue to implement its existing street/road/parking lot sweeping program.

3.4.6.4 For areas where sweeping is technically infeasible, the Permittee responsible for the O&M of streets, roads, highways, and/or parking lots must document such areas in the 1st Year Annual Report and indicate why sweeping is infeasible. The Permittee must document the alternative means are used to minimize pollutant discharges to the MS4 and to receiving waters.

3.4.6.5 The Permittee responsible for the O&M of streets, roads, highways, and/or parking lots must estimate the effectiveness of their street sweeping activities to minimize pollutant discharges to the MS4 and receiving waters, and document the following in each Annual Report:

- Identify any significant changes to the designated road/street/parking lot inventory and map, and the basis for those changes;

- Types of sweepers used, swept curb and/or lane miles, dates of sweeping by general location and frequency category, volume or weight of materials removed;
- Any public outreach efforts or other means to address areas that are infeasible to sweep.

3.4.7 O&M Procedures for Other Municipal Activities

The Permittee must conduct all of its municipal O&M activities in a manner that protects water quality and reduces the discharge of pollutants through the MS4. The Permittee must review, and update as necessary, existing procedures/inspection/maintenance schedules to ensure appropriate pollution prevention and good housekeeping practices are conducted for the following activities, as appropriate to the Permittee:

- grounds/park and open space maintenance;
- fleet maintenance and vehicle washing operations;
- building maintenance;
- snow disposal site O&M;
- solid waste transfer activities;
- municipal golf course maintenance;
- materials storage;
- hazardous materials storage;
- used oil recycling; and
- spill control and prevention measures for municipal refueling facilities.

3.4.8 Requirements for Pesticide, Herbicide, and Fertilizer Applications

The Permittee must reduce the discharge of pollutants to the MS4 associated with the Permittee's application and storage of pesticides, herbicides and fertilizers in the geographic area of permit coverage. At a minimum, such areas include the Permittee's public right-of-ways, parks, recreational facilities, golf courses, and landscaped areas. All employees or contractors of the Permittee applying pesticides must follow all label requirements, including those regarding application methods, rates, number of applications allowed, and disposal of the pesticide/herbicide/fertilizer and rinsate.

3.4.9 Storm Water Pollution Prevention Plans for Permittee Facilities

The Permittee must implement SWPPPs for all Permittee-owned material storage facilities and maintenance yards located within the geographic area of permit coverage identified in the inventory required by Part 3.4.2. Permittee-owned facilities discharging storm water associated with industrial activity as defined in 40 CFR §122.26(b)(14) must obtain separate NPDES permit coverage as required the conditions established by Part 2.2.3 (*Storm Water Discharges Associated with Industrial or Construction Activity*).

3.4.10 Litter Control

Throughout the Permit term, the Permittee must implement effective methods to reduce litter within their jurisdiction. The Permittee must work cooperatively with others, as appropriate, to control litter on a regular basis, and after major public events, in order to reduce the discharge of pollutants to receiving waters.

3.4.11 Storm Water Infrastructure Staff Training

At least twice during the permit term, the Permittee must ensure responsible Permittee staff are trained to conduct appropriate O&M procedures to prevent pollutants from entering the MS4 and receiving waters. This training may be coordinated/combined with other Permittee staff education and training requirements in Parts 3.2.8 (*Construction Runoff Control Training*), 3.3.7.1 (*Permanent Stormwater Control Training*) and 3.5.8 (*Illicit Discharge Staff Training*).

3.5 Illicit Discharge Management

An illicit discharge is any discharge to an MS4 that is not composed entirely of storm water. Any exceptions are conditional as identified in Part 2.2.4 (*Non-Stormwater Discharges*).

The Permittee must implement an illicit discharge management program within their jurisdiction using methods for detection, source identification, and removal of non-storm water discharges to reduce the unauthorized and illegal discharge of pollutants into and from the MS4.

3.5.1 Compliance Dates

Not later than *[insert date 2 years from PED]* all existing and new MS4 Permittees must revise and update their existing illicit discharge management program as necessary to include the required components described in Parts 3.5.2 through 3.5.8 below.

3.5.2 Ordinance and/or other regulatory mechanisms

The Permittee must effectively prohibit non-storm water discharges into the MS4 (except those identified in Part 2.2.4 [*Non-Stormwater Discharges*])) through enforcement of an ordinance or other regulatory mechanism to the extent allowable under Idaho state law. The Permittee must implement appropriate enforcement procedures and actions, including a written policy of enforcement escalation procedures for recalcitrant or repeat offenders, to ensure compliance.

To be considered adequate, the ordinance or regulatory mechanism must:

- 3.5.2.1 Authorize the Permittee to control and respond to the discharge of spills into the MS4;
- 3.5.2.2 Authorize the Permittee to prohibit illicit connections, and the dumping or disposal of materials other than storm water, into the MS4; and
- 3.5.2.3 Authorize the Permittee to prohibit, and eliminate, at a minimum, the following discharges to the MS4:
 - Sewage;
 - Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
 - Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;
 - Discharges of wash water from mobile operations, such as mobile automobile or truck washing, steam cleaning, power washing, and carpet cleaning, etc.;
 - Discharges of wash water from the cleaning or hosing of impervious

surfaces in municipal, industrial, commercial, and residential areas - including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc. - where detergents are used and spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);

- Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;
- Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;
- Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes; and
- Discharges of food-related wastes (grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).

3.5.3 Illicit Discharge Complaint Report and Response Program

At a minimum, the Permittee must respond in the following manner to reports of illicit discharges from the public:

3.5.3.1 Receipt of Complaints or Reports from the Public: The Permittee, or group of Permittee(s), must maintain a dedicated telephone number, email address, and/or other publicly available and accessible means (in addition to the Stormwater Website required in Part 3.6.8) for the public to report illicit discharges. This complaint/reporting function must be answered by trained staff during normal business hours. During non-business hours, a system must be in place to record incoming calls or reports, and to guarantee timely response by the Permittee. The Permittee's means of receiving complaints/reports from the public must be printed or advertised through the education, training, and public participation materials produced under Part 3.6 (*Education, Outreach and Public Involvement*) as appropriate.

3.5.3.2 Response to Complaints or Reports from the Public: The Permittees must respond to and investigate all complaints or reports of illicit discharges as soon as possible, but no later than within two working days.

3.5.3.3 Tracking of Complaints or Reports and Actions Taken: The Permittee must maintain a log or other means of documenting all complaints or reports of illicit discharges into the MS4, and the response or action taken by the Permittee to address the complaint or report. Such program information must be summarized for the relevant reporting period and included in each Annual Report.

3.5.4 Dry Weather Outfall Screening Program

The Permittee must conduct a dry weather analytical and field screening monitoring program to identify non-storm water flows from MS4 outfalls during dry weather. This program must emphasize frequent, geographically widespread screening activities to detect and identify illicit discharges and illegal connections, and to reinvestigate potentially problematic MS4 outfalls throughout the Permittee's jurisdiction. At a minimum, this program must include the following components:

3.5.4.1 Outfall Identification and Screening Protocols: The Permittee must use reconnaissance activities and information recorded through the complaint reporting program to prioritize targeted outfalls and associated land uses throughout their jurisdiction. The targeted outfalls must be geographically dispersed across the MS4, and must represent all major land uses in the Permittee's geographic area of permit coverage.

The Permittee must develop a written plan which outlines how chemical and microbiological field screening analysis will be conducted on any dry weather flows identified during the reconnaissance and response efforts, including field screening methodologies and associated trigger thresholds used by the Permittee for determining follow-up action(s).

3.5.4.2 Number of Outfalls to be Screened: The Permittee must conduct visual dry weather screening on at least 50% of their MS4 outfalls prior to the expiration date of this GP, emphasizing those outfalls or portions of the MS4 which have not yet been inventoried or screened during the previous permit term. Photos may be used to document the physical conditions associated with selected MS4 outfalls.

3.5.4.3 Monitoring of Illicit Discharges: Where dry weather flows from the MS4 are identified by the Permittee, the Permittee must identify the source of such flows, and take appropriate action to eliminate such flows as necessary. The Permittee must conduct sampling via grab samples of the discharge for in-field analysis and identification, using the following as indicator constituents: pH; total chlorine; detergents as surfactants; total copper; total phenols; *E. coli*; total phosphorus; turbidity; temperature; and suspended solids concentrations (to be measured in mg/L). Results of any field sampling must be compared to established trigger threshold levels and/or existing state water quality standards to direct appropriate follow-up actions by the Permittee in accordance with existing protocols and the ordinance/regulatory mechanism established by the Permittee. If the individual MS4 outfall is dry (no flowing or

ponded runoff), the Permittee must also document and record such visual observations.

3.5.4.4 Maintain Records of Dry Weather Outfall Screening Program: In each Annual Report, the Permittee must include a general summary of the results of dry weather screening program activities conducted over the preceding reporting period. The Permittee must keep detailed records of its dry weather screening program activities conducted throughout the permit term, including the following information for each location:

- Time since last rain event; estimated quantity of last rain event;
- Site description (e.g., conveyance type, dominant watershed land uses); flow estimation (e.g., width of water surface, approximate depth of water, approximate flow velocity, flow rate);
- Visual observations (e.g., odor, color, clarity, floatables, deposits/stains, vegetation condition, structural condition, and biology);
- Results and documentation of any in field sampling; recommendations for follow-up actions to address identified problems and/or completed follow-up actions taken by the Permittee.

3.5.5 Follow-up

The Permittee must investigate recurring illicit discharges identified as a result of complaints or as a result of the dry weather screening investigations and sampling to determine the source of such discharge within fifteen (15) days of its detection. The Permittee must take appropriate action to address the source of an ongoing illicit discharge within 45 days of its detection.

In locations where the ongoing dry weather discharges are identified by the Permittee as being associated with irrigation return flows and/or groundwater seepage, “appropriate action” means, at a minimum, documentation of the MS4 outfall location and the Permittee’s determination of the whether the source is from either irrigation or groundwater seepage. .

3.5.6 Prevention and Response to Spills to the MS4

The Permittee must maintain written spill response procedures, and must coordinate their appropriate spill prevention, containment, and response activities among the appropriate departments, programs and agencies in their area to ensure maximum water quality protection at all times. The Permittee must respond to, contain, and clean up all sewage and other spills that may discharge to the MS4 from any source (including private laterals and failing septic systems) within their geographic area of permit coverage.

3.5.7 Proper Disposal of Used Oil and Toxic Materials

The Permittee must coordinate with appropriate agencies to ensure the proper

management and disposal or recycling of used oil, vehicle fluids, toxic materials, and other household hazardous wastes by their employees and the public located within their jurisdiction. Such a program may include educational activities, public information activities, and establishment of collection sites operated by the Permittee or other entity.

3.5.8 Illicit Discharge Staff Training

At least twice during the Permit term, the Permittee must provide training to all staff responsible for investigating, identifying and eliminating illicit discharges, spills, and illicit connections into the MS4. At a minimum, the Permittee's construction inspectors, maintenance field staff, and code compliance officers must be sufficiently trained to conduct dry weather screening activities and to respond to reports of illicit discharges and spills into the MS4. This training may be coordinated/combined with other Permittee staff education and training requirements in Parts 3.2.8 (*Construction Runoff Control Training*), 3.3.7.1 (*Permanent Stormwater Control Training*) and 3.4.11 (*Stormwater Infrastructure Staff Training*).

3.6 Education, Outreach and Public Involvement.

The Permittee must conduct, or contract with other entities to conduct, an ongoing education, outreach and public involvement program based on storm water issues of significance within the Permittee's jurisdiction. The Permittee must comply with applicable State and local public notice requirements when implementing their public involvement activities.

3.6.1 Compliance Date

Not later than *[insert date 1 years from PED]* all existing and new MS4 Permittees must begin implementation of the required components described in Parts 3.6.2 through 3.6.8 below.

3.6.2 Conduct an Education, Outreach and Public Involvement Program

The education and outreach program must include coordination and educational efforts targeting the four audiences listed in Part 3.6.4 below. The goal of the education and outreach program is to reduce and eliminate the behaviors and practices that cause or contribute to adverse storm water impacts on receiving waters. The Permittee's education, outreach and public involvement program must strive to accomplish this goal by motivating audience understanding of actions they can take to prevent pollutants in storm water runoff entering the MS4 and into local receiving waters.

The public involvement program must engage interested stakeholders in the Permittee's development and implementation of the SWMP control measures, to the extent allowable pursuant to the authority granted the individual Permittee under Idaho law.

To be considered adequate, the Permittee's implementation of the education, outreach and public involvement program must include the activities in Parts 3.6.3 through 3.6.8 below.

3.6.3 Stormwater Education Activities

The Permittee must distribute a minimum of two (2) educational messages over the permit term to each audience identified in Part 3.6.4 below. The Permittee must distribute at least eight (8) educational messages during the Permit term. Distribution of materials to each audience must be spaced at least a year apart.

Educational messages may be printed materials such as brochures or newsletters; electronic materials such as websites; mass media such as newspaper articles or public service announcements; targeted workshops; or other viable format. The Permittee may use existing materials if they are appropriate for the message the Permittee chooses to deliver, and/or the Permittee may develop its own educational materials. Based on the target audience's demographic, the Permittee must consider delivering its selected messages in language(s) other than English.

3.6.4 Target Audiences and Topics

The Permittee must, at a minimum, consider the topics listed below for each target audience when developing the education and outreach program. Topics listed are not exclusive, and the Permittee must focus on those topics most relevant to the community.

For any Permittee without legal authority over private property (i.e., a college, university, highway district, state department of transportation, school district, drainage district, and/or other public entity), the term “target audiences” is clarified to mean any employees, consultants, students, clients or members of the public for whom the Permittee provides its services.

3.6.4.1 General Public (including homeowners, homeowner’s associations, landscapers, and property managers)

- General impacts of storm water flows into surface water, and appropriate actions to prevent adverse impacts;
- Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts;
- Yard care techniques protective of water quality, such as composting;
- Best management practices (BMPs) for proper use, application and storage of pesticides, herbicides, and fertilizers;
- Litter and trash control and recycling programs;
- BMPs for power washing, carpet cleaning and auto repair and maintenance;
- Low Impact Development/green infrastructure techniques, including site design, pervious paving, retention of mature trees/vegetation, landscaping and vegetative buffers;
- Appropriate maintenance of landscape features providing water quality benefits;
- Source control BMPs and environmental stewardship;
- Impacts of illicit discharges and how to report them;
- Actions and opportunities for pet waste control/disposal,
- Water wise landscaping, water conservation, water efficiency.

3.6.4.2 Business/Industrial/Commercial/Institutions (including home based and mobile businesses)

- General impacts of storm water flows into surface water, and appropriate actions to prevent adverse impacts;
- Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts;
- BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, vehicle wash soaps and other hazardous materials;

- BMPs for power washing, carpet cleaning and auto repair and maintenance;
- BMPs for proper use, application and storage of pesticides, herbicides, and fertilizers;
- Low Impact Development/green infrastructure techniques, including site design, pervious paving, retention of mature trees/vegetation, landscaping and vegetative buffers;
- Appropriate maintenance of landscape features providing water quality benefits;
- Impacts of illicit discharges and how to report them;
- Litter and trash control and recycling programs
- Water wise landscaping, water conservation, water efficiency.

3.6.4.3 Construction/Development (e.g., Engineers, Contractors, Developers, Landscape Architects, Site Design Professionals)

- General impacts of storm water flows into surface water, and appropriate actions to prevent adverse impacts;
- Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts;
- Storm water treatment and flow/volume control practices;
- Technical standards for storm water site plans; including appropriate selection, installation, and use of required construction site control measures
- Low Impact Development/green infrastructure techniques, including site design, pervious paving, retention of mature trees/vegetation, landscaping and vegetative buffers;
- Appropriate maintenance of landscape features providing water quality benefits;
- Water wise landscaping, water conservation, water efficiency.

3.6.4.4 Elected Officials, Land Use Policy and Planning Staff

- General impacts of storm water flows into surface water, and appropriate actions to prevent adverse impacts;
- Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts;
- Low Impact Development/green infrastructure techniques, including site design, pervious paving, retention of mature trees/vegetation, landscaping and vegetative buffers.

3.6.5 **Assessment**

The Permittees must assess, or participate in an effort to assess, the understanding and adoption of appropriate behaviors by the target audiences. The resulting assessments must be used to direct storm water education and outreach resources most effectively. Information summarizing the assessment of

the education, outreach and public involvement activities conducted over the relevant reporting period must be included in each Annual Report.

3.6.6 Tracking

The Permittees must track and maintain records of their education, outreach and public involvement activities.

3.6.7 Education and Training on SWMP Control Measures

For each SWMP control measure listed below, the Permittee must develop and conduct, or contract with other entities to conduct, targeted education and training programs for appropriate audiences within their jurisdiction.

- Construction Runoff Control Program- Training for responsible Permittee staff and construction site operators (see Part 3.2.8);
- Permanent Storm Water Controls- Training for responsible Permittee staff and locally appropriate audiences (see Part 3.3.7);
- Storm Water Infrastructure/Street Management/Maintenance- Training for responsible Permittee staff and contractors (see Part 3.4.11); and
- Illicit Discharge Management- Training for responsible Permittee staff (see Part 3.5.8).

3.6.8 SWMP Website

The Permittee must maintain and promote at least one publicly-accessible website that provides relevant information summarizing the Permittee's SWMP implementation, appropriate contact information, and educational materials for audiences listed in Part 3.6.4. The website must be updated at least annually, prior to the submittal of Annual Reports to EPA, and/or as new material is available. The website must incorporate the following features:

3.6.8.1 All reports, plans, strategies, or documents generated by each Permittee in compliance with this GP must be posted on the website in draft form when input from the public is being solicited, and in final form when the document is completed.

3.6.8.2 Information and/or links to key sites that provide education, training, licensing, and permitting related to construction and post-construction

storm water management controls and requirements for each jurisdiction.

- 3.6.8.3 Links to all applicable ordinances, policies and/or guidance documents related to the Permittees' construction and post-construction storm water management control programs.
- 3.6.8.4 Information and/or links to appropriate controls for industrial and commercial activities,
- 3.6.8.5 Information and/or links to assist the public to report illicit connections and illegal dumping activity;
- 3.6.8.6 Appropriate Permittee contact information, including phone numbers for relevant staff and telephone hotline, mailing addresses, and electronic mail addresses.

4 SPECIAL CONDITIONS FOR DISCHARGES TO IMPAIRED WATERS

4.1 Applicability

The requirements in this Part apply to Affected Permittees.

An Affected Permittee is any regulated MS4 operator listed in Appendix F that:

- Discharges to a water with an EPA-approved TMDL that includes a WLA for the regulated MS4 discharges and/or requirements appropriate for the management of the regulated MS4 discharge; and/or
- Discharges to an impaired water, where monitoring and/or additional requirements are necessary for the management of MS4 discharges contributing to that impairment.

4.2 General Requirements for Affected Permittees

Affected Permittees listed in Appendix F must comply with the additional SWMP requirements specified therein.

Each Affected Permittee must describe their intended implementation of the additional requirements within their jurisdiction, and associated compliance date(s), in the SWMP Plan required by Part 2.3.6 (*SWMP Plan Document*).

Each Affected Permittee must report on the implementation status of their individual or collective actions to comply with the additional SWMP requirements during the relevant reporting period as required by Part 5.4.2 (*Annual Reports*).

4.2.1 Wet Weather Discharge Monitoring

Affected Permittees named in Appendix F must conduct storm water discharge monitoring as directed in Part 5.5.5.

4.2.2 Receiving Water Monitoring

Affected Permittee(s) named in Appendix F.3 must begin a conduct monthly monitoring to assess receiving water quality as directed in Part 5.5.6.

4.2.3 Additional Dry Weather Outfall Screening

In addition to the Dry Weather Outfall Screening Program required in Part 3.5.4, the Affected Permittees named in Appendix F.4 must augment their program to complete the *Investigation of Dry Weather Flows Caused by Irrigation and/or Groundwater Seepage*. See Appendix F.4.

4.2.4 Industrial/Commercial Storm Water Discharge Assessment and Management.

Affected Permittees named in Appendix F must reduce the discharge of

pollutants causing impairment to their respective MS4 receiving water from industrial and commercial facilities/activities within their jurisdiction. Using a combination of education, compliance assistance, and/or enforcement efforts, the Affected Permittee(s) must target industrial and commercial source locations that the Permittee considers potential contributors of the “pollutants of concern” in the respective receiving water.

4.2.4.1 Inventory. No later than [specify date], the Affected Permittee(s) must add to the MS4 Outfall Map and Inventory required by Part 3.4.2 to list industrial and commercial facilities or activities within their jurisdiction deemed a likely source of one or more of the pollutants of concern to the receiving water. At a minimum, affected Permittees consider any of the following types of industrial and commercial facilities or activities:

- Municipal landfills (open and closed);
- Permittee-owned maintenance yards and facilities;
- Hazardous waste recovery, treatment, storage and disposal facilities;
- Facilities subject to Section 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11023;
- Industrial sectors subject to the MSGP as listed in 40 CFR §122.26(b)(14);
- Vehicle or equipment wash systems, including automobile repair shops;
- Commercial animal facilities, including kennels, race tracks, show facilities, stables, veterinary services, and/or similar commercial locations where improper management of domestic animal waste may contribute pollutants to receiving waters or to the MS4;
- Urban agricultural activities, including wholesale or retail agricultural and construction supply businesses; and
- Landscaping businesses; and/or
- Other types of facilities or activities that the Permittee determines to be contributing pollutant loading to the MS4 and/or directly to the impaired receiving waters identified in relevant section of Appendix F.

4.2.4.2 Target Activities. Affected Permittee(s) must select at least two (2) categories of industrial or commercial activities operating within their geographic area of permit coverage for which potential pollutant discharges are not adequately addressed through existing local programs. No later than {specify a date}, the Affected Permittee(s) must identify BMPs for each activity category, and must educate the target

audiences in their jurisdiction regarding these BMPs and performance expectations

4.2.4.3 **Inspections.** Affected Permittee(s) must work cooperatively during the Permit term to prioritize and inspect selected facilities/activities within the geographic area of permit coverage. Affected Permittees must establish inspection priorities and procedures for follow-up with the facility/activity operator as necessary. Affected Permittees must exercise their legal authorities to ensure compliance with applicable local storm water ordinances. At a minimum, such inspections must include:

4.2.4.3.1 A determination of whether the location is a potential source of pollutant(s) of concern, and provisions to record observations of a facility or activity;

4.2.4.3.2 An assessment of the site's compliance with the Permittees' existing ordinances/requirements related to storm water runoff;

4.2.4.3.3 Monitoring to estimate or assess the type and quantity of pollutants discharging from the individual location into the MS4 or directly to the impaired waterbody. This monitoring must, at a minimum, include visual observation by trained inspector(s) of existing or potential non-storm water discharges, illicit connections, and/or other discharge from the site; and

4.2.4.3.4 A written or electronic inspection report.

4.2.4.4 **SWMP Plan documentation and Annual Reporting.** Affected Permittee(s) must describe the selected industrial and commercial categories in the SWMP Plan required by Part 2.3.6. In each Annual Report, Affected Permittee(s) must summarize the compliance assistance and inspection activities conducted during the reporting period, including any follow-up actions, success stories, and/or subsequent enforcement actions.

5 MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

5.1 Compliance Evaluation

At least once per year, the Permittee must evaluate their compliance with the requirements of this GP and progress toward implementing the SWMP control measures in Part 3, including their individual or collective actions to comply with any additional SWMP requirements identified pursuant to Part 4 (*Special Conditions For Discharges To Impaired Waters*). Using the Annual Report format in Appendix E, the Permittee may document this compliance evaluation as part of the reporting required by Part 5.3 below.

5.2 Recordkeeping

5.2.1 Retention of Records.

The Permittee must retain records and copies of all information documenting SWMP implementation as required by this GP (including a copy of this GP and all Annual Reports) for a period of at least five years from the date of the sample, measurement, report or application, or for the term of this GP, whichever is longer. This period may be extended at the request of EPA at any time.

Information and records includes, but is not limited to, records of all data or information used to develop and implement the SWMP and/or used to complete the application for this GP; such material may include inspection and maintenance records; all monitoring, calibration, and monitoring equipment maintenance records; all original strip chart recordings for any continuous monitoring instrumentation; copies of reports required by this GP; etc.

5.2.2 Availability of Records.

The Permittee must submit the records referred to in Part 5.2.1 above to EPA and IDEQ only when such information is requested. At a minimum, the Permittee must retain all records documenting the implementation of the SWMP control measures required by this GP in a location and format that are accessible to EPA and IDEQ. The Permittee must make all records described above available to the public if requested to do so in writing. The public must be able to view the records during normal business hours. The Permittee may charge the public a reasonable fee for copying requests.

5.3 Reporting Requirements

At a minimum, the Permittee must submit all reports and/or documents required by this GP to EPA and IDEQ in an electronic portable document format (PDF) that is saved and stored on a compact disc or other portable electronic storage device. Such submittals must be sent to the Addresses listed in Part 5.4 below, and include a hard copy cover letter that identifies the Permittee name, unique permit identification number, staff contact information, content of the submittal, and the Permittee's certification and signature as required by Part 7.5 (*Signatory Requirements*).

5.3.1 Electronic Copy Submissions using NetDMR

If EPA provides the Permittee an alternative means of submitting reports and/or other required documents during the permit term (other than the manner described herein), the Permittee may use that alternative mechanism in lieu of this provision.

Prior to the Permit expiration date, EPA may provide the Permittee with instructions for submitting required reports and/or other documents electronically using NetDMR. The Permittee may use NetDMR for this GP only after requesting and receiving permission from EPA Region 10. After a Permittee begins using NetDMR, the Permittee is no longer required to submit such materials to EPA and IDEQ via US Postal mail.

5.3.2 Annual Report.

No later than {Insert dates} of each year beginning in 20 {Insert dates}, the Permittee must submit an Annual Report to EPA and IDEQ.

The reporting period for the 1st Year Annual Report will be from {Insert dates} through {Insert dates}. Reporting periods for subsequent Annual Reports are specified in Table 5.3.2 below.

The Permittee must make all Annual Reports (including any required attachments) available to the public through the Permittee-maintained website required by Part 3.6.8 (*SWMP Website*).

Table 5.3.2 Annual Report Deadlines		
	Reporting Period	Due Date
1st Year Annual Report	{Insert dates}	XXX
2nd Year Annual Report	{Insert dates}	{Insert dates}
3rd Year Annual Report	{Insert dates}	{Insert dates}
4th Year Annual Report	{Insert dates}	{Insert dates}
5th Year Annual Report	{Insert dates}	{Insert dates}

5.3.2.1 EPA may provide the Permittee with instructions and/or alternative formats for submitting Annual Reports and all required attachments electronically using NetDMR. If EPA provides the Permittee an alternative means of submitting reports and/or other required documents during the permit term (other than the manner described herein), the Permittee may use that alternative reporting mechanism in lieu of this provision.

5.3.2.2 The Permittee’s Annual Report must be submitted using the Annual Report Form provided in Appendix E. The Annual Report must reflect the

status of the Permittee's implementation of the GP requirements during the relevant reporting period, and must include the following information:

- 5.3.2.2.1 All required attachments, including any summaries, descriptions, reports, and other information the Permittee uses to demonstrate compliance with the GP requirements during the relevant reporting period.
- 5.3.2.2.2 A copy of the Permittee's most current SWMP Plan, as an electronic portable data format (PDF) document;
- 5.3.2.2.3 If applicable, notification to EPA that the Permittee is relying on another governmental or outside entity to satisfy any of the obligations under this GP;
- 5.3.2.2.4 Estimated total costs associated with the Permittee's SWMP implementation over the prior 12 month reporting period (or the Permittee's budget period, as appropriate);
- 5.3.2.2.5 Notification of any annexations, incorporations, or jurisdictional boundary changes resulting in either an increase or decrease in the Permittee's geographic area of permit coverage during the reporting period; and
- 5.3.2.2.6 Notification of any changes to the point(s) of contact responsible for authorization, certification and signature pursuant to Part 7.5 (*Signatory Requirements*).

5.3.3 Stormwater Discharge, Water Quality and/or Biological/ Monitoring Reports

If applicable, an Affected Permittee must submit all monitoring data collected during the relevant reporting period as an attachment to the corresponding Annual Report. All Monitoring Reports must include:

- 5.3.3.1 the date, exact place, and time of sampling or measurements;
- 5.3.3.2 the name(s) of the individual(s) who performed the sampling or measurements;
- 5.3.3.3 the date(s) analyses were performed;
- 5.3.3.4 the names of the individual(s) who performed the analyses;
- 5.3.3.5 the analytical techniques or methods used; and
- 5.3.3.6 the results of such analyses, including a summary interpretation of the data collected and a discussion of quality assurance issues and comparison to previously collected information, as appropriate. Raw monitoring data must be submitted in a spreadsheet or text-format electronic file.

5.4 Addresses

All reports and/or other documents required by this GP must be submitted to EPA and IDEQ by U.S. Postal Mail to the following addresses:

*U.S. Environmental Protection Agency
Attn: MS4 Permit Compliance
Coordinator
NPDES Compliance Unit
1200 6th Avenue, Suite 900 (OCE-101)
Seattle, WA 98101*

*ID Department of Environmental Quality
Boise Regional Office
Attn: Water Program - MS4 Program
1410 North Hilton
Boise, ID 83854*

Any Notice of Intent, Notice of Termination, or other written correspondence required by this GP must be sent to the EPA's Director of the Office of Water and Watersheds at the following address:

*Director, Office of Water and Watersheds
Attn: Idaho MS4 General Permit Coordinator
U.S. Environmental Protection Agency, Region 10
1200 6th Avenue, Suite 900, OWW-191
Seattle, Washington 98101*

5.5 Monitoring

5.5.1 Monitoring Plan and Objectives

Affected Permittees identified in Appendix F must conduct monitoring and comply with the related requirements specified in this Part.

No later than (*insert date 180 days from Effective Date*), the Affected Permittee, or group of Affected Permittees, must develop a Monitoring Plan, or update an existing Monitoring Plan, to address the applicable monitoring and Quality Assurance (QA) objectives defined in Part 5.5.9 Any existing Monitoring Plan(s) may be modified to comply with this Part. The Affected Permittee's updated Monitoring and Quality Assurance Project Plan must be submitted as an attachment to the 1st year Annual Report.

No later than (*insert date 180 days from Effective Date*), the Affected Permittee, or cooperating group of Permittee(s), must begin monitoring activities as required by this GP.

5.5.2 Optional Cooperative Monitoring

Two or more Affected Permittees named in Appendix F may cooperate to conduct, or contract with others to conduct, any of the required monitoring activities specified herein.

5.5.2.1 Affected Permittee[s] who choose to participate in cooperative monitoring efforts must jointly notify both EPA and IDEQ by letter no later than {90 days from the Permit Effective Date}, and must include

draft Monitoring and Quality Assurance Project Plan describing the cooperative monitoring effort as an attachment to the notification letter.

5.5.2.2 The final Monitoring and Quality Assurance Project Plan describing the cooperative monitoring activities must be submitted with the 1st Year Annual Report required by Part 5.3.2.

5.5.3 **Representative Sampling**

Samples and measurements must be representative of the nature of the monitored discharge or activity.

5.5.4 **Additional Monitoring**

If the Affected Permittee monitors more frequently, or in more locations, than required by Appendix F of this GP, the results of any additional monitoring must be included with other data submitted to EPA as required in Part 5.3.3 (*Stormwater Discharge, Water Quality and/or Biological Monitoring Reports*).

5.5.5 **Stormwater Discharge Monitoring**

5.5.5.1 **Location.** The Affected Permittee(s) must monitor wet weather discharges from the MS4 outfalls identified in Appendix F.

5.5.5.2 **Sample Type.** The Affected Permittee(s) must collect automated flow weighted composite samples or grab samples as reflected in Table 5.5.5 below.

5.5.5.3 **Parameters.** The Affected Permittee(s) must sample for all parameters reflected in Table 5.5.5 below.

5.5.5.4 **Frequency.** The Affected Permittee(s) must collect samples sufficient to fully characterize the wet weather discharges from at least two (2) individual storm events each calendar year.

5.5.5.5 **QA Requirements.** The Affected Permittee(s) must develop a Quality Assurance Project Plan (QAPP), or revise an existing QAPP, as required by Part 5.5.9 to clearly identify all methods and protocols to be used in the composite sampling or grab sampling effort.

5.5.5.6 **Reporting.** Beginning with the 1st Year Annual Report, and annually thereafter, the Affected Permittee(s) must submit all data collected during the relevant reporting period to EPA as required in Part 5.3.3(*Reports Related to Stormwater Discharge, Water Quality and/or Biological Monitoring Activities*).

Table 5.5.5: Monitoring Parameters

Parameter	Sample Type
Cadmium, Total (mg/L)	
Copper, Total and Dissolved (µ/L)	
Dissolved Oxygen (mg/L)	
<i>E.coli</i> (cfu/100mL)	Grab
Flow (cfs)	Meter or manual measurement
Hardness, Total (mg/L)	composite
Lead, Total (mg/L)	composite
Nitrogen, Total (mg/L)	composite
Total Inorganic Nitrogen (as Nitrate+ Nitrite+Ammonia)	composite
Oil and Grease	Grab
Orthophosphate, Dissolved (mg/L)	composite
pH (s.u.)	Meter or manual measurement
Phosphorus, Total (mg/L)	composite
Temperature (°C)	Meter
Total Suspended Solids (mg/L)	composite
Zinc, Total and Dissolved (µ/L)	composite

5.5.6 Receiving Water Monitoring

Affected Permittee(s) named in Appendix F.3 must begin a program (or continue an existing program) to conduct monthly monitoring to assess water quality in the identified waterbodies. Receiving water monitoring must begin no later than 180 days from the effective date of this GP.

5.5.6.1 Location. Unless otherwise specified, the affected Permittee must establish at least one monitoring location upstream and one location downstream of the MS4's impact to the identified waterbody assessment unit(s).

5.5.6.2 Parameters. At a minimum, the Affected Permittee(s) must analyze receiving water samples for the parameters reflected in Table 5.5.5 above.

5.5.6.3 Frequency. A minimum of twelve (12) monthly instream samples must be collected at each monitoring location during each calendar year.

5.5.6.4 QA Requirements. The Affected Permittee(s) must develop a Quality Assurance Project Plan (QAPP), or revise an existing QAPP, as required by Part 5.5.9 to clearly identify all methods and protocols to be used to collect the receiving water samples.

5.5.6.5 Reporting. Beginning with the 1st Year Annual Report, and annually thereafter, the Affected Permittee(s) must submit all data representing receiving water quality collected during the relevant reporting period as

required in Part 5.3.3 (*Reports Related to Stormwater Discharge, Water Quality and/or Biological Monitoring Activities*).

5.5.7 Polychlorinated Biphenyls (PCB) Monitoring

- 5.5.7.1 At least twice per calendar year, the Affected Permittee(s) named in Appendix F.2 and Appendix F.5 must monitor their storm water discharges and catch basin sediments for PCB congeners using EPA Method 1668C. Affected Permittees must report the total concentration of “dioxin-like” PCB congeners listed in Table 5.5.7 below, and submit a complete congener analysis as part of the required monitoring report. For any analysis of PCB congeners using EPA Method 1668C, the Affected Permittee(s) must target method detection limits (MDLs) no greater than the MDLs listed in Table 2 of EPA Method 1668 Revision C, and must analyze for each of the 209 individual congeners. See EPA Method 1668 Revision C (EPA-820-R-10-005) at https://www.epa.gov/sites/production/files/2015-09/documents/method_1668c_2010.pdf
- 5.5.7.2 For the purposes of this PCB monitoring effort, the Affected Permittee(s) must follow the provisions for data validation and blank censoring in Section 4.2.2 of the Spokane River Regional Toxics Task Force Quality Assurance Project Plan (Task Force QAPP). See Task Force QAPP at http://srrttf.org/wp-content/uploads/2013/05/QAPP_FINAL_081114.pdf. Analytes found in samples at concentrations less than 3 times the associated blank concentration must be flagged with a “B” qualifier. The Task Force QAPP states that “all qualified data will be reported with validation qualifiers, however B flagged data will not be used in congener summations for total PCB” (see page 41 of the Task Force QAPP).
- 5.5.7.3 For monitoring of PCBs in sediment solids, the Permittees must use Method 1668C as directed by Part 5.2.9, and must use a quantitation level for total PCBs no greater than 10 µg/kg dry weight.

Table 5.5.7 Dioxin-Like PCB Congeners

Dioxin-Like PCBs Congener #	Homolog Group	Substitution Group	Chlorinated Biphenyl (CB) Congener Name
non-ortho substituted PCBs			
77	tetra-CB	non-ortho	3,3',4,4'-tetra-CB
81	tetra-CB	non-ortho	3,4,4',5-tetra-CB
126	penta-CB	non-ortho	3,3',4,4',5-penta-CB
169	hexa-CB	non-ortho	3,3',4,4',5,5'-hexa-CB
mono-ortho substituted PCBs			
105	penta-CB	mono-ortho	2,3,3',4,4'-penta-CB
114	penta-CB	mono-ortho	2,3,4,4',5-penta-CB
118	penta-CB	mono-ortho	2,3',4,4',5-penta-CB
123	penta-CB	mono-ortho	2,3',4,4',5-penta-CB
156	hexa-CB	mono-ortho	2,3,3',4,4',5-hexa-CB
157	hexa-CB	mono-ortho	2,3,3',4,4',5'-hexa-CB
167	hexa-CB	mono-ortho	2,3',4,4',5,5'-hexa-CB
189	hepta-CB	mono-ortho	2,3,3',4,4',5,5'-hepta-

5.5.8 PLACEHOLDER-TBD- [for possible Biological Monitoring or other Monitoring].

No later XX, [the Affected Permittee named in Appendix F] must conduct {methylmercury fish tissue monitoring}, as specified in Appendix {H}. The objective of such monitoring is to {determine compliance with Idaho's methylmercury fish tissue criterion of 0.3 mg/kg.}

*Beginning with the 1st Year Annual Report, any monitoring data collected must be summarized and submitted to EPA annually as required in Part **Error! eference source not found.** (Reports Related to Stormwater Discharge, Water Quality and/or Biological Monitoring Activities).*

5.5.9 Quality Assurance Requirements

The Affected Permittee(s) must develop a Quality Assurance Project Plan (QAPP) for all monitoring required by this GP. The QAPP must be developed concurrent with the monitoring plan described in Part 5.5.1 (*Monitoring Plan and Objectives*) Any existing QAPP may be modified to meet the requirements of this Part.

5.5.9.1 QAPP Content: The QAPP must be designed to assist in planning for the collection and analysis of any storm water discharge, receiving water quality, catch basin sediments, [*and/or biological/fish tissue samples*] monitoring required by this GP, and in explaining data anomalies when they occur.

5.5.9.2 At a minimum, the QAPP must reflect the content specified in the EPA documents listed in Part 5.5.9.3 below, and include the following information:

5.5.9.2.1 Details on the number of samples, identified sampling locations, type of sample containers, preservation of samples,

holding times, analytical detection and quantitation limits for each target compound, analytical methods, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements;

- 5.5.9.2.2 A map with GPS coordinates indicating the location of each monitoring point;
- 5.5.9.2.3 Qualifications and training of all personnel involved with water quality and discharge sampling;
- 5.5.9.2.4 Specifications for the collection and analysis of quality assurance samples for each sampling event, including matrix spiked and duplicate samples and analysis of field transfer blanks (sample blanks); and,
- 5.5.9.2.5 Name(s), address(es), and telephone number(s) of the laboratories used by, or proposed to be used by, the Permittee.

5.5.9.3 **QAPP Procedures:** Throughout all sample collection and analysis activities, the Affected Permittee must use the EPA-approved and chain-of-custody procedures described in *Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). Copies of these documents can be found at <http://www.epa.gov/quality/qs-docs/g5-final.pdf>

5.5.9.4 **QAPP Updates and Availability:** Upon completion of the Monitoring Plan and QAPP, the Affected Permittee(s) must submit the document to EPA with the 1st Year Annual Report.

- 5.5.9.4.1 Copies of the QAPP must be maintained by the Affected Permittee(s) and made available to EPA and/or IDEQ upon request.
- 5.5.9.4.2 The Affected Permittee(s) must amend the QAPP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAPP.
- 5.5.9.4.3 Any update to the QAPP must be submitted to EPA as part of the subsequent Annual Report.

5.5.10 Analytical Methods

Sample collection, preservation, and analysis must be conducted according to sufficiently sensitive methods/test procedures approved under 40 CFR §136, unless otherwise approved by EPA, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in this Permit and/or approved by EPA as an alternative test procedure under 40 CFR §136.5. Where an approved 40 CFR § 136 method does not exist, and other test procedures have not been specified, any available method may be used after approval from EPA.

Affected Permittee(s) must use sufficiently sensitive analytical methods as follows:

5.5.10.1 Affected Permittee(s) must use a method that detects and quantifies the level of the pollutant, or

5.5.10.2 Affected Permittee(s) must use a method that can achieve a maximum Minimum Level (ML) less than or equal to those specified in Table 5.10 below;

5.5.10.3 Affected Permittee(s) may request different MLs. The request must be in writing and must be approved by EPA.

Table 5.5.10: Minimum Levels

Pollutant & CAS No. (if available)	Minimum Level (ML) in µg/L, unless otherwise specified
Total Ammonia (as N)	50
Cadmium, Total (7440-43-9)	0.1
Copper, Total (7440-50-8)	2.0
Dissolved oxygen	0.2 mg/L
Total Hardness	200 as CaCO ₃
Lead, Total (7439-92-1)	0.16
Nitrate + Nitrite Nitrogen (as N)	100
Oil and Grease (HEM) (Hexane Extractable Material)	5,000
Soluble Reactive Phosphorus (as P)	10
Phosphorus, Total (as P)	10
Temperature	0.2° C
Total Suspended Solids	5 mg/L
Zinc, Total (7440-66-6)	2.5

6 COMPLIANCE RESPONSIBILITIES

6.1 Duty to Comply

The Permittee must comply with all conditions of this GP. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application/NOI.

6.2 Penalties for Violations of Permit Conditions

6.2.1 Civil and Administrative Penalties.

Pursuant to 40 CFR §19 and the CWA, any person who violates sections 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the CWA, is subject to a civil penalty not to exceed the maximum amounts authorized in the United States Code (USC) by section 309(d) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$37,500 per day for each violation).

6.2.1.1 Administrative Penalties: Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR §19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by section 309(g)(2)(A) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) [currently \$16,000 per day for each violation, with the maximum amount of any Class I penalty assessed not to exceed \$37,500]. Pursuant to 40 CFR §19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by section 309(g)(2)(B) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) [currently \$16,000 per day for each violation, with the maximum amount of any Class II penalty not to exceed \$187,500].

6.2.1.2 Criminal Penalties:

6.2.1.2.1 Negligent Violations.

The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section

402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

6.2.1.2.2 Knowing Violations.

Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

6.2.1.2.3 Knowing Endangerment.

Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

6.2.1.2.4 False Statements.

The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this GP shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both. The CWA further provides that any person who knowingly makes any false statement, representation, or certification in any record or

other document submitted or required to be maintained under this GP, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

6.3 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this GP.

6.4 Duty to Mitigate

The Permittee must take all reasonable steps to minimize or prevent any discharge or disposal in violation of this GP that has a reasonable likelihood of adversely affecting human health or the environment.

6.5 Proper Operation and Maintenance

The Permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittee to achieve compliance with the conditions of this GP. Proper operation and maintenance also includes BMPs, adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems only when the operation is necessary to achieve compliance with the conditions of this GP.

6.6 Toxic Pollutants

The Permittee must comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

6.7 Planned Changes.

The Permittee must give notice to the Director and the responsible IDEQ office as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

- The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR §122.29(b); or
- The alteration or addition could significantly change the nature or increase the quantity of the pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.

6.8 Anticipated Noncompliance

The Permittee must give advance notice to the Director of the EPA Office of Compliance and Enforcement and IDEQ, using the addresses provided in Part 5.4, of

any planned changes in the permitted facility or activity which may result in noncompliance with this GP.

6.9 Twenty-Four Hour Notice of Noncompliance Reporting

The Permittee must report the following occurrences of noncompliance by telephone at (206) 553-1846, within 24 hours from the time the Permittee becomes aware of the circumstances:

- Any discharge to or from the MS4 which could result in noncompliance that may endanger health or the environment;
- Any unanticipated bypass that results in or contributes to an exceedance of any effluent limitation in this GP. See Part 6.10 (*Bypass of Treatment Facilities*);
- Any upset that results in or contributes to an exceedance of any effluent limitation in this GP. See Part 6.11 (*Upset Conditions*).

6.9.1 Written Report

The Permittee must also provide a written submission within five (5) business days of the time that the Permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the estimated time noncompliance is expected to continue if it has not been corrected; and all steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The Permittee must submit its written report to EPA and IDEQ as specified in Part 5.4(*Addresses*).

6.9.2 Written Report Waiver

The Director of the EPA Office of Compliance and Enforcement may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.

6.10 Bypass of Treatment Facilities

6.10.1 Bypass not exceeding limitations.

The Permittee may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 6.10.2 and 6.10.3 of this Part.

6.10.2 Notice

6.10.2.1 Anticipated bypass: If the Permittee knows in advance of the need for a bypass, it must submit prior notice, to the Director, if possible at least 10 days before the date of the bypass.

6.10.2.2 Unanticipated bypass: he Permittee must submit notice of an unanticipated bypass as required under Part 6.9. ("Twenty-four Hour Notice of Noncompliance Reporting")

6.10.3 Prohibition of bypass.

Bypass of storm water from all or any portion of a storm water treatment BMP is prohibited, and the Director of the Office of Compliance and Enforcement may take enforcement action against the Permittee for a bypass, unless:

- The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- The Permittee submitted notices as required under Part 6.10.2 above.

6.10.4 Optional Approval.

The Director of the Office of Compliance and Enforcement may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part 6.10.3.

6.11 Upset Conditions

6.11.1 Effect of an Upset.

An upset constitutes an affirmative defense to an action brought for noncompliance with a technology-based permit effluent limitation if the Permittee meets the requirements of Part 6.11.2 of this section. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

6.11.2 Conditions Necessary for a Demonstration of Upset.

To establish the affirmative defense of upset, the Permittee must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- An upset occurred and that the Permittee can identify the cause(s) of the upset;

- The permitted facility was at the time being properly operated;
- The Permittee submitted notice of the upset as required under Part 6.9, “*Twenty-four Hour Notice of Noncompliance Reporting*) and,
- The Permittee complied with any remedial measures required under Part 6.4, (*Duty to Mitigate*).

6.11.3 Burden of proof.

In any enforcement proceeding, the Permittee seeking to establish the occurrence of an upset has the burden of proof.

6.12 Other Noncompliance

The Permittee must report all instances of noncompliance, not required to be reported within 24 hours, as part of each Annual Report. Such noncompliance reports must contain all the information listed above in Part 6.10.

6.13 Removed Substances

All collected screenings, grit, solids, sludges, filter backwash water, decant water, and/or other pollutants removed in the course of maintenance, and/or treatment or control of storm water and other wastewaters must be managed and disposed of in a manner such as to prevent such pollutants from entering the waters of the U.S.

7 GENERAL REQUIREMENTS

7.1 Permit Actions.

This GP or coverage under this GP may be modified, revoked and reissued, or terminated for cause by EPA as specified in 40 CFR §§122.62, 122.64, or 124.5. The filing of a request by the Permittee for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

Permit coverage may be terminated, in accordance with the provisions of 40 CFR §§122.64 and 124.5, for a single Permittee or co-Permittee without terminating coverage for other permittees or co-permittees subject to this GP.

7.2 Duty to Reapply

If the Permittee intends to continue its operational control and management of discharges from the MS4 as regulated by this GP after the Permit expiration date, the Permittee must either apply for and obtain an individual permit or submit an NOI to be covered under a new GP. In accordance with 40 CFR §122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Director, the Permittee must submit an application for an individual permit or submit a new NOI to EPA as specified in Part 5.4 (*Addresses*) no later than (*insert date 180 days before the expiration date of this GP*).

7.2.1 Continuation of the Expired General Permit.

If this GP is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with section 558(c) of the Administrative Procedure Act (5 U.S.C. 558(c)) and EPA's implementing regulations at 40 CFR §122.6 and remain in full force and effect for discharges that were authorized prior to this GP's expiration and the Permittee meets the requirements of Part 7.2 above. Permittees granted authorization to discharge prior to the Permit's expiration date will automatically remain covered by this GP until the earliest of:

- 7.2.1.1 Authorization for coverage under a reissuance or replacement of this GP following timely and appropriate submittal of a complete NOI requesting authorization to discharge under the new GP and compliance with the requirements of the new GP;
- 7.2.1.2 Submittal of a Notice of Termination in accordance with Part 1.7 of this GP and 40 CFR §122.64;
- 7.2.1.3 Issuance or denial of an individual permit for the regulated MS4's discharges; or,
- 7.2.1.4 A formal permit decision by EPA not to reissue this GP, at which time EPA will identify a reasonable time period for covered dischargers to

seek coverage under an alternative GP or an individual Permit.
Coverage under this GP will cease at the end of this time period.

7.3 Duty to Provide Information

The Permittee must furnish to EPA and IDEQ, within the time specified in the request, any information that the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this GP, or to determine compliance with this GP. The Permittee must also furnish to EPA or IDEQ, upon request, copies of the records required to be kept by this GP.

7.4 Other Information

When the Permittee becomes aware that it failed to submit any relevant facts in a Notice of Intent, or that it submitted incorrect information in a NOI, permit application, or any report or document to EPA or IDEQ, it must promptly submit the omitted facts or corrected information in writing.

7.5 Signatory Requirements

All permit applications, NOIs, reports, or information submitted to EPA and IDEQ must be signed and certified as follows:

7.5.1 All NOIs must be signed and certified:

- For a corporation: by a principal corporate officer.
- For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
- For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

7.5.2 Duly Authorized Representative.

All reports required by this GP and other information requested by EPA or IDEQ must be signed by a person described in Part 7.5.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

7.5.2.1 The authorization is made in writing by a person described above and submitted to the Director

7.5.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, Such as the position of plant manager, owner or operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and

7.5.2.3 Written authorization is submitted to the EPA Director of the Office of Compliance and Enforcement and IDEQ.

7.5.3 Changes to Authorization.

If an authorization under Part 7.5.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 7.5.2 must be submitted to the EPA Director of the Office of Compliance and Enforcement and the responsible IDEQ office prior to or together with any reports, information, or applications to be signed by an authorized representative.

7.5.4 Certification.

Any person signing a document under this part must make the following certification:

"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."

7.6 Availability of Reports

In accordance with 40 CFR §2, information submitted to EPA pursuant to this GP may be claimed as confidential by the Permittee. In accordance with the CWA, permit applications, permits, and effluent data are not considered confidential. Any confidential claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the Permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR §2, Subpart B (Public Information) and 41 Federal Register 36924 (September 1, 1976), as amended.

7.7 Inspection and Entry

The Permittee must allow the Director of the Office of Compliance and Enforcement, EPA Region 10; IDEQ; or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to:

7.7.1 Enter

Upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this GP;

7.7.2 Access

Have access to and copy, at reasonable times, any records that must be kept under the conditions of this GP;

7.7.3 Inspect

Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this GP; and

7.7.4 Sample, monitor, evaluate or audit

At reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any discharges, substances or parameters at any location.

7.8 Property Rights

The issuance of this GP does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

7.9 Transfers

Coverage under this GP is not transferable to any person except after written notice to the Director of the Office of Water and Watersheds. The Director may require modification or revocation and reissuance of the permit to change the name of the Permittee and incorporate such other requirements as may be necessary under the CWA.

7.10 State/Tribal Laws

Nothing in this GP shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state/Tribal law or regulation under authority preserved by Section 510 of the CWA. No condition of the GP releases the Permittees from any responsibility or requirements under other environmental statutes or regulations.

7.11 Oil and Hazardous Substance Liability

Nothing in this GP shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Clean Water Act or Section 106 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

7.12 Severability

The provisions of this GP are severable, and if any provision of this GP, or the application of any provision of this GP to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this GP, shall not be affected thereby.

7.13 Re-opener Clause

This GP is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the Permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR §§122.62 or 122.64, and 40 CFR §124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, including but not limited to future monitoring results. All requests for Permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.

8 DEFINITIONS

Administrator means the Administrator of the United States Environmental Protection Agency, or an authorized representative [40 CFR §122.2].

Affected Permittee means a regulated MS4 operator authorized under this GP and listed in Appendix F that discharges to a waterbody with an EPA-approved TMDL, and that TMDL contains a WLA for the regulated MS4 discharge, and/or includes requirements appropriate for the management of the regulated MS4 discharge. *Affected Permittee* also means a regulated MS4 operator authorized under this GP and listed in Appendix F that discharges to an impaired waterbody, where monitoring and/or additional requirements are necessary for the management of MS4 discharges contributing to that impairment.

Applicable Total Maximum Daily Load (TMDL) is any TMDL which has been approved by EPA on or before the issuance date of this GP. See also: TMDLs.

Bioretention means the water quality and water quantity storm water management practice using the chemical, biological and physical properties of plants, microbes and soils for the removal of pollution from storm water runoff.

Bypass means the intentional diversion of waste streams from any portion of a treatment facility.

CFR means the Code of Federal Regulations, which is the official annual compilation of all regulations and rules promulgated during the previous year by the agencies of the United States government, combined with all the previously issued regulations and rules of those agencies that are still in effect.

Canopy Interception means the interception of precipitation, by leaves and branches of trees and vegetation, such that the precipitation does not reach the soil.

CGP and/or Construction General Permit means the current available version of EPA's NPDES *General Permit for Storm Water Discharges for Construction Activities in Idaho*, Permit No. IDR12- 0000. EPA's CGP is posted on EPA's website at www.epa.gov/npdes/stormwater/cgp.

Commercial Animal Facility, as used in this GP, means a business that boards, breeds, or grooms animals including but not limited to dogs, cats, rabbits or horses.

Common Plan of Development means a contiguous construction project or projects where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan. The "plan" is broadly defined as any announcement or piece of documentation or physical demarcation indicating construction activities may occur on a specific plot; included in this definition are most subdivisions and industrial parks

Construction activity includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to the construction of residential buildings and non-residential buildings, and heavy construction (e.g., highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures).

Control Measure, as used in this GP, refers to any action, activity, Best Management Practice or other method used to control the discharge of pollutants in MS4 discharges.

Common Composite sample means a flow-proportioned mixture of not less than four discrete representative samples collected within the same 24 hours.

CWA means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. § 1251 et seq. [40 CFR §122.2].

Designated Use means those beneficial uses assigned to identified waters in Idaho Department of Environmental Quality Rules, IDAPA 58.01.02, "Water Quality Standards," Sections 110 through 160, whether or not the uses are being attained [IDAPA 58.01.02.010.24].

The Director means the Regional Administrator of EPA Region 10, or the Director of the EPA Region 10 Office of Water and Watersheds, the State of Idaho Department of Environmental Quality, or an authorized representative thereof.

Discharge when used without qualification means the "discharge of a pollutant."

Discharge Monitoring Report (DMR) means the uniform national EPA form, including any subsequent additions, revisions, or modifications for the reporting of self-monitoring results by Permittees [40 CFR §122.2].

Discharge of a pollutant means: Any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source," or any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any "indirect discharger" [40 CFR §122.2].

Discharge-related Activities include: activities which cause, contribute to, or result in storm water point source pollutant discharges and measures to control storm water

discharges, including the siting, construction, and operation of BMPs to control, reduce or prevent storm water pollution.

Draft permit means a document prepared under 40 CFR §124.6 indicating the Director's tentative decision to issue or deny, modify, revoke and reissue, terminate, or reissue a "permit" [40 CFR §122.2].

Disconnect for the purposes of this GP, means the change from a direct discharge into receiving waters to one in which the discharged water flows across a vegetated surface, through a constructed water or wetlands feature, through a vegetated swale, or other attenuation or infiltration device before reaching the receiving water.

Engineered Infiltration is an underground device or system designed to accept storm water and slowly exfiltrates it into the underlying soil. This device or system is designed based on soil tests that define the infiltration rate.

Erosion means the process of carrying away soil particles by the action of water.

Effluent limitation means any restriction imposed by the Director on quantities, discharge rates, and concentrations of "pollutants" which are "discharged" from "point sources" into "waters of the United States," the waters of the "contiguous zone," or the ocean [40 CFR §122.2].

Evaporation means rainfall that is changed or converted into a vapor.

Evapotranspiration means the sum of evaporation and transpiration of water from the earth's surface to the atmosphere. It includes evaporation of liquid or solid water plus the transpiration from plants.

Existing Permanent Controls, in the context of this GP, means post- construction or permanent storm water management controls designed to treat or control runoff on a permanent basis and that were installed prior to the effective date of this GP.

Facility means any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

General permit, or GP, means an NPDES permit issued under 40 CFR §122.28 authorizing a category of discharges under the CWA within a geographical area [40 CFR §122.2].

Geographic Area of Coverage means the area in which the requirements of this GP applies. See Part 1.2.

Grab sample means a single water sample or measurement of water quality taken at a specific time.

Green infrastructure means runoff management approaches and technologies that utilize, enhance and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse.

Indian Country as indicated by 18 U.S.C. § 1151 means:

- (a) All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation,
- (b) All dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and,
- (c) All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

Indian Tribe means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian Reservation [40 CFR §122.2].

Infiltration is the process by which storm water penetrates into soil.

Illicit connections include, but are not limited to, pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4.

Illicit discharge means any discharge to a municipal storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges from firefighting activities. See 40 CFR 122.26(b)(2).

Large MS4 is defined in 40 CFR §122.26(b)(4). See also *Municipal Separate Storm Sewer*.

Low Impact Development or LID means storm water management and land development techniques, controls and strategies applied at the parcel and subdivision scale that emphasize conservation and use of on-site natural features integrated with engineered, small scale hydrologic controls to more closely mimic pre-development hydrologic functions.

Method Detection Limit (MDL) means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

Minimum Level (ML) means either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by

a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.

MEP or *maximum extent practicable*, means the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in storm water discharges that was established by Section 402(p) of the Clean Water Act, 33 U.S.C §1342(p).

Medium MS4 is defined in 40 CFR 122.26(b)(7). See also *Municipal Separate Storm Sewer*.

Methylmercury Fish Tissue Sampling Program and Methylmercury Fish Tissue Sampling Requirements means the IDEQ-recommended cooperative data collection effort for the Lower Boise River and other significant watersheds as determined by IDEQ. Methylmercury Fish Tissue Sampling requirements are otherwise specified in Appendix H and in NPDES Permits # ID-002044-3 and ID-002398-1, as issued by EPA to the City of Boise and available online at <http://yosemite.epa.gov/r10/water.nsf/NPDES+Permits/Current+ID1319>

Minimize means to reduce and/or eliminate to the extent achievable using control measures (including BMPs) that are technologically available and economically practicable and achievable in light of best industry or municipal practices.

MS4 means "municipal separate storm sewer system," and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System as defined in 40 CFR 122.26(b). The term, as used within the context of this GP, refers to those portions of the municipal separate storm sewer systems operated by the entities listed in Appendix A of this GP. See also *Municipal Separate Storm Sewer*.

Municipality means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA.

Municipal Separate Storm Sewer is defined in 40 CFR §122.26(b) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying storm water; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

National Pollutant Discharge Elimination System (NPDES) means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA [40 CFR §122.2].

New Permanent Controls in the context of this GP, means post- construction or permanent storm water management controls designed to treat or control runoff on a permanent basis that are installed after the effective date of this GP.

New regulated MS4, for the purposes of this GP means any MS4 in Idaho that is automatically designated as needing a NPDES permit pursuant to federal storm water regulations but has not previously received final NPDES permit coverage from EPA, and is covered for a first permit term under the MS4GP.

Notice of Intent (NOI) means a request, or application, to be authorized to discharge under a general NPDES permit.

Nuisance means anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the State [IDAPA 58.01.02.010.67].

Outfall is defined at 40 CFR §122.26(b)(9) means a point source (see definition below) at the point where a municipal separate storm sewer discharges to waters of the United States, and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

Owner or operator means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

Outstanding resource water means a high quality water, such as water of national and state parks and wildlife refuges and water of exceptional recreational significance. ORW constitutes as outstanding national or state resource that requires protection from point and nonpoint source activities that may lower water quality [IDAPA 58.01.02.010.72].

Permanent Storm Water Management Controls, or practices, permanent controls, and/or Post-construction storm water management controls means those structural and non-structural controls that are designed to treat or control storm water runoff on a permanent basis.

Point Source is defined at 40 CFR §122.2 and means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

Pollutant means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.)], heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water [40 CFR §122.2].

Pollutant(s) of concern, for the purposes of this GP, means any pollutant identified by IDEQ as a cause of impairment of any water body that receives MS4 discharges authorized under this GP. See Appendix F.

Post- construction storm water management controls or “permanent storm water management controls” means those controls designed to treat or control runoff on a permanent basis once construction is complete. See also “new permanent controls” and “existing permanent controls.”

Rainfall and Rainwater Harvesting is the collection, conveyance, and storage of rainwater. The scope, method, technologies, system complexity, purpose, and end uses vary from rain barrels for garden irrigation in urban areas, to large-scale collection of rainwater for all domestic uses.

Redevelopment, for the purposes of this GP, means the alteration, renewal or restoration of any developed land or property that results in land disturbance of 5,000 square feet or more, and that has one of the following characteristics: land that currently has an existing structure, such as buildings or houses; or land that is currently covered with an impervious surface, such as a parking lot or roof; or land that is currently degraded and is covered with sand, gravel, stones, or other non-vegetative covering.

Regulated MS4, for the purposes of this GP, means 1) any municipal separate storm sewer system located within a Census-defined Urbanized Area of the State of Idaho which is automatically designated as needing a NPDES permit pursuant to federal requirements found in 40 CFR §§122.26 and 122.30-37; or 2) any MS4 designated by EPA pursuant to 40 CFR 122.26((a)(1)(v) and/or 123.35.

Repair of Public Streets, Roads and Parking Lots means repair work on Permittee-owned or Permittee-managed streets and parking lots that involves land disturbance, including asphalt removal or regrading of 5,000 square feet or more. This definition excludes the following activities: pot hole and square cut patching; overlaying existing asphalt or concrete paving with asphalt or concrete without expanding the area of coverage; shoulder grading; reshaping or regrading drainage ditches; crack or chip sealing; and vegetative maintenance.

Runoff Reduction Techniques means the collective assortment of storm water practices

that reduce the volume of storm water from discharging off site.

Services means the United States Fish and Wildlife Service and/or the National Oceanic and Atmospheric Administration- National Marine Fisheries Service (NOAA Fisheries).

Significant contributor of pollutants means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

Soil amendments are components added to in situ or native soils to increase the spacing between soil particles so that the soil can absorb and hold more moisture. The amendment of soils changes various other physical, chemical and biological characteristics so that the soils become more effective in maintaining water quality.

Source control storm water management means practices that control storm water before pollutants have been introduced into storm water.

Storm event or measurable storm event for the purposes of this GP means a precipitation event that results in an actual discharge from the outfall and which follows the preceding measurable storm event by at least 48 hours (2 days).

Storm water and *storm water runoff* as used in this GP means storm water runoff, snow melt runoff, and surface runoff and drainage, and is defined at 40 CFR §122.26(b)(13). “Storm water” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or a constructed infiltration facility.

Storm Water Control Measure (SCM), Stormwater Management Program Control Measure, or storm water control device, means the physical, structural, and/or managerial measures that, when used singly or in combination, reduce the downstream quality and quantity impacts of storm water. Also, SCM means a permit condition used in place of or in conjunction with effluent limitations to prevent or control the discharge of pollutants. This may include a schedule of activities, prohibition of practices, maintenance procedures, or other management practices. SCMs may include, but are not limited to, treatment requirements; operating procedures; practices to control plant site runoff, spillage, leaks, sludge, or waste disposal; or drainage from raw material storage. See *best management practices (BMPs)*.

Storm Water Facility means a constructed component of a storm water drainage system, designed or constructed to perform a particular function or multiple functions. Storm water facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, and modular pavement.

Storm Water Management Practice or Storm Water Management Control means practices that manage storm water, including structural and vegetative components of a storm water system.

Storm Water Management Project means a project that takes into account the effects on the water quality of the receiving waters and whether a structural storm water control device can be retrofitted to control water quality.

Storm Water Management Program (SWMP) refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. For the purposes of this GP, the SWMP consists of the actions and activities conducted by the Permittees as required by this GP and described in the Permittees' SWMP documentation. A "SWMP Plan" or "SWMP document" is the written summary describing the unique and/or cooperative means by which an individual Permittee or entity implements the specific storm water management controls within their jurisdiction.

Storm Water Pollution Prevention Plan (SWPPP) means a site specific plan designed to describe the control of soil, raw materials, or other substances to prevent pollutants in storm water runoff; a SWPPP is generally developed for a construction site, or an industrial facility. For the purposes of this GP, a SWPPP means a written document that identifies potential sources of pollution, describes practices to reduce pollutants in storm water discharges from the site, and identifies procedures or controls that the operator will implement to reduce impacts to water quality and comply with applicable Permit requirements.

Structural flood control device means a device designed and installed for the purpose of storm drainage during storm events.

Sub-watershed, for the purposes of this GP, means a smaller geographic section of a larger watershed unit with a drainage area between 2 to 15 square miles and whose boundaries include all the land area draining to a point where two second order streams combine to form a third order stream. A subwatershed may be located entirely within the same political jurisdiction.

Small MS4 is defined at 40 CFR 122.26(b)(18).

Total Maximum Daily Load (TMDL) means the sum of the individual wasteload allocations (WLAs) for point sources, load allocations (LAs) for non-point sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality [IDAPA 58.012.02.010.100]. See also: *Applicable Total Maximum Daily Loads*.

Treatment control storm water management means practices that 'treat' storm water after pollutants have been incorporated into the storm water.

Uncontaminated, for the purposes of this GP, means that the MS4 discharge does not:

- result in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or
- result in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- Contribute to a violation of an applicable Idaho water quality standard.

Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [40 CFR §122.41(n)].

Waters of the United States or waters of the U.S. means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate "wetlands;"
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, "wetlands," sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in paragraphs (a) through (d) of this definition;
- (f) The territorial sea; and
- (g) "Wetlands" adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a) through (f) of this definition [40 CFR §122.2].

APPENDIX A - REGULATED MS4 DISCHARGES COVERED BY THIS GENERAL PERMIT

Appendix A.1 lists the operators of existing regulated MS4 discharges that EPA [proposes to] cover under this GP.

Appendix A.2 lists the operators of new regulated MS4 discharges that EPA [proposes to] cover under this GP.

A.1 Existing Regulated MS4 Operators/Permittees

Census Urbanized Area	MS4 Operator
Boise City UA	Ada County Highway District
Boise City UA	Boise State University
Boise City UA	Ada County Drainage District #3
Boise City UA	City of Boise
Boise City UA	City of Garden City
Boise City UA	Idaho Transportation Department District #3
Boise City UA	Ada County Highway District
Coeur d'Alene UA	Lakes Highway District
Coeur d'Alene UA	Post Falls Highway District
Coeur d'Alene UA	City of Coeur d'Alene
Coeur d'Alene UA	City of Post Falls
Coeur d'Alene UA	Idaho Transportation Department District #1
Idaho Falls UA	City of Idaho Falls
Idaho Falls UA	Idaho Transportation Department District #6
Lewiston UA	City of Lewiston
Lewiston UA	Idaho Transportation Department District #2
Nampa & Boise UAs	Idaho Transportation Department District #3
Nampa UA	Canyon Highway District #4
Nampa UA	Nampa Highway District #1
Nampa UA	City of Caldwell
Nampa UA	City of Middleton
Nampa UA	City of Nampa
Pocatello UA	Bannock County
Pocatello UA	City of Chubbuck
Pocatello UA	City of Pocatello
Pocatello UA	Idaho Transportation Department District #5

A.2 New Regulated MS4 Operators/Permittees

PLEASE NOTE:

This Appendix A.2 is DRAFT, and reflects a preliminary, pre-decisional list of New Regulated MS4 operators/permittees in Idaho.

EPA will revise this list, prior to the formal public review/comment period for this GP. This list will be revised based on EPA’s continued analysis, consultation discussions with IDEQ and tribal governments, and EPA’s direct communication with all affected parties.

If you have questions about DRAFT Appendix A.2, please contact Misha Vakoc, EPA Region 10, at (206) 553-6650 or yakoc.misha@epa.gov.

The MS4 operators listed in *italics* have not submitted an MS4 permit application or Notice of Intent for permit coverage to EPA Region 10. The MS4 operators listed in **Bold** have submitted a MS4 permit application to EPA.

Census Urbanized Area	MS4 Operator
Boise City UA	<i>Ada County</i>
Coeur d'Alene UA	Eastside Highway District
Coeur d'Alene UA	<i>City of Dalton Gardens</i>
Coeur d'Alene UA	<i>City of Fernan Lake Village</i>
Coeur d'Alene UA	<i>City of Hauser</i>
Coeur d'Alene UA	<i>City of Hayden</i>
Coeur d'Alene UA	<i>City of Hayden Lake</i>
Coeur d'Alene UA	<i>Kootenai County</i>
Idaho Falls UA	<i>Bonneville County</i>
Idaho Falls UA	<i>City of Ammon</i>
Idaho Falls UA	<i>City of Iona</i>
Lewiston UA	<i>Nez Perce County</i>
Lewiston UA	Lewis-Clark College
Lewiston UA	<i>Nez Perce County Road & Bridge</i>
Lewiston UA	<i>US Army Corps of Engineers-Clarkston WA/Lewiston ID</i>
Nampa UA	<i>Canyon County</i>
Pocatello UA	Idaho State University
Not located in UA	<i>City of Rexburg</i>
Not located in UA	<i>City of Blackfoot</i>
Not located in UA	<i>City of Mountain Home</i>
Not located in UA	City of Moscow
Not located in UA	<i>University of Idaho</i>
Not located in UA	<i>City of Burley</i>
Not located in UA	<i>City of Jerome</i>
Not located in UA	<i>City of Twin Falls</i>

APPENDIX B – REQUIRED INFORMATION FOR NOTICES OF INTENT & TERMINATION

This Appendix contains information about seeking authorization to discharge, and/or u; and seeking to terminate authorization to discharge under this GP.

Appendix B.1- Notice of Intent (NOI) information required by Part 1.5.

Appendix B.2- Notice of Termination (NOT) information required by Part 1.6

B.1 Notice of Intent (NOI) Format

The NOI may consist of a letter, report or a table, along with all the necessary attachments, which address each of the required items cited in this Appendix. Operators may use the format as provided in this Appendix; Use of this format is optional.

EPA Region 10 will use the information provided in the NOI to determine if a MS4 is eligible for authorization to discharge under the Idaho MS4 GP.

The NOI must be signed/certified as required by Part 7.5 (*Signatory Requirements*) Please reference all supporting documents in the text of the NOI, and include such documents as necessary.

The completed NOI must be submitted to EPA Region 10 at the following address:

Director, Office of Water and Watersheds
Attention: Idaho MS4 General Permit Coordinator
U.S. Environmental Protection Agency, Region 10
1200 6th Avenue, Suite 900, OWW-191
Seattle, Washington 98101

EPA Region 10 will send each applicant an acknowledgment of receipt. If you have questions about this Notice of Intent application, please contact EPA Region 10 at 800-424-4372, extension 6650.

NOTICE OF INTENT

Part 1 - Owner/Operator Information

A. Operator Information			B. Responsible <i>Official or Representative Authority</i>		
Name of city, county, or special district:			Name		
			Title		
			Phone		
			Email		
Physical Address			Mailing Address		
PO Box (Optional)			PO Box (Optional)		
City	State	Zip	City	State	Zip

C. Primary Administrative Contact Person					
Name			Title		
Mailing Address					
PO Box (Optional)			Phone No.		
City	State	Zip	Email		
Fax No. (Optional)					

D. Primary Technical Contact Person -					
<input type="checkbox"/> Same as above					
Name			Title		
Mailing Address					
PO Box (Optional)			Phone No.		
City	State	Zip	Email		
Fax No. (Optional)					

E. Ownership Status (check appropriate box)	
<input type="checkbox"/> City or Town <input type="checkbox"/> County <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Special Purpose District:(secondary permittee) <input type="checkbox"/> Diking/drainage district <input type="checkbox"/> Port <input type="checkbox"/> Flood control district <input type="checkbox"/> University Public school district <input type="checkbox"/> Park district <input type="checkbox"/> State agency (give name) <input type="checkbox"/> Other (please describe)	
<input type="checkbox"/> If the owner and operator of the regulated MS4 are different entities, submit a copy of the written agreement between the parties that identifies roles and responsibilities of the operator.	

Part 4 – Map and Physical Description of the MS4:

A. Submit a map, in both electronic GIS form and in hardcopy, showing the MS4 system features, receiving waters; the boundaries of the applicant's jurisdiction, and the boundary of the Urbanized Area(s). The map must include street names or other demarcations so that exact boundaries can be located.

- Check here if map is not yet completed: Please specify an estimated date of completion and attach any/all available MS4 map information. _____

B. Include a narrative description of the entire MS4 which includes the following factors:

- Estimated population (resident and commuter) served by the MS4 within the geographic area(s) covered by the Permit [see Part 1.2 (Geographic Area)]
- Total area served by the MS4 (in square miles);
- Latitude and longitude, representing the center point of area served by the MS4;
- Whether any part of the MS4 located on tribal lands (within a reservation or on land held in trust for a tribe), and/or is located on Federal Land?
- Yes
- No
- General operational description, (particularly if responsibility is divided among offices or departments within the organization); and
- General descriptive statistics such as: total number of outfalls, catch basins and storm water management or treatment devices; total linear miles of storm water conveyances, by type.

Part 5 – Receiving Waters.

Include a narrative summary listing the waterbodies receiving discharges from the MS4 as identified in the map required above. For each receiving water body, the narrative should include:

- Waterbody name(s),
- Associated Waterbody Assessment Unit code(s), or relevant identifier as used by the IDEQ; and
- Whether the receiving water attains applicable water quality standards, or is listed as impaired (polluted) in the IDEQ's latest CWA Section 305(b) and 303(d) Integrated Water Quality Monitoring and Assessment Report.
- As applicable, include a narrative list any pollutants of concern for which the specific receiving water is listed
- As applicable, cite the title of the applicable TMDL analyses which address the receiving water segment and/or the discharges from the MS4.

Part 6 – SWMP Plan Documentation

As required in Part 2.3.8, the applicant must attach a copy of a SWMP Plan describing the manner in which the applicant/Permittee intends to implement the required SWMP control measures in Part 3, the requirements associated with any applicable TMDL as

described in Part 4 and Appendix H, and associated other requirements of this GP. The SWMP Plan must reference all existing legal authority, codes, ordinances, programs, procedures or other existing mechanisms upon which the applicant relies to implement the required SW control measures. The SWMP Plan must include, as necessary, an interim implementation schedule containing milestones and measureable goals leading to full implementation of all required SWMP control measures as specified in this GP. An example SWMP format provided in Appendix G.

- Attach a SWMP Plan describing how the required SWMP control measures are/will be implemented (Note: Example SWMP formats are provided in Appendix G.)

Part 7 - Documentation of Eligibility

Based on the requirements of Parts 1.2.3, 1.2.4, and 1.2.5, and using the procedures identified in EPA's Fact Sheet for this GP, document how the eligibility criteria for Endangered Species Act, Essential Fish Habitat, and National Historic Preservation Act have been met.

- Attach all documentation regarding eligibility for ESA, EFH and NHPA

Part 8 – Shared Implementation: Co-Permittee information

Complete this part of the NOI only if you are co-applying with another regulated MS4 entity to meet the requirements of the permit. Permittees that co-apply for discharge authorization are responsible for meeting permit conditions related to their discharge(s).

If you are co-applying with another entity or entities please include, as an attachment to this NOI, a summary of the permit obligations that will be carried out jointly among co-applicants. The summary must identify the other co-applicant(s) and must be signed by the other co-applicant(s).

- Attach a summary of joint permit obligations
- Summary is signed by all co-applicants
- Not Applicable

Part 9 - Shared Implementation: Relying on another entity to satisfy permit requirement(s)

Complete this part of the NOI only if the applicant is relying on another entity to satisfy one or more of the requirements of the permit. Permittees that rely on another entity to satisfy one or more of their permit obligations remain responsible for permit compliance if the other entity fails to implement the permit conditions.

Permittees may rely on another entity provided:

1. The other entity agrees to take on responsibility for implementation of the permit requirement(s), and
2. The other entity implements the permit requirements.

If relying on another entity or entities to satisfy one or more of the permit obligations, please include as an attachment to this NOI a summary of the permit obligations that will be carried out by another entity. The summary must identify the other entity or entities and must be signed by the other entity or entities.

- Attach summary of permit obligations carried out by another entity
- Summary is signed by all other entities
- Not Applicable

Part 10 - Other Permits and Approvals

The NOI must list all permits or construction approvals which the applicant/Permittee has received or applied for under any of the following programs:

- Hazardous Waste Management under the Resource Conservation and Recovery Act (RCRA);
- Underground Injection Control (UIC) program under the Safe Drinking Water Act;
- NPDES program under the CWA - identify any EPA NPDES permit number(s) currently or previously assigned to the entity;
- Prevention of Significant Deterioration (PSD) program under the Clean Air Act (CAA);
- Other relevant environmental permits under the CWA, CAA, the Marine Protection Research and Sanctuaries Act (MPRSA) or state law.
- Any permit or license number assigned by the IDEQ,
- Commercial permit number assigned by the Idaho Department of Agriculture (IDA), UIC permit issued and/or water rights number assigned by the Idaho Department of Water Resources (IDWR), Dredge or fill permits assigned pursuant to CWA § 404, and the ESA or EFH determinations (if any) relative to these permitting actions.

Part 11 – The NOI must be signed/certified as required by Part 7.5 (*Signatory Requirements*)

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."

Print or type name of responsible official or representative

Title

Signature of responsible official or representative

Date

B.2 Notice of Termination of Discharge (NOT)

A Permittee must notify EPA, and the appropriate IDEQ regional office, no later than 30 days prior to discharge termination.

In the written request, the Permittee must fully document all capital improvement projects and/or physical changes that result in permanent elimination of all MS4 discharges to waters of the United States controlled by the Permittee under this GP.

EPA will consider a written request seeking to terminate authorization to discharge under the GP, pursuant to 40 CFR §122.64(a)(4).

If the facts support such a request to terminate permit coverage, EPA will follow the NPDES permit modification procedures described in 40 CFR §§124.5(d) and 124.6.

- In certain circumstances, this process may include EPA proposing for public comment a decision to terminate the Permittee's authorization under the GP.

Requests to terminate authorization to discharge under this GP must be made in writing, signed in accordance with Part 7.5, and submitted to EPA at the following address:

Director, Office of Water and Watersheds
Attn: Idaho MS4 General Permit Coordinator
U.S. Environmental Protection Agency, Region 10
1200 6th Avenue, Suite 900, OWW-191
Seattle, Washington 98101

In accordance with 40 CFR §122.64(b), authorization under this GP may be terminated if EPA determines in writing that the entire MS4 discharge is permanently terminated either by elimination of the flow or by connection to a publicly owned treatment works (POTW).

Termination of a Permittee's authorization to discharge under this GP will become effective 30 days after EPA's written determination is sent to the Permittee, unless the Permittee objects within that time. Pursuant to Part 6.1, authorization to discharge may be terminated in accordance with the provisions of 40 CFR §§122.64 and 124.5 for a single permittee or co-permittee without terminating authorization for the other permittees or co-permittees subject to this GP.

APPENDIX C - ENDANGERED SPECIES ACT ELIGIBILITY GUIDANCE

To be eligible for coverage under this GP, the applicant must demonstrate compliance with applicable requirements of the Endangered Species Act (ESA) and/or the applicable Essential Fish Habitat (EFH) requirements of the Magnuson-Stevens Fishery Management and Conservation Act (MSFMCA).

Permit Parts 1.3.1 and 1.3.2 require the MS4 applicant to demonstrate that their MS4 discharges:

- are not likely to adversely affect any ESA listed species;
- are not likely to result in the adverse modification or destruction of designated critical habitat under the ESA; and
- do not cause adverse effects on any designated EFH.

EPA has tentatively determined that MS4 discharges from entities listed in Appendix A of this GP are not likely to adversely affect listed species or critical habitat under the jurisdiction of the National Marine Fisheries Service.

- NOTE: As of the date of this PRELIMINARY DRAFT, EPA is preparing to conduct consultation with the National Marine Fisheries Service regarding the existing and new regulated MS4 discharges to be covered by this GP in the areas listed in Appendix A.
- EPA anticipates that, upon completion of its consultation with NMFS, no further action will be required by the MS4 operators to fulfill the ESA eligibility requirements of this GP related to species, critical habitat, or EFH under the jurisdiction of NMFS.

EPA has tentatively determined that discharges from MS4s listed in Appendix A of this Permit are not likely to adversely affect listed species or critical habitat under the jurisdiction of the USFWS.

- NOTE: As of the date of this PRELIMINARY DRAFT, EPA is preparing to conduct consultation with the USFWS regarding the existing and new regulated MS4 discharges to be covered by this GP in the areas listed in Appendix A.
- EPA anticipates that, upon completion of its consultation with USFWS, no further action will be required by the MS4 operators to fulfill the ESA eligibility requirements of this GP related to species or critical habitat under the jurisdiction of USFWS.

Questions related to ESA or EFH requirements and this GP should be directed to Misha Vakoc at EPA Region 10 at 206-553-6650.

EPA is available to assist new applicants to develop the appropriate documentation to demonstrate compliance with the ESA and EFH eligibility requirements of this GP. Please contact EPA at 206-553-6650.

APPENDIX D – NATIONAL HISTORIC PROPERTIES ACT ELIGIBILITY GUIDANCE

To be eligible for authorization to discharge under this GP, the applicant must be in compliance with the National Historic Preservation Act (NHPA).

Permit Part 1.2.5 requires new MS4 applicants to document in their Notice of Intent (NOI) the manner in which the MS4 discharges comply with the NHPA and therefore meet the eligibility requirements for this GP.

D.1 Eligibility Criteria

MS4 discharges may be authorized under this GP only if one of the following criterion are met:

Criterion A:

Storm water discharges, allowable non-storm water discharges, and discharge-related activities do not affect a property that is listed or is eligible for listing on the National Register of Historic Places as maintained by the Secretary of the Interior; or

Criterion B:

The applicant has obtained and is in compliance with a written agreement with the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) (or equivalent tribal authority) that outlines all measures the MS4 operator will undertake to mitigate or prevent adverse effect to the historic property.

D.2 MS4s Eligible for Authorization under this General Permit

- NOTE: As of the date of this PRELIMINARY DRAFT, EPA is preparing to engage with the SHPO and Tribal governments on this preliminary draft permit action to authorize discharges from the existing and new regulated MS4 discharges in the areas listed in Appendix A.
- EPA has tentatively determined that discharges from regulated MS4s listed in Appendix A of this GP meet the eligibility compliance requirements for NHPA.

After the effective date of this Permit, EPA is available to assist new applicants to develop the appropriate documentation to demonstrate compliance with applicable NHPA requirements. Contact EPA at 206-553-6650.

D.3 Applicable Idaho State, Tribal, or Local Laws

MS4 operators are reminded that they must comply with applicable State, Tribal and local laws concerning the protection of historic properties and places, pursuant to Part 6.10 (“...no condition of the Permit releases Permittees from any responsibility or requirements under other environmental statutes or regulations.”) In Idaho, such requirements include but not limited to the Idaho Title 67 Chapter 46 (Preservation of

Historic Sites) and relevant local ordinances in Certified Local Governments (CLGs) (communities that have shown a commitment to historic preservation by adopting a local ordinance and creating a historic preservation commission.)

The following resources may assist a new regulated MS4 operator/applicant determine their eligibility pursuant to this GP:

- The Idaho Historic Preservation Office:
<http://www.history.idaho.gov/state-historic-preservation-office>
- The National Register of Historic Places in Idaho:
http://history.idaho.gov/sites/default/files/uploads/National_Register_Properties_Idaho.pdf
- The National Register of Historic Places in Idaho, Addendum 1997-2014:
http://history.idaho.gov/sites/default/files/uploads/ADDENDUM_Jan2014.pdf
- National Register of Historic Places in Idaho, by County:
<http://www.history.idaho.gov/listings-county>
- Local Government Contacts for historic properties in Idaho:
<http://www.history.idaho.gov/sites/default/files/uploads/CURRENTLISTOFCERTIFIEDLOCALGOVERNMENTS1%20Jan%202013.pdf>;
- National Park Service's web page: <http://www.nps.gov/nr/>

D.4 Historic Properties Eligibility Procedures

The new MS4 operator/applicant must document and incorporate the results of their eligibility determination in the SWMP documentation, and must include a statement and certification of such eligibility in the NOI submitted to EPA.

Applicants must determine whether their MS4's storm water discharges, allowable non-storm water discharges, or construction of BMPs to control such discharges, have potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

- For MS4 operators who do not need to construct BMPs ahead of submitting a Notice of Intent and applying for authorization to discharge under this GP, a simple visual inspection and verification of existing local records may be sufficient to determine whether historic properties are affected. A statement summarizing the documentation of such inspection and verification must be included in the SWMP document submitted to EPA.
- For MS4s which are new permittees and for existing MS4s which are planning to construct BMPs for permit eligibility, MS4 operators should conduct further inquiry to determine whether historic properties may be affected by the storm water discharge or BMPs to control the discharge. In such instances, MS4 operators should first determine whether there are any historic properties or places listed on the National Register or if any are eligible for listing on the

register (e.g., they are “eligible for listing”).

Addresses for other Idaho State Historic Preservation Officers and Tribal Historic Preservation Officers are listed in this Appendix. In instances where a Tribe does not have a Tribal Historic Preservation Officer, MS4 operators should contact EPA and/or the appropriate Tribal government office when responding to this GP eligibility condition.

The following three scenarios describe how new applicants can meet the eligibility criteria for protection of historic properties under this GP:

- If historic properties are not identified in the path of an MS4's storm water and allowable non-storm water discharges or where construction activities are planned to install BMPs to control such discharges (e.g., diversion channels or retention ponds), then the MS4 operator has met the permit eligibility criteria for this GP.
- If historic properties are identified but it is determined that they will not be affected by the discharges or construction of BMPs to control the discharge, the MS4 operator has met the permit eligibility criteria.
- If historic properties are identified in the path of an MS4's storm water and allowable non-storm water discharges or where construction activities are planned to install BMPs to control such discharges, and it is determined that there is the potential to adversely affect the property, the MS4 applicant can still meet the eligibility criteria if he/she obtains and complies with a written agreement with the appropriate State or Tribal Historic Preservation Officer which outlines measures the MS4 operator will follow to mitigate or prevent those adverse effects. The operator should notify EPA in writing before exercising this option.

The contents of such a written agreement must be included in the applicant's Storm Water Management Program documentation.

In situations where an agreement cannot be reached between an MS4 operator and the State or Tribal Historic Preservation Officer, MS4 operators should contact EPA at (206) 553-6650 for assistance.

The term “adverse effects” includes, but is not limited to, damage, deterioration, alteration or destruction of the historic property or place. EPA encourages MS4 operators to contact the appropriate State or Tribal Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

D.5 Contact Information

State of Idaho: http://www.history.idaho.gov/state-historic-preservation-office		
Ken Reid, State Archaeologist and Director, State Historic Preservation Office (SHPO) 210 Main Street, Boise, ID 83702 - General Inquiries: (208) 334-3847 Fax: (208) 334-2777		
Tribal Government Contacts		
<i>Note: In instances where a Tribe does not have a Tribal Historic Preservation Officer, please contact the appropriate Tribal government office when responding to this Permit eligibility condition.</i>		
Coeur d'Alene Tribe of Idaho: www.cdatribe-nsn.gov		
Quannah Matheson, Cultural Resource Program P O Box 408, Plummer, ID 83851 (208) 686-0675 gmatheson@cdatribe-nsn.gov		Jill Wagner, Tribal Historic Preservation Officer Cultural Resources Program P O Box 408, Plummer, ID 83851 (208) 686-1572 jwagner@cdatribe-nsn.gov
Jennifer DeRose, Archaeologist, Coeur d'Alene Tribe 850 A Street. P O Box 40, Plummer, ID 83851 (208) 686-1800 jderose@cdatribe-nsn.gov		Chairman, Coeur d'Alene Tribal Council P O Box 408, Plummer, ID 83851 (208) 686-1800
Kootenai Tribe of Idaho: www.kootenai.org		
Chairman, Kootenai Tribal Council P O Box 1269, Bonner's Ferry, ID 83805 (208) 267-3519		
Nez Perce Tribe of Idaho: www.nezperce.org		
Keith Patrick Baird, Tribal Historic Preservation Officer Nez Perce Tribe P O Box 365, Lapwai, ID 83540 (208) 843-7313 keithb@nezperce.org	Chairman Nez Perce Tribe of Idaho P O Box 305 Lapwai, ID 83540 (208) 843-7324	Jared Norman, Archaeologist, Nez Perce Tribe P O Box 365, Lapwai, ID 83540 (208) 621-3852
Northwestern Band, Shoshone		
Jason S. Walker, Chairman Northwestern Band, Shoshone 505 Pershing Ave., Suite 200, Pocatello, ID 83201 (208) 478-5712 jswalker@ida.net		
Shoshone-Bannock Tribes of Fort Hall: www.shoshonebannocktribes.com		
Carolyn Boyer Smith, Cultural Resources Coordinator Cultural Resource Prgm, Shoshone-Bannock Tribes P O Box 306 Pima Drive, Fort Hall, ID 83203 (208) 478-3707		Chairman, Business Council P O Box 306 Pima Drive, Fort Hall, ID 83203 (208) 478-3700 council@shoshonebannocktribes.com
Other Contacts:		
National Association of Tribal Historic Preservation Officers P.O. Box 19189, Washington, DC 20036-9189; Phone: (202) 628-8476; Fax: (202) 628-2241		Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW., Suite 803, Washington, DC 20004 Telephone: (202) 606-8503, Fax: (202) 606-8647/8672 achp.gov
EPA Region 10 Office of Water and Watersheds, National Pollutant Discharge Elimination System (NPDES) Program 1200 6 th Avenue, Suite 900 (OWW-191) Seattle WA 98101 (206) 553-6650 or (800) 424-4372, extension 6650		

APPENDIX E – SWMP PLAN DOCUMENTATION AND ANNUAL REPORTS

This Appendix outlines the content of the SWMP document and Annual Reports, and provides an example format for each required document.

Appendix E.1 - SWMP Plan Document Format Examples

Appendix E.2 - Annual Report Form

E.1 SWMP Plan Document Format Examples

(This Section Will Be Available For Review During the Formal Public Comment Period)

E.2 Annual Report Form (Draft)

(This Section Will Be Available For Review During the Formal Public Comment Period)

APPENDIX F – REQUIREMENTS FOR DISCHARGES TO IMPAIRED WATERS

This Appendix contains additional requirements for Affected Permittees discharging to waters with applicable TMDLs, and/or discharging to impaired waters where a TMDL has not been completed or approved by EPA.

Additional requirements are listed by Basin, and Water Body Assessment Unit (WAU).

Applicable TMDLs are those identified in the 2012 *IDEQ Integrated Report -Appendix G (Category 4a- Total Maximum Daily Load Completed and Approved)*, unless otherwise noted.

Impaired waters without a TMDL are those identified from the 2012 *IDEQ Integrated Report - Appendix J. Category 5 (§303(d) list)—Waters of the State for which a TMDL is needed*, except where otherwise noted.

- F.1 Panhandle Basin- Coeur d’Alene Lake**
- F.2 Panhandle Basin- Spokane River** (Idaho and Washington portions)
- F.3 Upper Snake Basin – Portneuf River**
- F.4 Southwest Basin – Boise River and Tributaries**
- F.5 Clearwater Basin – Paradise Creek and South Fork Palouse River** (Idaho and Washington portions, respectively)
- F.6 Clearwater Basin – Snake River, Tammany Creek and Lindsay Creek**

F.2 Panhandle Basin- Spokane River¹ (Idaho and Washington portions)

IDEQ Waterbody Assessment Units/Description:

ID17010305PN004_04 / Spokane R.-Coeur d'Alene Lake to Post Falls Dam

ID17010305PN003_04 / Spokane R.- Post Falls Dam to ID/WA border

WA Waterbody Description:

The portion of the Spokane River located in Washington State and Spokane Tribe's reservation

F.2.1 Affected Permittees

Affected Permittees discharging into the Spokane River include the City of Couer d'Alene, City of Post Falls, Post Falls Highway District, and Idaho Transportation Department District #1.

F.2.2 Required Actions

F.2.2.1 The Affected Permittees may demonstrate compliance with these requirements through one or more collaborative, joint, or shared implementation effort(s). See also Part 2.3 (*Permittee Responsibilities*) and Part 5.5.2 (*Optional Cooperative Monitoring*).

F.2.2.2 The Affected Permittees must conduct monitoring as directed by Part 5.5.5 (Stormwater Discharge Monitoring) and Part 5.5.7 (*PCB Monitoring*) at the existing monitoring locations identified in Table F.2 below.

No later than [180 days from the Permit Effective date], the Affected Permittees must update their storm water discharge monitoring program(s), and begin monitoring, in compliance with the applicable requirements in Part 5.5 (*Monitoring*).

Table F.2: Stormwater Discharge Monitoring Locations

To Be Added:	
<i>Identify existing Post Falls, CdA, & ITD monitoring locations – verify PFHD location</i>	

F.2.2.3 To reduce PCB loading into Spokane River, and to quantify that reduction, the Affected Permittees must implement the PCB control measures identified in Parts F.2.2.4 through F.2.2.7 below. The Permittees may prioritize the implementation of these measure to drainage areas and locations that discharge into the Spokane River based on consideration of relevant and

¹ Requirements related to PCBs cited in this Part are based upon water quality within the Washington portion of the Spokane River, See: *EPA's Plan for Addressing PCBs in the Spokane River- filed in July 14, 2015* in response to the Order issued on March 16, 2015, by the U.S. District Court in *Sierra Club, et al. v.McLerran*, No. 11-CV-1759-BJR (March 16, 2015).

available information, such as: previously collected PCB monitoring data; cleanup activities at sites with PCBs as a known contaminant; and/or business inspections and compliance records.

- F.2.2.4 The Affected Permittees must conduct Industrial/Commercial Storm Water Discharge Assessment and Management activities as required by Part 4.2.4 to target the all pollutants of concern into the Spokane River (i.e., Cadmium; Lead; Total Phosphorus; Zinc; and PCBs.) Affected Permittees must identify, inventory and map all businesses or properties likely to possess onsite materials or equipment containing these pollutants in areas draining directly to the Spokane River.

In particular, Affected Permittees must ensure that their building inspectors and industrial inspectors are adequately trained to identify onsite materials containing PCBs or PCB-containing equipment in the course of their existing inspections.

- F.2.2.5 In addition to the requirements of Part 3.2 (*Construction Site Runoff Control Program*), Affected Permittees must effectively require construction project operators to appropriately remove and dispose of all PCB-containing materials from the demolition of structures built before January 1, 1980. *PCB-containing materials* likely to be found during demolition activities include, but are not limited to, paint, caulk, and pre-1980 fluorescent lighting fixtures. *Appropriately remove and dispose of PCB-containing materials* means to handle such construction and demolition waste consistent with applicable state, federal, and local laws, and in a manner that prevents its exposure to rain or snow.

- F.2.2.6 In addition to the requirements of Part 3.4. (*Stormwater Infrastructure and Management*), Affected Permittees must jointly consider and evaluate ways to reduce potential PCB loading into the Spokane River by removing accumulated sediment from the MS4 as part of their operation and maintenance activities. Affected Permittees must measure total PCB concentrations in all removed material using the monitoring protocols specified in Part 5.5.7 (*PCB Monitoring*), and must estimate the total PCB pollutant loading avoided as a result of such cleaning or other sediment reduction efforts.

- F.2.2.6.1 Affected Permittees must evaluate their existing sediment removal and management practices to quantify the amount of sediment removed or prevented from discharging to Spokane River by existing programs. Activities to be evaluated include, but should not be limited to: municipal street sweeping; inlet cleaning; catch basin cleaning; stream and conveyance system maintenance; and pump station cleaning.

- F.2.2.6.2 Permittees must consider and evaluate other feasible sediment removal practices. In particular, the Affected Permittees must consider street flushing and capture, collection, or routing to the sanitary sewer

(in coordination and consultation with local sanitary sewer agency) as a potential sediment removal/management practice.

- F.2.2.6.3 Affected Permittees must jointly consider the feasibility of using high-efficiency street sweepers, and must quantify the amount of PCB loads that could be removed or avoided, compared to the Permittees' existing street sweeping equipment and schedules. Findings must be summarized relative to the goal of achieving a maximum reduction in PCB pollutant loads.
- F.2.2.6.4 All evaluation efforts must include monitoring for total PCBs in sediment traps, catch basins, street cleaning debris, and in storm water suspended particulate matter (SSPM) at frequencies and locations adequate to quantify pollutant load reductions.
- F.2.2.6.5 As a result of these evaluations, the Permittees must develop recommendations for follow-up studies to be conducted.
- F.2.2.6.6 In each Annual Report, Affected Permittees must document their individual or collective progress on collecting information and evaluating their O&M practices to identify potential practices that result in maximum reduction in PCB pollutant loads. A final evaluation report, including recommendations for follow-up studies, must be submitted with the 5th Year Annual Report.
- F.2.2.7 In addition to the requirements in Part 3.4.7 (*Operation and Maintenance Procedures for Other Municipal Activities*), each Affected Permittee must ensure that their organization preferentially purchases products with the lowest practicable PCB concentrations.

For the purposes of this GP, such products include any materials known to likely contain inadvertently generated PCBs and that are likely come into contact with storm water discharging into and from the MS4(s). Such products are identified in the report entitled *PCBs in Municipal Products* (City of Spokane, July 2015, at: <https://static.spokanecity.org/documents/publicworks/wastewater/pCBS/pCBS-in-municipal-products-report-revised-2015-07-21.pdf>), and include:

- Traffic Marking Samples
- Hydrant and Utility Locate Paints
- Deicer
- Antifreeze
- Pesticides
- Motor Oil and Lubricant
- Gasoline and Diesel
- Dust Suppressant
- Asphalt Related Products
- Hydroseed

- Pipe Material
- Firefighting Foam
- Cleaners and Degreasers
- Personal Care Products

In each Annual Report, Affected Permittees must describe and report on their collective and/or individual effort(s) during the relevant reporting period to preferentially purchase such products in the categories listed above with the lowest practicable PCB concentrations.

F.3 Upper Snake Basin - Portneuf River

IDEQ Waterbody Assessment Units/Description:

ID17040208SK001_05 Portneuf River - Marsh Creek to American Falls Reservoir
ID17040208SK025_02 South Fork Pocatello Creek - source to mouth

See:

Portneuf River TMDL Revision and Addendum, February 2010.

EPA Approved: July 29, 2010.

F.3.1 Affected Permittees

Affected Permittees discharging into the Portneuf River and South Fork Pocatello Creek include the City of Pocatello, City of Chubbuck, Idaho Transportation Department District #5, Bannock County, and Idaho State University.

F.3.2 Required Actions

F.3.2.1 The Affected Permittees may demonstrate compliance with these requirements through one or more collaborative, joint, or shared implementation effort(s). See also Part 2.3 (*Permittee Responsibilities*) and Part 5.5.2 (*Optional Cooperative Monitoring*).

F.3.2.2 The Affected Permittees must continue their existing Stormwater Discharge Monitoring and Receiving Water Monitoring activities at the existing monitoring locations identified in Table F.3 below.

No later than [180 days from the Permit Effective date], the Affected Permittees must update their monitoring programs, and begin monitoring, in compliance with the applicable requirements in Part 5.5 (*Monitoring*).

Table F.3: Stormwater Discharge and Instream Monitoring Locations

MS4 Outfall ID	Location
PR-76	Lander Street, Center Line North Side of River
PR-40	Halliday Street, North Side, North Side of River
PR-101	Day Street/Carson Street, North Side of River
Instream Monitoring Locations	
Pocatello Creek at Highway 30 and Alameda Road	
Station Name: Portneuf River at Batiste Road Location: Bridge; River Mile: 13.4; Latitude: 42.913303741; Longitude: - 112.519835010	
Station Name: Portneuf River at Edson Fichter Location: Edson Fichter Nature Area; River Mile: 22.5; Latitude North: 42.822078058 Longitude West: -112.403604500	

F.3.2.3 The Affected Permittees must conduct Industrial/Commercial Storm Water Discharge Assessment and Management activities as required by Part 4.2.4 to target the pollutants of concern into the Portneuf River (i.e., Nitrogen (Total); Oil and Grease; Phosphorus (Total); Sedimentation/Siltation; and *E.Coli.*)

F.4 Southwest Basin - Lower Boise River and Tributaries

IDEQ Waterbody Assessment Units/Description:

ID17050114SW011a_0/ Boise R.-Diversion Dam to Veterans Memorial Pkwy

ID17050114SW005_06/ Boise River - Veterans Memorial Parkway to Star Bridge

ID17050114SW005_06a/ Boise River –Star to Middleton

ID17050114SW005_06b/ Boise River-Middleton to Indian Creek

ID17050114SW001_06/ Boise River - Indian Creek to mouth

ID17050114SW005_06 / Boise River - Veterans Memorial Parkway to Star

ID17050114SW001_06/ Boise River - Indian Creek to mouth

ID17050114SW002_04 / Indian Creek - 4th order below Sugar Ave. in Nampa

ID17050114SW003a_04 / Indian Creek - New York Canal to Sugar Avenue

ID17050114SW005_02 / Mill Slough and Phyllis Slough

ID17050114SW006_02 / Mason Creek - entire watershed

ID17050114SW007_04/ Fifteenmile Creek - 4th order (Fivemile Creek to mouth)

ID17050114SW008_03/ Tenmile Creek - 3rd order below Blacks Creek Reservoir

ID17050114SW010_03/ Fivemile Creek - 3rd order tributaries

ID17050114SW010_02/ Fivemile Creek, Eightmile and Ninemile Creeks - 1st & 2nd order

ID17050114SW015_03 / Willow Creek - 3rd order

See:

- ***Lower Boise River TMDL Subbasin Assessment Total Maximum Daily Loads, September 1999. EPA approved Jan 25, 2000.***
- ***Lower Boise River TMDL2015 Sediment and Bacteria Addendum. June 2015. EPA Approved September 2015.***
- ***Lower Boise River TMDL2015 Total Phosphorus Addendum. August 2015. EPA Approved December 2015***

F.4.1 Affected Permittees

Affected Permittees discharging into the impaired segments of the Boise River and its tributaries the City of Boise, City of Garden City, Ada County Drainage District #3, Boise State University, Ada County Highway District, Idaho Department of Transportation District #3, City of Middleton, City of Caldwell, City of Nampa, Canyon County Highway District, and Nampa Highway District.

F.4.2 Required Actions

- F.4.2.1 The Affected Permittees may demonstrate compliance with these requirements through one or more collaborative, joint, or shared implementation effort(s). See also Part 2.3 (*Permittee Responsibilities*) and Part 5.5.2 (*Optional Cooperative Monitoring*).
- F.4.2.2 The Affected Permittees must continue the existing Stormwater Discharge Monitoring {*and Receiving Water Monitoring?*} at the existing monitoring locations identified in Table F.4 below.

No later than [180 days from the Permit Effective date], the Affected Permittees must update their monitoring program(s), and begin monitoring activities, in compliance with the applicable requirements in Part 5.5 (*Monitoring*).

Table F.4: Monitoring Locations

MS4 Outfall ID	Location
<ul style="list-style-type: none"> • <i>To Be Added Here:</i> • <i>5 monitoring locations from Boise/GC/Phase I MS4 Permit</i> • <i>ACHD Phase II monitoring locations</i> • <i>Nampa: list the established outfall monitoring locations into Indian Creek and Mason Creek, as defined in the City of Nampa's Quality Assurance Plan, dated XXXX</i> • <i>Middleton list the established outfall monitoring locations into Willow Creek and Mill Slough as defined in the City of Middleton's Quality Assurance Plan, dated XXXX</i> • <i>Caldwell: list the established monitoring locations into Indian Creek and Mason Creek, as defined in the City of Caldwell's Quality Assurance Plan, dated XXXX</i> • <i>ITD3: established monitoring locations into Boise River, as defined in the ITD #3 Quality Assurance Plan, dated XXXX</i> <p>[Also add the existing instream monitoring location?]</p>	

- F.4.2.3 The Affected Permittees must conduct Industrial/Commercial Storm Water Discharge Assessment and Management activities as required by Part 4.2.4 to target the pollutants of concern into the Boise River and its tributaries (i.e., Phosphorus (Total); Sedimentation/Siltation; Temperature, and *E.Coli*).
- F.4.2.4 Using the outfall identification and screening protocol required by Part 3.5.4 (*Dry Weather Outfall Screening Program*), each Affected Permittee must prioritize the relevant MS4 drainage areas and must re-investigate any MS4 outfalls with ongoing dry weather flows previously identified as being caused by

agricultural irrigation return flow and/or ground water seepage.

No later than [*insert date 180 days prior to the Permit expiration date*], the Affected Permittees must complete an *Initial Investigation of Dry Weather Flows Caused by Irrigation and/or Groundwater Seepage (Investigation)*, and submit a written Investigation Summary Report to EPA with the permit renewal package required by Part 7.2 (*Duty to Reapply*).

The objectives of this Investigation are:

- To verify the locations, occurrence, and total number of MS4 outfalls discharging either agricultural irrigation return flow and/or groundwater seepage during dry weather;
- To begin to characterize the type and quantity of pollutants discharged at these locations during dry weather, using in-field inspection and screening measurements; and
- To broadly approximate the existing pollutant loading into the impaired receiving water(s) associated with such ongoing MS4 flows occurring during dry weather.

The Investigation Summary Report must include:

F.4.2.4.1 A narrative description, and map of MS4 outfalls in the Affected Permittee's jurisdiction that are known to have ongoing and/or seasonal flows during dry weather that are likely caused by irrigation return and/or ground water seepage.

The description must include a summary list of individual outfall locations investigated, using latitude and longitude coordinates and grouped by the impaired Waterbody Assessment Unit/receiving water and the identified or confirmed source of such flow(s).

Other relevant physical or temporal characteristics may be included, such as pipe size, general condition, estimated timing of flows, and/or photographs that help the reader's understanding of the type and nature of such flows from specific outfall(s).

The area map must illustrate the relative location(s) of each MS4 outfall by the Affected Permittee(s) investigated during the permit term, and should visually distinguish between those outfalls flowing as a result of irrigation versus those with flows attributed to groundwater seepage. The map/location information must be maintained by the Affected Permittee(s) in an electronic GIS format to be included as part of the Permittee's existing MS4 Map and Outfall Inventory required by Part 3.4.1;

F.4.2.4.2 A brief summary of the Permittee's Investigation procedures,

including how the Affected Permittee(s) conducted its field screening sampling to identify and/or confirm whether the source of the dry weather flows at an individual outfall is agricultural irrigation return and/or groundwater seepage, and to estimate the levels of phosphorus and sediment in identified discharge.

- F.4.2.4.3 A summary of the field screening sampling data for each outfall location analyzed during the permit term. Based on such field screening results, the Investigation Summary Report must include, as possible, a general estimate of daily or monthly flow volume, concentration of phosphorus and sediment in the sampled discharge, and an estimate of daily or monthly pollutant loading during dry weather from the identified MS4 outfall.
- F.4.2.4.4 A narrative consideration of feasible future actions, by outfall location or drainage catchment leading to multiple similar outfalls, that would result in the elimination of dry weather flows contributing elevated levels of phosphorus or sediment and compliance with the conditions in Part 2.2 of this GP. When considering feasible future actions, the Affected Permittee(s) must identify any additional work or investigation necessary to better characterize the contributing sources and/or relative impacts of any ongoing dry weather flows in occurring in their jurisdiction(s).
- F.4.2.4.5 If, at any time during this Investigation, the Affected Permittee(s) determines that the source of dry weather flow from a specific MS4 outfall is not agricultural irrigation return or groundwater seepage, the Affected Permittee must immediately begin work to eliminate the illicit discharge as required by Part 3.5.5 (*Illicit Discharge Management Follow-up*).

F.5 Clearwater Basin- Paradise Creek and South Fork Palouse River²

IDEQ Waterbody Assessment Units/Description:

ID17060108CL005_02/ Paradise Creek - Urban boundary to Idaho/Washington border
ID17060108CL002_03 / South Fork Palouse River-Gnat Cr. to Idaho/Washington border

WA Waterbody Description:

Paradise Creek (WA portion) Paradise Creek 10443; 10439; 10444
South Fork Palouse River (WA portion) SF Palouse River 6712; 6711; 6710; 6707

See:

- *Paradise Creek TMDL Water Body Assessment and Total Maximum Daily Load & Paradise Creek Total Maximum Daily Load Implementation Plan December 1999. EPA Approved 2000.*
- *Paradise Creek TMDL 2015 Bacteria Addendum, October 2015. Submitted to EPA.*
- *Ecology- South Fork Palouse River Fecal Coliform Bacteria Total Maximum Daily Load - Water Quality Improvement Report WDOE Publication No. 09-10-060. October 2009. EPA Approved 2009.*
- *South Fork Palouse River Watershed Assessment and TMDLs, February 2007. EPA Approved October 2007.*
- *Ecology- Palouse River Chlorinated Pesticide and PCB Total Maximum Daily Load, Water Quality Improvement Report and Implementation Plan; Publication No. 07-03-018 July 2007. EPA Approved November 2007.*

F.5.1 Affected Permittees

Affected Permittees discharging into Paradise Creek and the South Fork Palouse River include the City of Moscow and the University of Idaho.

F.5.2 Required Actions

F.5.2.1 The Affected Permittees may demonstrate compliance with these requirements through one or more collaborative, joint, or shared implementation effort(s). See also Part 2.3 (*Permittee Responsibilities*) and Part 5.5.2 (*Optional Cooperative Monitoring*).

F.5.2.2 No later than [180 days from the Permit Effective date], the Affected Permittees must conduct monitoring as directed by Part 5.5.5 (*Stormwater Discharge Monitoring*) and Part 5.5.7 (*PCB Monitoring*) at the monitoring locations identified in Table F.5 below.

Table F.5: Stormwater Discharge Monitoring Locations

TBD	TBD

² These requirements are based upon water quality within the Washington portion of the Paradise Creek and South Fork Palouse River, and are not based on a water quality impairment identified by the Idaho Department of Environmental Quality. See, in part, : *EPA’s Plan for Addressing PCBs in the Spokane River- filed in July 14, 2015* in response to the Order issued on March 16, 2015, by the U.S. District Court in *Sierra Club, et al. v.McLerran*, No. 11-CV-1759-BJR (March 16, 2015).

F.5.2.3 To reduce PCB loading into the South Fork Palouse River, and to quantify that reduction, the Affected Permittees must implement the PCB control measures identified in Parts F.5.2.4 through F.5.2.7 below. The Permittees may prioritize the implementation of these measure to drainage areas and locations that discharge into the South Fork Palouse River based on consideration of relevant and available information, such as: previously collected PCB monitoring data; cleanup activities at sites with PCBs as a known contaminant; and/or business inspections and compliance record.

F.5.2.4 The Affected Permittees must conduct Industrial/Commercial Storm Water Discharge Assessment and Management activities as required by Part 4.2.4 to target the pollutants of concern into Paradise Creek and South Fork Palouse River (i.e., *E. coli*; Nutrient/Eutrophication Biological Indicators; Sedimentation/Siltation, Temperature, and PCBs.) Affected Permittees must identify, inventory and map all businesses or properties likely to possess onsite materials or equipment containing these pollutants in areas draining directly to Paradise Creek and South Fork Palouse River.

In particular, Affected Permittees must ensure that their building inspectors and industrial inspectors are adequately trained to identify onsite materials containing PCBs or PCB-containing equipment in the course of their existing inspections.

F.5.2.5 In addition to the requirements of Part 3.2 (*Construction Site Runoff Control Program*), Affected Permittees must effectively require construction project operators to appropriately remove and dispose of all PCB-containing materials from the demolition of structures built before January 1, 1980. *PCB-containing materials* likely to be found during demolition activities include, but are not limited to, paint, caulk, and pre-1980 fluorescent lighting fixtures. *Appropriately remove and dispose of PCB-containing materials* means to handle such construction and demolition waste consistent with applicable state, federal, and local laws, and in a manner that prevents its exposure to rain or snow.

F.5.2.6 In addition to the requirements of Part 3.4. (*Stormwater Infrastructure and Management*), Affected Permittees must jointly consider and evaluate ways to reduce potential PCB loading into the South Fork Palouse River by removing accumulated sediment from the MS4 as part of their operation and maintenance activities. Affected Permittees must measure total PCB concentrations in all removed material using the monitoring protocols specified in Part 5.5.7, and estimate the total PCB pollutant loading avoided as a result of such cleaning or other sediment reduction efforts.

F.5.2.6.1 Affected Permittees must evaluate their existing sediment removal and management practices to quantify the amount of sediment removed or prevented from discharging to Paradise Creek and the South Fork

Palouse River by existing programs. Activities to be evaluated include, but should not be limited to: municipal street sweeping; inlet cleaning; catch basin cleaning; stream and conveyance system maintenance; and pump station cleaning.

- F.5.2.6.2 Affected Permittees must consider and evaluate other feasible sediment removal practices. In particular, the Affected Permittees must consider street flushing and capture, collection, or routing to the sanitary sewer (in coordination and consultation with local sanitary sewer agency) as a potential sediment removal/management practice.
- F.5.2.6.3 Affected Permittees must jointly consider using high-efficiency street sweepers, and quantify the amount of PCB loads that could be removed or avoided, compared to the Permittees' existing street sweeping equipment and schedules. Findings must be summarized relative to achieving a maximum reduction in PCB pollutant loads.
- F.5.2.6.4 All evaluation efforts must include monitoring for total PCBs in sediment traps, catch basins, street cleaning debris, and in storm water suspended particulate matter (SSPM) at frequencies and locations adequate to quantify pollutant load reductions.
- F.5.2.6.5 As a result of these evaluations, the Permittees must develop recommendations for follow-up studies to be conducted.
- F.5.2.6.6 In each Annual Report, Affected Permittees must document their individual or collective progress on collecting information and evaluating their O&M practices to identify potential practices that result in maximum reduction in PCB pollutant loads. A final evaluation report, including recommendations for follow-up studies, must be submitted with the 5th Year Annual Report.
- F.5.2.7 In addition to the requirements in Part 3.4.7 (*Operation and Maintenance Procedures for Other Municipal Activities*), each Affected Permittee must ensure that their organization preferentially purchases products with the lowest practicable PCB concentrations.

For the purposes of this permit, such products include any materials known to likely contain inadvertently generated PCBs and that are likely come into contact with storm water discharging into and from the MS4(s). Such products are identified in the report entitled *PCBs in Municipal Products* (City of Spokane, July 2015, at:

<https://static.spokanecity.org/documents/publicworks/wastewater/pcbs/pcbs-in-municipal-products-report-revised-2015-07-21.pdf>, and include:

- Traffic Marking Samples
- Hydrant and Utility Locate Paints

- Deicer
- Antifreeze
- Pesticides
- Motor Oil and Lubricant
- Gasoline and Diesel
- Dust Suppressant
- Asphalt Related Products
- Hydroseed
- Pipe Material
- Firefighting Foam
- Cleaners and Degreasers
- Personal Care Products

In each Annual Report, Affected Permittees must describe and report on their collective and/or individual effort(s) during the relevant reporting period to preferentially purchase such products in the categories listed above with the lowest practicable PCB concentrations.

F.6 Clearwater Basin – Snake River, Tammany Creek and Lindsay Creeks

IDEQ Waterbody Assessment Units/Description:

- ID17060103SL001_08 /Snake River - Asotin River (Idaho/OR border) to Lower Granite Dam pool
- ID17060103SL014_02 / Tammany Creek - WBID 015 to unnamed tributary
- ID17060103SL014_03 / Tammany Creek - Unnamed Tributary to mouth
- ID17060103SL016_02 /Tammany Creek-source to Unnamed Tributary(T34N, R04W, Sec19)
- ID17060306CL003_02 / Lindsay Creek -Source to mouth
- ID17060306CL003_03 /Lindsay Creek - Source to mouth

See:

- *Tammany Creek Sediment TMDL, September 2001. EPA Approved 2002.*
- *Tammany Creek Watershed (HUC 17060103) TMDL Addendum; September 2010. EPA Approved December 2010.*
- *Lindsay Creek Watershed Assessment and Total Maximum Daily Loads, December 2006, Amended March 2007. Approved, June 2007.*

F.6.1 Affected Permittees

Affected Permittees discharging into Tammany Creek, Lindsay Creek, include the City of Lewiston, Lewis Clark College, Idaho Department of Transportation District #2, U.S. Army Corps of Engineers, and Nez Perce County.

F.6.2 Required Actions

F.6.2.1 The Affected Permittees may demonstrate compliance with these requirements through one or more collaborative, joint, or shared implementation effort(s). See also Part 2.3 (*Permittee Responsibilities*) and Part 5.5.2 (*Optional Cooperative Monitoring*).

F.6.2.2 No later than [180 days from the Permit Effective date], the Affected Permittees must conduct monitoring as directed by Part 5.5.5 (*Stormwater Discharge Monitoring*) at the monitoring locations identified in Table F.6 below.

Table F.6: Stormwater Discharge Monitoring Locations

TBD	

F.6.2.3 The Affected Permittees must conduct Industrial/Commercial Storm Water Discharge Assessment and Management activities as required by Part 4.2.4 to target the pollutants of concern for Lower Granite Dam Pool, Lindsay Creek and Tammany Creek (i.e., *E. coli*, Nitrogen, Nitrate, Total Phosphorus, and Sedimentation/Siltation.) Affected Permittees must identify, inventory and map all businesses or properties likely to possess onsite materials or equipment containing these pollutants in areas draining directly to these waters.

APPENDIX G – BIOLOGICAL MONITORING REQUIREMENTS- IDAHO METHYLMERCURY MONITORING REQUIREMENTS

NOTE: EPA includes this Preliminary Draft Appendix G text as a Placeholder for Discussion With Idaho Department of Environmental Quality regarding the Monitoring Requirements of this GP.

The Permittee may satisfy the requirements of the Methylmercury Fish Tissue Monitoring program by developing and submitting a Methylmercury Fish Tissue Monitoring Plan to the Director of the EPA Region 10 Office of Water and Watersheds and to IDEQ for review and approval within one (1) year of the effective date of the permit, or by arranging to participate in a cooperative effort with other entities authorized for NPDES permitted discharges to the Lower Boise River or to tributaries of the Lower Boise River, if applicable.

H1 Fish Tissue Sampling

H.1.1 Objective:

The objective of the Methylmercury Fish Tissue Monitoring program is to collect reliable methylmercury fish tissue data, within a specific geographic area, to determine if fish tissue concentrations of methylmercury are compliant with Idaho's methylmercury fish tissue criterion of 0.3 mg/kg. The monitoring program may also be used to advise the public on safe levels of fish consumption.

H.1.2 Applicability:

The Permittee may satisfy the requirements of the Methylmercury Fish Tissue Monitoring Program by monitoring selected locations individually, or by arranging to participate in a cooperative effort with other entities which have NPDES permitted discharges to the Lower Boise River or tributaries to the Lower Boise River, if applicable.

H.1.3 Requirements:

The Permittee must develop and submit a Methylmercury Fish Tissue Monitoring Plan to the Director of the Office of Water and Watersheds and the IDEQ for review and approval within one year of the effective date of the permit. A failure to obtain approval of the Methylmercury Fish Tissue Monitoring Plan from the IDEQ or the Director of the Office of Water and Watersheds does not relieve the Permittee of the fish tissue monitoring requirements of this Permit. At a minimum the plan must include the following elements:

H.1.3.1 Monitoring stations where fish tissue samples will be collected:

At least one monitoring station must be located upstream from the discharge and at least one monitoring station must be located downstream from the discharge; alternatively, if arranging to participate in the Boise River Area cooperative effort, the same monitoring stations may potentially be utilized by all facilities participating.

H.1.3.2 Name, address of organization collecting and analyzing fish tissue samples:

The organization must have experience in the collection and analysis of methylmercury fish tissue samples.

H.1.3.3 Develop a sampling plan

Specify sample target species, sample number and size, timing of sample collection, and all essential fish collection, handling, and shipping information for field sampling teams collecting fish. The plan must include a project description, detailed standard operating procedures (SOPs) for fish collection, and instructions for completing field forms and labels and for shipping fish samples. Protocols must be consistent with Chapter 4 of Implementation Guidance for the Idaho Mercury Water Quality Criteria (Idaho Department of Environmental Quality, 2005).

H.1.3.4 Protocols

Identify all protocols related to sample preparation methods and analytical methods to be used on samples.

H1.3.5 Data Quality Goals

Identify data quality goals for all sample collection and handling activities and describe the Quality Assurance/Quality Control (QA/QC) techniques employed by field teams to support those goals.

H.1.4 Sample Frequency:

Initial sampling must occur within two (2) years of the effective date of the Permit. Following the initial sampling event, monitoring must occur at least once every 2 years. After three (3) sampling cycles, locations should be sampled once every 5 years. Sample sites will be determined in consultation with IDEQ.

H.1.5 Water Column Mercury Sampling:

At each sample location where fish are collected a surface water sample must be collected and analyzed for total mercury using an analytical method which achieves a ML of 0.5 ng/L (0.0005 µg/L) or lower. EPA Guidance recommends Methods 1631E or 245.7 for analyzing mercury in water.

H.1.6 Reporting Requirements:

The Permittee must submit a report which lists the name, address and phone number of the entity collecting and analyzing samples; sample locations; target species used; sample size; time samples were collected; analytical methods used; results, and any other information relevant to the monitoring program. The Permittee must submit the report to EPA, the DEQ and the Idaho Fish Consumption Advisory Board by March 31st of the year following sampling.

H.1.7 Revision to the Methylmercury Monitoring Plan:

Any revisions to the Methylmercury Monitoring Plan must be approved by the DEQ and the Director of the Office of Water and Watersheds.

APPENDIX H - ADDRESSES & CONTACT INFORMATION

Idaho Department of Environmental Quality:

<http://www.deq.idaho.gov/water-quality.aspx>

State Office

1410 North Hilton Street
Boise, ID. 83706
208/373-0502

Idaho Department of Environmental Quality, Twin Falls Regional Office

650 Addison Avenue West, Suite 110
Twin Falls, ID 83301
208/

Idaho Department of Environmental Quality, Boise Regional Office

1445 N. Orchard Street
Boise, Idaho 83706-2239
208/

Idaho Department of Environmental Quality, Pocatello Regional Office

444 Hospital Way, #300
Pocatello, Idaho 83201
208/

Idaho Department of Environmental Quality, Lewiston Regional Office

1118 F Street
Lewiston, Idaho 83501
208/

Idaho Department of Environmental Quality, Coeur d'Alene Regional Office

2110 Ironwood Parkway
Coeur d'Alene, Idaho 83814
208/

Idaho Department of Environmental Quality, Idaho Falls Regional Office

900 N. Skyline Street, Suite B
Idaho Falls, Idaho 83402
208/

Tribal Governments:

Coeur d'Alene Tribe of Idaho:

www.cdatribe-nsn.gov

Chairman, Coeur d'Alene Tribal Council
P O Box 408
Plummer, ID 83851
(208) 686-1800

Kootenai Tribe of Idaho: www.kootenai.org

Chairman, Kootenai Tribal Council
P O Box 1269
Bonner's Ferry, ID 83805
(208) 267-3519

Nez Perce Tribe of Idaho: www.nezperce.org

Chairman, Nez Perce Tribe of Idaho
P O Box 305
Lapwai, ID 83540
(208) 843-7324

Northwestern Band, Shoshone

Jason S. Walker, Chairman
Northwestern Band, Shoshone
505 Pershing Ave., Suite 200
Pocatello, ID 83201
(208) 478-5712
jswalker@ida.net

Shoshone-Bannock Tribes of Fort Hall:

www.shoshonebannocktribes.com
Chairman, Business Council
Shoshone-Bannock Tribes of Fort Hall
P O Box 306 Pima Drive
Fort Hall, ID 83203
(208) 478-3700
council@shoshonebannocktribes.com

EPA Region 10:

Office of Water and Watersheds, NPDES Program
1200 6th Avenue, Suite 900 (OWW-191), Seattle WA 98101
(206) 553-6650 or (800) 424-4372, extension 6650; vakoc.misha@epa.gov