

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),

**City of Lewiston and Lewis Clark State College
(hereinafter, “Permittees”)**

are authorized to discharge from all municipal separate storm sewer system (MS4) outfalls in the Permit Area described in Part 1.1 to the Snake River, Lower Granite Dam Pool, Lindsay Creek, Tammany Creek, and other associated waters of the United States, in accordance with the conditions and requirements set forth herein.

A copy of this Permit must be kept as part of the Permittees’ Stormwater Management Program (SWMP) documentation.

This Permit becomes effective **December 31, 2018**.*

This Permit and the authorization to discharge expires at midnight, **insert date**.*

The Permittees must reapply for authorization to discharge on or before **insert date**,* (180 days before expiration of this Permit), pursuant to Part 8.2 (*Duty to Reapply*), if the Permittees intend to continue operation and discharges from the MS4 beyond the term of this Permit.

Signed this day of

Daniel D. Opalski, Director
Office of Water and Watersheds

* All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.

SCHEDULE

1. Stormwater Management Program Document

Post SWMP Document(s) on at least one publicly accessible website - See Part 2.5.5 and Part 3.1.8

[Insert Date Of 1st Yr Annual Report]*

Update the SWMP Document to describe implementation of relevant requirements for discharges to impaired waters - See Part 4.

[Insert Date Of 2nd Yr Annual Report]*

2. Stormwater Management Program Control Measures

Begin Education & Outreach Activities - See Part 3.1

[1 Year From Effective Date]*

Implement all SWMP Control Measures in Part 3.

[Insert 180 Days Before Expiration]*

3. Alternative Control Measure Requests

See Part 2.6 and Part 4.

[Insert Effective Date + 180 Days]*

4. Monitoring/Assessment Plan

Submit a Monitoring/Assessment Plan

[Insert Effective date + 180 days]*

See Part 2.6, and Part 4.

Conduct Monitoring/Assessment Activity

[Insert 180 Days before Expiration]*

5. Pollutant Reduction Activities for Discharges to Impaired Waters

Submit description of selected Pollutant Reduction Activities; See Part 2.6, and Part 4.

[Insert Effective Date + 180 Days]*

Implement least two (2) pollutant reduction activities.

[Insert 180 Days Before Expiration]*

6. Annual Report

See Part 6.4, and Table 6.4.1

[Insert Reporting Period + 61 Days]

7. Twenty-Four Hour Notice of Noncompliance.

*Permittees must report certain noncompliance by phone.
See Part 7.9.*

Within 24 hours from when Permittee becomes aware of circumstances

8. NPDES Permit Renewal Application

See Part 8.2.

[Insert 180 Days Before Expiration]*

** All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.*

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ACRONYMS

| | |
|-------|--|
| ACM | Alternative Control Measure |
| BMP | Best Management Practice |
| CFR | Code of Federal Regulations |
| CGP | Construction General Permit, i.e., the most current version of the <i>NPDES General Permit for Stormwater Discharges from Construction Activities in Idaho</i> |
| CWA | Clean Water Act |
| ERP | Enforcement Response Policy |
| EPA | United States Environmental Protection Agency, Region 10 |
| FR | Federal Register |
| GIS | Geographic Information System |
| IDA | Idaho Department of Agriculture |
| IDAPA | Idaho Administrative Procedures Act |
| IDEQ | Idaho Department of Environmental Quality |
| LCSC | Lewis-Clark State College |
| LA | Load Allocation |
| µg/L | Micrograms per Liter |
| mg/L | Milligrams per Liter |
| MEP | Maximum Extent Practicable |
| ML | Minimum Levels |
| MS4 | Municipal Separate Storm Sewer System |
| MSGP | Multi-Sector General Permit, i.e., the most current version of the <i>NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities in Idaho</i> |
| NPDES | National Pollutant Discharge Elimination System |
| O&M | Operation and Maintenance |
| OWW | EPA Office of Water and Watersheds |
| pg/L | Picograms per Liter |
| PCBs | Polychlorinated Biphenyls (PCBs) |
| PDF | Portable Document Format |
| POTW | Publicly Owned Treatment Works |
| QAPP | Quality Assurance Project Plan |
| QA/QC | Quality Assurance/Quality Control |
| SWMP | Stormwater Management Program |
| SWPPP | Stormwater Pollution Prevention Plan |
| TEQ | Toxic Equivalency |
| TMDL | Total Maximum Daily Load |
| TSS | Total Suspended Solids |
| US | United States |
| USC | United States Code |
| WA | Washington |
| WDOE | Washington Department of Ecology |
| WLA | Wasteload Allocation |

1 APPLICABILITY

1.1 Permit Area

This Permit covers all areas within the Lewiston Urbanized Area (see Part 9, *Definitions*) served by the municipal separate storm sewer system (MS4) owned and/or operated by the City of Lewiston and the Lewis-Clark State College (collectively referred to as the Permittees).

1.2 Discharges Authorized Under this Permit.

During the effective dates of this Permit, the Permittees are authorized to discharge stormwater to waters of the United States from all portions of the MS4 identified in Part 1.1, subject to the conditions set forth herein.

Pursuant to Part 2.4. below, this Permit also conditionally authorizes the discharges from the Permittees' MS4s that are categorized as allowable non-stormwater discharges.

2 LIMITATIONS AND CONDITIONS

2.1 Compliance with Water Quality Standards

If the Permittees comply with all the terms and conditions of this Permit, it is presumed that the Permittees are not causing or contributing to an excursion above the applicable Idaho Water Quality Standards.

If monitoring or other information shows that a pollutant in one or more Permittee's MS4 discharge is causing or contributing to an excursion above the applicable Idaho Water Quality Standard, the Permittee(s) must comply with the notification and other requirements outlined in Part 5 (*Required Response to Excursions of Idaho Water Quality Standards*), except where a pollutant of concern in the MS4 discharge is subject to the requirements of Part 4 (*Special Conditions for Discharges to Impaired Waters*) or is the result of an illicit discharge and subject to the Permittee(s) response as outlined in Part 3.2.6 (*Follow-up*).

2.2 Snow Disposal to Receiving Waters

The Permittees are not authorized to dispose of snow plowed in 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 Permit only when such practices and disposal sites are conducted, operated, designed, and maintained to reduce pollutants in the discharges pursuant to Part 3.5 (*Pollution Prevention/Good Housekeeping for MS4 Operations*) so as to avoid excursions above the Idaho Water Quality Standards.

2.3 Stormwater Discharges Associated with Industrial or Construction Activity

The Permittees are not authorized to discharge stormwater associated with industrial activity (as defined in 40 CFR §122.26(b)(14)), and/or stormwater associated with construction activity (as defined in 40 CFR §122.26(b)(14)(x) and (b)(15)), unless the discharges are otherwise authorized under 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.

2.4 Non-Stormwater Discharges

The Permittees are not authorized to discharge non-stormwater from the MS4, except where such discharges satisfy one of the following conditions:

- 2.4.1 The non-stormwater discharge is in compliance with a separate NPDES permit; or
- 2.4.2 The discharge originates from emergency firefighting activities; or
- 2.4.3 The non-stormwater discharge results from a spill, and/or is 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
- 2.4.4 The non-stormwater discharge consists 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
- 2.4.5 The non-stormwater discharge falls under one of the allowable categories listed in Part 2.4.5.1 below, and the discharge is not a source of pollution to waters of the United States as defined in Part 2.4.5.2.

2.4.5.1 Categories of Allowable Non-Stormwater Discharges include:

- 2.4.5.1.1 Uncontaminated water line flushing;
- 2.4.5.1.2 Landscape irrigation (provided all pesticides, herbicides and fertilizer have been applied in accordance with manufacturer's instructions);
- 2.4.5.1.3 Diverted stream flows;
- 2.4.5.1.4 Uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(20)) to separate storm sewers;
- 2.4.5.1.5 Rising ground waters;
- 2.4.5.1.6 Uncontaminated pumped ground water;
- 2.4.5.1.7 Discharges from potable water sources;
- 2.4.5.1.8 Foundation drains and footing drains (where flows are not contaminated with process materials such as solvents);
- 2.4.5.1.9 Uncontaminated air conditioning or compressor condensate;
- 2.4.5.1.10 Irrigation water;
- 2.4.5.1.11 Springs;
- 2.4.5.1.12 Water from crawlspace pumps;
- 2.4.5.1.13 Lawn watering;
- 2.4.5.1.14 Individual residential car washing;
- 2.4.5.1.15 Flows from riparian habitats and wetlands;
- 2.4.5.1.16 Dechlorinated swimming pool discharges;
- 2.4.5.1.17 Routine external building washdown which does not use detergents;
- 2.4.5.1.18 Street and pavement washwaters 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
- 2.4.5.1.19 Fire hydrant flushing.

2.4.5.2 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 contains:

- 2.4.5.2.1 Hazardous materials in concentrations found to be of public health significance or to impair beneficial uses in receiving waters. (“*Hazardous materials*” is defined in IDAPA 58.01.02.010.47 and Part 9 of this Permit); and/or
- 2.4.5.2.2 Toxic substances in concentrations that impair designated beneficial uses in receiving waters. (“*Toxic substances*” is defined at IDAPA 58.01.02.010.102 and Part 9 of this Permit); and/or
- 2.4.5.2.3 Deleterious materials in concentrations that impair designated beneficial uses in receiving waters. (“*Deleterious materials*” is defined at IDAPA 58.01.02.010.21 and Part 9 of this Permit); and/or
- 2.4.5.2.4 Radioactive materials or radioactivity at levels exceeding the values listed in 10 CFR § 20 in receiving waters; and/or
- 2.4.5.2.5 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
- 2.4.5.2.6 Excessive nutrients that can cause visible slime growths or other nuisance aquatic growths that impair designated beneficial uses in receiving waters; and/or
- 2.4.5.2.7 Oxygen-demanding materials in concentrations that would result in anaerobic water conditions in receiving waters; and/or
- 2.4.5.2.8 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
- 2.4.5.2.9 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.

2.5 Permittee Responsibilities

2.5.1 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 Permit requires the specific Permittee to take an action.

2.5.2 Joint Responsibility and Joint Agreements

Permittees may elect to work together in joint agreement under this Permit; as such, each Permittee is jointly responsible for compliance with this Permit:

- 2.5.2.1 Related to portions of the MS4 where operational or stormwater management control measure implementation authority has been transferred from one

Permittee to another, in accordance with the written and enforceable agreement between the co-Permittees as described in this Part;

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

2.5.2.3 Related to the submission of reports or other documents required by Parts 4, 5 and 6 of this Permit; and

2.5.2.4 Where this Permit requires action, and a specific Permittee is not named.

The 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 Permit, and identify all aspects of stormwater management where the entities will share implementation responsibility, including the areas served by the MS4(s) where the co-Permittees agree to share such responsibility.

Any previously signed agreement may be updated, as necessary, to comply with this requirement. Any such agreement must be described in the Permittees' SWMP Document (Part 2.5.5, *SWMP Document*), and a copy of the agreement between Permittees related to this Permit must be available to the EPA and/or IDEQ upon request.

The Permittees remain responsible for compliance with the permit obligations if the other entity fails to implement the stormwater management control measure (or component thereof).

2.5.3 Shared Implementation with Outside Entities.

The Permittee(s) may share or delegate implementation of one or more of the stormwater management control measures to an entity other than one covered by this Permit. One or more Permittees may rely on another entity if:

2.5.3.1 The other entity, in fact, implements the stormwater management control measure, or component thereof;

2.5.3.2 The particular stormwater management control measure, or component thereof, is at least as stringent as the corresponding Permit requirement; and

2.5.3.3 The other entity agrees to implement the stormwater management control measure, or component thereof, on the Permittee's behalf.

The Permittee(s) and the outside entity must maintain a written and binding agreement between the parties. The written agreement must describe each organization's respective roles and responsibilities related to this Permit, and identify all aspects of stormwater management where the entities will share or delegate implementation responsibility. Any previously signed agreement may be updated, as necessary, to comply with this requirement. Any such agreement must be described in the Permittees' SWMP Document (Part 2.5.5., *SWMP Document*), and a copy of the agreement between parties must be available to the EPA and/or IDEQ upon request. The Permittees remain responsible for compliance with the permit obligations if the other entity fails to implement the stormwater

management control measure (or component thereof).

2.5.4 Maintain Adequate Legal Authority

The Permittees must maintain relevant ordinances or other regulatory mechanisms to control pollutant discharges into and from its MS4 and comply with this Permit.

In the SWMP Document required by Part 2.5.5, the Permittees must summarize all of their legal authorities that address the six criteria listed below.

If existing ordinances or regulatory mechanisms are insufficient to meet the criteria, the Permittees must adopt new ordinances or mechanisms. If the Permittee does not have the authority to adopt ordinances, the Permittee must utilize all relevant regulatory mechanisms available to it as allowed pursuant to applicable Idaho law. In such cases, the Permittees must report on its progress towards adopting its ordinances, or utilizing available regulatory mechanisms, in each Annual Report required by Part 6.4.2.

No later than **(180 days before Permit Expiration Date)**,* and to the extent allowable pursuant to authority granted the Permittees under applicable Idaho law, the Permittees must develop and/or update (as needed) relevant ordinance or other regulatory mechanisms to:

- 2.5.4.1 Prohibit and eliminate, through statute, ordinance, policy, permit, contract, court or administrative order, or other similar means, illicit discharges to the MS4;
- 2.5.4.2 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 stormwater, pursuant to Part 3.2.3 (*Illicit Discharge Detection and Elimination –ordinance*);
- 2.5.4.3 Control the discharge of stormwater and pollutants from land disturbance and development, both during the construction phase and after site stabilization has been achieved, consistent with Parts 3.3 (*Construction Site Runoff Control Program*) and 3.4 (*Stormwater Management for Areas of New Development and Redevelopment*);
- 2.5.4.4 Control through interagency agreements among Permittees as necessary or appropriate, the contribution of pollutants from one MS4 to another interconnected MS4;
- 2.5.4.5 Require compliance with conditions in ordinances, permits, contracts, or orders; and
- 2.5.4.6 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.

2.5.5 SWMP Document.

The Permittees must maintain at least one a written SWMP document, or individual documents, to describe in detail how the Permittees will comply with the required stormwater management (or SWMP) control measures in this Permit. As necessary the SWMP Document must be updated and must describe the Permittees' interim schedule(s) for implementation of any SWMP control measure components to be developed during the term of this Permit. The SWMP Document(s) may be organized according to the outline

* All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.

provided in Appendix B.

No later than **[Insert Date of 1st year Annual Report Deadline]**,* the Permittees' SWMP Document must be completed and made available through the website(s) required in Part 3.1.8 (*Publicly Accessible Website*).

No later than **[Insert Date of 2nd year Annual Report Deadline]**,* the Permittees must update their SWMP Document to describe their intended implementation of relevant requirements specified in Part 4 including any associated interim implementation date(s). See Part 4 (*Special Conditions for Discharges to Impaired Waters*).

The Permittees must submit to the EPA and IDEQ an updated SWMP Document with the Permit Renewal Application. See Part 8.2.1.

2.5.6 SWMP Information and Statistics

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

2.5.7 SWMP Resources

The Permittees must provide adequate finances, staff, equipment and other support capabilities to implement the control measures and other requirements outlined in this Permit.

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

The Permittees must implement the required SWMP control measures of this Permit in all new areas added or transferred to the Permittees' MS4s (or for which one or more Permittees become responsible for implementation of SWMP control measures) as expeditiously as practicable, but not later than one (1) year from addition of the new areas. The Permittees must notify the EPA and IDEQ in the next Annual Report of any additions or changes, and schedules for implementation in new areas, and must update their SWMP Document accordingly.

2.5.9 Best Management Practice (BMP) Selection.

When selecting BMPs to implement the required SWMP control measures of this Permit, the Permittees must consider and, if practicable, utilize practices identified in the most recent version of the Idaho Department of Environmental Quality's *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties* (http://www.deq.idaho.gov/media/622263_Stormwater.pdf).

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2.6 Alternative Control Measure Requests

2.6.1 General Requirement.

The Permittees may request that the EPA and IDEQ consider any alternative documents, plans, or programs that the Permittees believe to be equivalent to a required SWMP control measure, or control measure component, specified in Part 3 or Part 4 of this Permit.

Alternative documents, plans, or programs must be submitted pursuant to Part 2.6.3 (*Content of ACM Request*) for the EPA and IDEQ review and consideration no later than **[180 days from Permit Effective Date].***

2.6.2 Actions to Address Discharges to Impaired Waters

For the purposes of this Permit, an Alternative Control Measure (ACM) also includes the Permittees' individual or collective actions to address discharges to impaired waters as specified in Part 4 (*Special Conditions for Discharges to Impaired Waters*).

As specified in Part 4.2, the Permittees must submit at least one Monitoring/Assessment Plan to assess pollutant discharges, and a written description of at least two (2) Pollutant Reduction Activities to address expectations in the Total Maximum Daily Load analyses for Tammany Creek and Lindsay Creek. These documents must be submitted pursuant to Part 2.6.3 for the EPA review and consideration no later than **[180 days from Permit Effective Date].***

2.6.3 Content of Alternative Control Measure Request

In support of its ACM Request, the Permittees must submit a complete copy of the relevant alternative document, plan, or program, and include:

- 2.6.3.1 A detailed written discussion identifying the original required minimum SWMP control measure or control measure component, that is addressed by the Permittees' submittal, and the reasons, rationale, citations, and/or references sufficient to demonstrate that the alternative document, plan, or program meets or exceeds the requirements of the SWMP control measure or control measure component it is meant to replace;
- 2.6.3.2 A detailed schedule the Permittees intend to follow to enact the ACM in its jurisdiction prior to the expiration date of this Permit; and
- 2.6.3.3 A description of any local public notice or public engagement process, including relevant results of such public engagement, that the Permittees conducted regarding the ACM prior to submittal.

2.6.4 Recognition of Alternative Control Measures

Upon receipt of a Permittees' ACM Request and in consultation with IDEQ, the EPA will assess if the document, plan, or program meets the requirements of this Permit to be deemed equivalent to the SWMP control measure or control measure component.

If the EPA determines that the document, plan, or program meets the requirements of this Permit, the EPA will modify this Permit to reference the ACM. When new, specific permit

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terms or conditions are warranted, the EPA will notify the Permittees and the public of its intent to add such terms or conditions to this Permit. The EPA will accept public comment for a minimum of 30 days on additional permit terms or conditions pursuant to 40 CFR §§ 122.62 and 124.

As specified in Part 8.1 (*Permit Actions*), a Permittees' ACM Request does not stay any permit condition, and does not replace the required minimum control measure or control measure component until the EPA completes a permit revision procedure as outlined above. Upon completion of a permit revision procedure outlined above, the EPA will notify the Permittees, in writing, of its final decision to authorize the Permittees' ACM.

3 STORMWATER MANAGEMENT PROGRAM (SWMP) CONTROL MEASURES

3.1 Public Education and Outreach on Stormwater Impacts

The Permittees must conduct, or contract with other entities to conduct, an ongoing education, outreach, and public involvement program based on stormwater issues of significance in the Permittees' jurisdictions. When applicable, the Permittees must comply with State and local public notice requirements when conducting public involvement activities.

3.1.1 Compliance Dates

No later than **[One year from Effective Date]**,* the Permittees must begin implementation of the required components described in Parts 3.1.2 through 3.1.8 below.

- 3.1.1.1 If one or more of the Permittees seek to comply with any SWMP control measure component, or combination of components, in this Part using one or more ACMs, the Permittee(s) must submit a request in accordance with Part 2.6 (*Alternative Control Measure Requests*) no later than **[180 days from Permit Effective Date]***.

3.1.2 Conduct an Education, Outreach and Public Involvement Program

The Permittees' education and outreach program must include coordination and educational efforts targeting at least one of the four audiences listed in Part 3.1.4 below. The goal of the education and outreach program is to reduce the behaviors and practices that cause or contribute to adverse stormwater impacts on receiving waters by increasing audience understanding of actions they can take to prevent pollutants in stormwater runoff entering the MS4 and into local receiving waters.

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

To be considered adequate, the Permittees' implementation of the education, outreach and public involvement program must include the activities in Parts 3.1.3 through 3.1.8 below.

3.1.3 Stormwater Education Activities

The Permittees must distribute and/or offer at least eight (8) educational messages or activities over the permit term to the selected audience(s) identified in Part 3.1.4 below.

Educational messages or activities may include 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 educational events; or other viable format. The Permittees may use existing materials if the materials convey the message the Permittees choose to deliver. The Permittees may develop its own educational materials and means of delivering its message(s). Based on the target audience's demographic, the Permittees must consider delivering its selected messages and/or activities in an appropriate manner in language(s) other than English.

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3.1.4 Target Audience(s) and Topics

The Permittees must, at a minimum, select at least one audience and focus its efforts on conveying relevant messages using one or more of the topics listed below for the selected target audience. Topics listed are not exclusive, and the Permittees may focus their efforts on one or more audience(s) and 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 audience” is clarified to mean any employees, consultants, students, clients, or members of the public for whom the Permittee provides its services.

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

- General impacts of stormwater 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.

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

- General impacts of stormwater 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.

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

- General impacts of stormwater flows into surface water, and appropriate actions to prevent adverse impacts;
- Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts;
- Stormwater treatment and volume control practices;
- Technical standards for stormwater 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.

3.1.4.4 Elected Officials, Land Use Policy and Planning Staff

- General impacts of stormwater 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.

3.1.5 Assessment

The Permittees must begin to assess, or participate in one or more efforts to assess, the understanding of the relevant messages and adoption of appropriate behaviors by their target audience(s). The resulting assessments must be used to direct future stormwater education and outreach resources most effectively. Information summarizing the Permittees' incremental assessment of any specific education, outreach and/or public involvement activities conducted over the relevant reporting period must be included in each Annual Report.

3.1.6 Tracking

The Permittees must track and maintain records of their education, outreach and public involvement activities and include descriptive summary of their activities in the

corresponding Annual Report.

3.1.7 Education on SWMP Control Measures

For each SWMP control measure listed below, the Permittees must provide educational opportunities and materials for appropriate audiences in their jurisdiction.

3.1.7.1 Outreach/Training on Construction Site Control Measures: At least twice during the Permit term, the Permittees must provide educational materials for construction operators working in their jurisdiction pertaining to the Permittees' requirements for appropriate selection, design, installation, use and maintenance of required construction site controls imposed by the Permittees as described in Part 3.3.3.

3.1.7.2 Outreach/Training on Permanent Stormwater Controls: At least twice during the Permit term, the Permittees must provide opportunity and/or conduct training sufficient to educate and ensure that engineers, site designers, and/or other locally appropriate audiences working in their jurisdiction are aware and informed of appropriate selection, design, installation, use, and maintenance of permanent stormwater controls imposed by the Permittees as described in Part 3.4.3.

3.1.8 Publicly Accessible Website

The Permittees must maintain and promote at least one publicly-accessible website with information on the Permittees' collective SWMP implementation, points of contact, and educational materials for audience(s) listed in Part 3.1.4. The website must be updated at least annually prior to the submittal of Annual Reports to the EPA, and/or as new material is available. The Permittees' joint website must incorporate the following minimum features:

- 3.1.8.1 Phone numbers, and/or other direction** to assist the public to report illicit discharges, illicit connections, and illegal dumping activity;
- 3.1.8.2 Reports, plans, strategies, or documents** generated by the Permittees in compliance with this Permit, in draft form when the Permittee is soliciting input from the public, and in final form when the document is completed;
- 3.1.8.3 Information regarding ordinances, policies and/or guidance** documents related to each Permittee's requirements for construction and permanent stormwater management control, including education opportunities, training, licensing, and/or permitting process for the individual Permittee's jurisdiction; and
- 3.1.8.4 Permittee contact information**, including phone numbers for relevant staff, mailing addresses, and electronic mail addresses.

3.2 Illicit Discharge Detection and Elimination

The Permittees must implement and enforce a program to detect and eliminate illicit discharges into the MS4, to the extent allowable pursuant to authority granted the individual Permittee under Idaho law.

An illicit discharge is any discharge to an MS4 that is not composed entirely of stormwater. Any exceptions are conditional as identified in Part 2.4 (*Non-stormwater Discharges*).

3.2.1 Compliance Dates

No later than **[180 days before Permit Expiration Date]**,* the Permittees must revise and update their existing illicit discharge management program as necessary to include the required components described in Parts 3.2.2 through 3.2.9 below.

- 3.2.1.1 If one or more of the Permittees seek to comply with any SWMP control measure component, or combination of components in this Part using one or more ACMs, the Permittee(s) must submit a request in accordance with Part 2.6 (*Alternative Control Measure Requests*) no later than **[180 days from Permit Effective Date]***.

3.2.2 MS4 Map and Outfall Inventory

The Permittees must update, or develop if not already completed, their individual or collective map of their MS4(s) and all associated outfall locations under its operational control in the Permit Area.

The Permittees must maintain at least one outfall and interconnection inventory to accompany the MS4 map(s). The purpose of the inventory is to identify each outfall and interconnection discharging from the individual Permittee's MS4; record its location (by latitude and longitude) and overall physical condition; and provide a framework for the Permittees to track its outfall inspections, dry weather discharge screenings, maintenance, and other activities required by this Permit.

The Permittees may integrate these efforts into any existing asset management program, provided the Permittee(s) explain their management approach in the SWMP Document required by Part 2.5.5.

No later than (**180 days before Permit Expiration Date**),* an electronic GIS version of the MS4 map, and the accompanying Outfall Inventory, must be submitted to the EPA and IDEQ as part of the Permit Renewal Application required by Part 8.2. Prior to this date, all available GIS data layers must be shared with the EPA and/or IDEQ upon request.

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

- 3.2.2.1 Location of all inlets, catch basins, and outfalls owned/operated by the Permittee, including a unique identifier for each outfall, spatial location (latitude

* All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.

and longitude, with a minimum accuracy of +/-30 feet), and general information regarding dimensions, shape, material (concrete, PVC, etc.);

- 3.2.2.2 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;
- 3.2.2.3 Location of structural flood control devices, if different from the characteristics listed above;
- 3.2.2.4 Names and locations of 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;
- 3.2.2.5 Location of all existing permanent stormwater controls which are part of the MS4 owned and/or operated by the Permittee, including structural or treatment controls (e.g., detention and retention basins, infiltration systems, bioretention areas, swales, oil/water separators and/or other proprietary systems);
- 3.2.2.6 Location and characteristics of any MS4 outfalls with ongoing dry weather flows identified by the Permittee as being caused by irrigation return flows and/or groundwater seepage; and
- 3.2.2.7 Location of Permittee-owned vehicle maintenance facilities, material storage facilities, maintenance yards, and snow disposal sites; Permittee-owned or operated parking lots and roads in areas served by the MS4.

3.2.3 Ordinance and/or other regulatory mechanisms

The Permittees must prohibit non-stormwater discharges into the MS4 (except those conditionally allowed by Part 2.4) through enforcement of an ordinance or other regulatory mechanism to the extent allowable under Idaho state law. The Permittees 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:

- 3.2.3.1 Authorize the Permittee to control and respond to the discharge of spills into the MS4 to the extent allowable pursuant to authority granted the individual Permittee under Idaho law;
- 3.2.3.2 Authorize the Permittee to prohibit illicit connections, and the dumping or disposal of materials other than stormwater, into the MS4; and
- 3.2.3.3 Authorize the Permittee to prohibit, and eliminate, at a minimum, the following discharges to the MS4 to the extent allowable pursuant to authority granted the individual Permittee under Idaho law:
 - 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.).

3.2.4 Illicit Discharge Complaint Report and Response Program

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

- 3.2.4.1 **Receipt of Complaints or Reports from the Public:** The Permittees must maintain a dedicated telephone number, email address, and/or other publicly available and accessible means (in addition to the website required in Part 3.1.8) 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(s). The Permittees' means of receiving complaints/reports from the public must be printed and/or advertised through the appropriate education, training, and public participation materials produced under Part 3.1 (*Education, Outreach and Public Involvement*).
- 3.2.4.2 **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 (2) working days.
- 3.2.4.3 **Tracking of Complaints or Reports and Actions Taken:** The Permittees 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(s) to address the complaint or report. Such program information must be summarized for the relevant reporting period and included in each Annual Report.

3.2.5 Dry Weather Outfall Screening Program

The Permittees must conduct a dry weather analytical and field screening monitoring program to identify non-stormwater flows from MS4 outfalls during dry weather. This program must emphasize screening activities to detect and identify illicit discharges and illegal connections, and to reinvestigate potentially problematic MS4 outfalls throughout the Permit Area defined in Part 1.1. At a minimum, this program must include the following SWMP control measure components:

- 3.2.5.1 **Outfall Identification and Screening Protocols:** The Permittees must use reconnaissance activities, information recorded through the complaint reporting program, and (if available) existing watershed assessment or Total Maximum Daily Load (TMDL) analyses, to prioritize and target outfalls for screening throughout their Permit Area defined in Part 1.1.

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

- 3.2.5.2 **Number of Outfalls to be Screened:** The Permittees must conduct visual dry weather screening of their MS4 outfalls, emphasizing those outfalls or portions of the MS4 that have not yet been inventoried or screened during the previous permit term.

Photos may be used to document and record the physical conditions associated with selected MS4 outfalls. If the individual MS4 outfall is dry (no flows or ponded runoff), the Permittees must also document and record such observations.

If the total number of MS4 outfalls in the Permit Area defined in Part 1.1 is less than 50, the Permittees must screen all outfalls at least annually.

If the total number of MS4 outfalls in the Permit Area defined in Part 1.1 is more than 50, the Permittees must screen a minimum of 50 outfalls annually.

- 3.2.5.3 **Monitoring of Illicit Discharges:** Where dry weather flows from the MS4 are identified by the Permittees, the Permittees must identify the source of such flows, and take appropriate action to eliminate the flows to the extent allowable pursuant to authority granted the individual Permittee under Idaho law. At a minimum, the Permittees must conduct sampling of dry weather flows via grab samples of the discharge for in-field analysis and identification, and may elect to use the following as indicator constituents: pH; total chlorine; detergents as surfactants; total phenols; *E. coli*; total phosphorus; turbidity; temperature; and suspended solids concentrations. 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 Permittees in accordance with existing protocols and the ordinance/regulatory mechanism established by the Permittees.

- 3.2.5.4 **Maintain Records of Dry Weather Outfall Screening Program:** In each Annual Report, the Permittees must include a general summary of the results

of dry weather screening program activities conducted over the preceding reporting period.

The Permittees 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, adjacent 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 to the extent allowable pursuant to authority granted the individual Permittee under Idaho law; and/or completed follow-up actions taken by the Permittee.

3.2.6 Follow-up

Within thirty (30) days of its detection, the Permittees must investigate recurring illicit discharges identified as a result of complaints, or identified as a result of the dry weather screening investigations and sampling, to determine the source of such discharge.

The Permittees must take appropriate action to address the source of an ongoing illicit discharge within sixty (60) days of its detection, to the extent allowable to the Permittee(s) under Idaho law.

3.2.6.1 For each MS4 outfall where the ongoing dry weather discharge is identified by the Permittees as being associated with irrigation return flows and/or groundwater seepage, “*appropriate action*” means, at a minimum, the Permittees must include documentation in the next Annual Report of the MS4 outfall location, and the facts supporting the Permittees’s determination that the source is from either irrigation return flows or groundwater seepage. See also Permit Part 3.2.2.6.

3.2.6.2 As part of the Permit Renewal Application required by Part 8.2, the Permittees must include the complete list of all Permittee-identified MS4 outfall locations with ongoing dry weather flows associated with irrigation return flows and/or groundwater seepage.

3.2.7 Prevention and Response to Spills to the MS4

The Permittees must maintain written spill response procedures, and must coordinate their own spill prevention, containment, and response activities with the appropriate departments, programs, and agencies in the Permit Area to prevent spill related discharges from the MS4 to waters of the U.S. The Permittees must respond to, contain, and clean up any spill of sewage and other material that may discharge into the MS4 from any source (including private laterals and/or failing septic systems) in the Permit Area to the extent allowable pursuant to authority granted the individual Permittee under Idaho law.

3.2.7.1 The Permittees must immediately report all spills of hazardous material, deleterious material, or petroleum products which may impact waters (ground and surface) of the State, as directed in Part 7.9 (*Twenty-four Hour Notice of Noncompliance Reporting*) and Appendix A.2 (*Reporting of Discharges Containing Hazardous Materials or Deleterious Material*).

3.2.8 Proper Disposal of Used Oil and Toxic Materials

The Permittees must coordinate with appropriate local entities to educate the Permittees' employees and members of the public of the proper management, disposal, or recycling of used oil, vehicle fluids, toxic materials, and other household hazardous wastes in the Permittee's jurisdiction.

3.2.9 Illicit Discharge Detection and Elimination Training for Staff

The Permittees must ensure that all persons responsible for investigating, identifying and eliminating illicit discharges and illicit connections into the MS4 are appropriately trained to conduct such activities. At a minimum, the Permittees' 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.

The Permittees must provide orientation and training for new staff working on illicit discharge detection and elimination issues in the first six (6) months of employment.

If the Permittees utilize outside parties to perform illicit discharge detection and elimination actions, outside staff must be appropriately trained to conduct such activities.

This training may be coordinated/combined with other Permittee staff education and training requirements in Parts 3.3.7 (*Construction Runoff Control Training for Staff*), 3.4.7 (*Permanent Stormwater Control Training for Staff*); and 3.5.10 (*Stormwater Pollution Prevention/Good Housekeeping Training for Staff*).

3.3 Construction Site Runoff Control

3.3.1 Compliance Dates

No later than **[180 Days before Expiration Date]**,* the Permittees must update its existing construction site runoff control requirements to enact control measure components in Parts 3.3.2 through 3.3.7 below.

- 3.3.1.1 If one or more of the Permittees seek to comply with any SWMP control measure component, or combination of components, in this Part using one or more ACMs, the Permittee(s) must submit a request in accordance with Part 2.6 (*Alternative Control Measure Requests*) no later than **[180 days from Permit Effective Date]***.

3.3.2 Ordinance and/or other regulatory mechanism.

Through ordinance or other regulatory mechanism to the extent allowable under Idaho state law, the Permittees must require erosion controls, sediment controls, and waste materials management controls to be used 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 effective controls to reduce pollutants in stormwater discharges to the MS4 from sites in the Permittee's jurisdiction, as described in Part 3.3.3. The Permittees must require construction site operators to submit construction site plans for projects disturbing one or more acres for Permittee review, as described in Part 3.3.4. The Permittees must use inspections and enforcement actions (for example, written warnings, stop work orders and/or fines) to ensure compliance, as described in Part 3.3.5 below, and must maintain a written enforcement response policy, as described in Part 3.3.6.

- 3.3.2.1 **Compliance with Other NPDES Permit Requirements:** For construction projects in the Permittees' jurisdictions that disturb one or more acres (including projects that disturb less than one acre but are part of a common plan of development or sale that disturb one or more acres), the Permittees must refer project site operators to obtain NPDES permit coverage under the current version of the Idaho CGP. See also Part 2.3 (*Stormwater Discharges Associated with Industrial or Construction Activity*).

3.3.3 Construction Site Runoff Control Specifications

The Permittees must require construction site operators to use erosion, sediment, and waste material management controls at construction project sites that result in land disturbance of greater than or equal to one (1) acre, including construction project sites less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more. The Permittees may define appropriate controls for different types and/or sizes of construction activity occurring in their jurisdiction.

The Permittees must maintain written specifications that address the proper installation and maintenance of such controls during all phases of construction activity occurring in their jurisdiction. The Permittees may adopt specifications created by another entity which

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complies with this Part. Construction site runoff control specifications must consist of:

- 3.3.3.1 Requirements for use of erosion control, sediment control, and waste materials management/pollution prevention practices that complement, and do not conflict with, the current version of the Idaho CGP;
- 3.3.3.2 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
- 3.3.3.3 Specifications for long term operation and maintenance of such construction site runoff control practices to ensure that the control practices continue to perform as designed, including appropriate inspection interval and self-inspection checklists for use by the responsible party/construction site operator.

3.3.4 Preconstruction Site Plan Review

At a minimum, the Permittees must review preconstruction site plans from construction project site activity that will result in land disturbance of one (1) or more acres, including construction project site activity less than one acre that is part of a larger common plan of development or sale that would disturb one acre or more, using a checklist or similar process to determine compliance with the ordinance or other regulatory mechanism required by Part 3.3.2.

The Permittees must use individuals knowledgeable in the technical understanding of erosion, sediment, and waste material management controls to conduct such preconstruction site plan reviews.

Site plan review procedures must include consideration of the site's potential water quality impacts, and must provide an opportunity for the public to submit information about whether the site plan under consideration demonstrates compliance with the ordinance or other regulatory mechanism required by Part 3.3.2.

The Permittees must ensure that any preconstruction site plan contains site-specific measures that meet the Permittee's runoff control specifications as outlined in Part 3.3.3 above, and includes any permanent stormwater management controls as outlined in Part 3.4.3 (*Permanent Stormwater Control Specifications*).

3.3.5 Construction Site Inspection and Enforcement

At a minimum, the Permittees must inspect construction sites in their jurisdiction that disturb one (1) or more acres, including construction project site activity less than one (1) acre that is part of a larger common plan of development or sale that disturbs one (1) acre or more, to ensure compliance with the Permittee's applicable requirements required by this Part.

The Permittees must establish an inspection prioritization system to identify the minimum frequency and type of inspections, using such factors as project type, total area of disturbance, location, and potential threat to water quality. The Permittees must describe its construction site inspection prioritization system in the SWMP Document required by Part 2.5.5. In each Annual Report, the Permittees must summarize the nature and number of

site inspections, follow-up actions, and any subsequent enforcement actions conducted during the relevant reporting period.

Based on the findings of individual site inspections, the Permittees must take follow-up actions (i.e., re-inspection, enforcement) to ensure compliance with its applicable requirements.

Construction site inspections conducted by the Permittees, or their designated representative, must include, but not be limited to:

- 3.3.5.1 A review of the site plan to determine if the intended control measures were installed, implemented, and maintained;
- 3.3.5.2 An assessment of the site's compliance with the Permittee's ordinances/requirements, including the implementation and maintenance of required control measures;
- 3.3.5.3 Visual observation of any existing or potential non-stormwater discharges, illicit connections, and/or discharge of pollutants from the site, and recommendations to the site operator for follow-up if needed;
- 3.3.5.4 Education or instruction to the construction site operator related to additional stormwater pollution prevention practices, if needed; and
- 3.3.5.5 A written or electronic inspection report.

3.3.6 Enforcement Response Policy for Construction Site Runoff Control

The Permittees must develop, implement and maintain a written escalating enforcement response policy (ERP) or plan appropriate to its organization. The Permittees must submit the ERP for construction site runoff control to the EPA and IDEQ with the Permit Renewal Application no later than **(180 days before Permit Expiration Date)***.

- 3.3.6.1 The ERP for City of Lewiston must address enforcement of construction site runoff controls for all construction projects in their jurisdiction, to the extent allowable under Idaho State law.
- 3.3.6.2 The ERP for Lewis Clark State College must address the enforcement of construction site runoff controls for all construction projects in their jurisdiction, through the use of contracts, to the extent allowable under Idaho State law.
- 3.3.6.3 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 their available techniques to ensure compliance, such as: verbal warnings; written notices; escalated enforcement measures such as stop work orders, monetary

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penalties; and/or other escalating measures to the extent allowable under Idaho State law.

3.3.7 Construction Runoff Control Training for Staff

The Permittees must ensure that all persons responsible for preconstruction site plan review, site inspections, and enforcement of the Permittee's requirements are trained or otherwise qualified to conduct such activities.

The Permittees must provide training for new staff working on construction runoff control issues in the first six (6) months of employment.

If the Permittees utilize outside parties to review plans and/or conduct inspections, outside staff must be trained or otherwise qualified to conduct such activities.

This training may be coordinated/combined with other Permittee staff education and training requirements in Parts 3.2.9 (*Illicit Discharge Detection and Elimination Training for Staff*); 3.4.7 (*Permanent Stormwater Control Training for Staff*); and 3.5.10 (*Stormwater Pollution Prevention/Good Housekeeping Training for Staff*).

3.4 Post-Construction Stormwater Management for New Development and Redevelopment

3.4.1 Compliance Dates

No later than **[180 Days before Permit Expiration Date]*** the Permittees must update their existing controls to impose the required SWMP control measure components in Parts 3.4.2 through 3.4.7 below.

- 3.4.1.1 If one or more of the Permittees seek to comply with any SWMP control measure component, or combination of components, in this Part using one or more ACMs, the Permittee(s) must submit a request in accordance with Part 2.6 (*Alternative Control Measure Requests*) no later than **[180 days from Permit Effective Date]***.

3.4.2 Ordinance and/or other regulatory mechanism

Through ordinance or other regulatory mechanism to the extent allowable under Idaho state law, the Permittees must require the installation and long-term maintenance of permanent stormwater controls at new development and redevelopment project sites that result in land disturbance of greater than or equal to one (1) acre (including construction project sites less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more) and that discharge into the MS4.

Required permanent stormwater 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 pollutant removal expected by using onsite retention of runoff volume produced from a 24-hour, 95th percentile storm event.

- 3.4.2.1 **Treatment equivalent to the onsite stormwater design standard:** Using a continuous simulation hydrologic model or other comparable evaluation tool, the Permittee may establish stormwater treatment requirements which attain an equal or greater level of water quality benefits as onsite retention of stormwater discharges from new development and redevelopment sites. Such equivalent expressions of the onsite retention of the 95th percentile storm volume must be submitted to the EPA as an ACM Request pursuant to Part 2.6.
- 3.4.2.2 **Alternatives for Local Compliance.** The Permittees' ordinance and/or regulatory mechanism may allow alternatives for project operators to comply with the Permittees' onsite retention requirement at a particular site based on factors of technical infeasibility, and/or site constraints. Such feasibility or constraint 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 stormwater.
- 3.4.2.3 **Plan Review and Approval:** The ordinance and/or other regulatory mechanism must include procedures for the Permittees' review and approval of permanent stormwater control plans for new development and redevelopment

** All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.*

projects, consistent with Parts 3.3.4 (*Preconstruction Site Plan Review and Approval*) and 3.4.4 (*Permanent Controls Plan Review and Approval*).

3.4.3 Permanent Stormwater Controls Specifications

The Permittees must specify permanent stormwater controls for project sites in their jurisdiction to install for sites that result in land disturbance of greater than or equal to one (1) acre (including construction project sites less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more) and that discharge into the MS4. The Permittees may define appropriate controls for different types and/or sizes of site development activity occurring in their jurisdiction.

The Permittees must develop, or update as necessary, any written specifications to address proper design, installation, and maintenance of required permanent stormwater controls. A Permittee may adopt specifications created by another entity that complies with this Part.

The written specifications must include:

- 3.4.3.1 **Specifications** for the use of site-based practices suitable to local soils and hydrologic conditions;
- 3.4.3.2 **Acceptable control practices**, including sizing criteria, performance criteria, illustrations, design examples, and guidance on selection and location of practices; and
- 3.4.3.3 **Specifications for proper long term operation and maintenance**, including appropriate inspection interval and self-inspection checklists for responsible parties.

3.4.4 Permanent Stormwater Controls Plan Review and Approval

At a minimum, the Permittees must review and approve preconstruction plans for permanent stormwater controls at new development and redevelopment sites that result in land disturbance of greater than or equal to one (1) acre (including construction project sites less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more) and that discharge into the MS4. The Permittees must review plans for consistency with the ordinance/regulatory mechanism and specifications required by this Part. The Permittees must not approve or recommend for approval any plans for permanent controls that do not meet minimum requirements specified in their written specifications.

The Permittees must use individuals knowledgeable in the technical understanding of permanent stormwater controls to conduct such plan reviews.

3.4.5 Permanent Stormwater Controls Inspection and Enforcement

The Permittees must inspect high priority permanent stormwater controls at new development and redevelopment sites that result in land disturbance of greater than or equal to one (1) acre (including construction project sites less than one acre that are part of a larger common plan of development or sale that would disturb one acre or more) and that discharge into the MS4. The purpose of such inspections is to ensure proper installation,

and long-term operation and maintenance, of such controls.

The Permittees must establish an inspection prioritization system to identify sites for inspections of permanent control installation and operation. Factors to consider when establishing priority regarding where, and when, inspections occur must include, but are not limited to: size of new development or redevelopment drainage area; potential to discharge to portions of the MS4 discharging to impaired waters; sensitivity, and/or impairment status of receiving water(s); and history of non-compliance at the site during the construction phase.

- 3.4.5.1 Inspect High Priority Locations:** At a minimum, the Permittees must identify permanent stormwater controls at new development and redevelopment sites that result from land disturbance of at least one (1) or more acres as “high priority”, and schedule associated inspections to occur at least once annually. The inspections must determine whether permanent stormwater management or treatment practices have been properly installed (i.e., an “as built” verification). At appropriate intervals determined by the Permittees and established in compliance with Part 3.4.6 below, scheduled inspections must evaluate the ongoing operation and maintenance of such practices, identify deficiencies, and identify potential solutions to reduce negative water quality impacts to receiving waters. The Permittees must use inspection checklists, and maintain records of actions taken in response to inspections of permanent stormwater controls at high priority new development and redevelopment sites.
- 3.4.5.2 Enforce Requirements:** The Permittees must develop and implement an enforcement response policy similar to that required in Part 3.3.6 (*Enforcement Response Policy for Construction Site Runoff Control*) sufficient to ensure and maintain the functional integrity of permanent stormwater controls in their jurisdiction. The Permittees must submit the ERP for permanent stormwater controls to the EPA and IDEQ with the Permit Renewal Application no later than (**180 days before Permit Expiration Date**).

3.4.6 Operation and Maintenance (O&M) of Permanent Stormwater Controls

The Permittees must maintain a database inventory to track and manage the operational condition of permanent stormwater controls in its jurisdiction. All available data on existing permanent controls known to the Permittees must be included in the database inventory. At a minimum, the Permittees must begin tracking at the time the Permittee(s) takes ownership, using a database that incorporates geographic information system (GIS) information and/or developed in conjunction with the MS4 Map required in Part 3.2.2 (*MS4 Map and Outfall Inventory*). The tracking system must also include reference to the type and number of permanent stormwater controls; O&M requirements; activity and schedule; responsible party; and any applicable self-inspection schedule.

- 3.4.6.1 O&M Agreements:** Where parties other than the Permittees are responsible for the O&M of permanent stormwater controls, the Permittees should 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 stormwater control practices.

3.4.7 Permanent Stormwater Controls Training For Staff

The Permittees must ensure that all persons responsible for reviewing site plans for permanent stormwater controls, and/or for inspecting the installation and operation of permanent stormwater controls, are trained or otherwise qualified to conduct such activities.

The Permittees must provide training for new staff working on permanent stormwater control issues in the first six (6) months of employment.

If the Permittees utilize outside parties to review plans and/or conduct inspections, outside staff must be trained or otherwise qualified to conduct such activities.

This training may be coordinated/combined with other Permittee staff education and training requirements in Parts 3.2.9 (*Illicit Discharge Detection and Elimination Training for Staff*); 3.3.7 (*Construction Runoff Control Training for Staff*); and 3.5.10 (*Stormwater Pollution Prevention/Good Housekeeping Training for Staff*).

3.5 Pollution Prevention/Good Housekeeping for MS4 Operations

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

3.5.1 Compliance Dates

No later than [**180 days before Permit Expiration Date**]* the Permittees must ensure that their stormwater infrastructure and management program includes the required SWMP control measure components described in Parts 3.5.2 through 3.5.10 below.

- 3.5.1.1 If one or more of the Permittees seek to comply with any SWMP control measure component, or combination of components, in this Part using one or more ACMs, the Permittee(s) must submit a request in accordance with Part 2.6 (*Alternative Control Measure Requests*) no later than [**180 days from Permit Effective Date**]*.

3.5.2 Inspection and Cleaning of Catch Basins and Inlets

The Permittees must inspect all Permittee-owned or operated catch basins and inlets in the MS4 at least once every five years, and take all appropriate maintenance or cleaning action based on those inspections to ensure the catch basins and inlets continue to function as designed.

The Permittees may establish a catch basin inspection prioritization system, and establish alternate inspection frequency, provided the Permittees describes all relevant factors used to target such inspections to specific areas of the MS4 in the SWMP Document required by Part 2.5.5. Material removed from MS4 catch basins and inlets must be managed in accordance with Part 7.13 (*Removed Substances*). Records reflecting catch basin and inlet inspection, and material removal/cleaning, must be maintained by the Permittees, and the actions taken during the latest reporting period must be summarized in each Annual Report.

3.5.3 Operation and Maintenance Procedures for Streets, Roads, Highways and Parking Lots

Where the Permittees are responsible for the O&M of streets, roads, highways, and/or parking lots, the Permittee must ensure those procedures are conducted in a manner to protect water quality and reduce the discharge of pollutants through the MS4.

- 3.5.3.1 At a minimum, O&M procedures must include: practices to reduce road and parking lot debris/other pollutants from entering the MS4; practices related to road deicing, anti-icing, and snow removal; operation of snow disposal areas; storage areas for street/road traction material (e.g. salt, sand, or other

* All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.

chemicals); and the long term O&M of permanent stormwater control measures associated with the Permittee's streets, roads, highways, and parking lots.

3.5.3.2 For each type of maintenance activity, practice, or facility, the Permittees must establish specific schedules for inspection and maintenance, and appropriate pollution prevention/good housekeeping actions.

3.5.3.3 Where site conditions allow, the Permittees must consider and utilize water conservation measures for all landscaped areas as part of these updated O&M procedures to prevent landscape irrigation water from discharging through the MS4.

3.5.4 Inventory and Management of Street/Road Maintenance Materials

Where the Permittees are responsible for the O&M of streets, roads, highways, and/or parking lots, the Permittees must reduce pollutants in discharges to the MS4 and waters of the U.S. from street/road maintenance material storage stockpiles (such as sand, salt, and/or sand with salt stockpiles).

The Permittees must maintain an inventory of street /road maintenance materials stored at locations within the Permit Area that drain to the MS4. The Permittees must assess the physical adequacy of each Material Storage Location to prevent potential adverse water quality impacts, and must make any structural or nonstructural improvements as necessary to eliminate any such impacts.

No later than [**180 days before Permit Expiration Date**]*, the Permittees must include in the SWMP Document a complete description of all Material Storage Locations in the Permit Area that drain to the MS4. The description of each Material Storage Location must, at a minimum, include a narrative of the individual location, an estimated average annual quantity of materials stored at the location; a short description of how/where the Permittees typically uses the material(s) in its jurisdiction; and a summary description of any structural or non-structural controls used by the Permittee to prevent pollutants at material storage locations from discharging to the MS4 and to waters of the U.S.

3.5.5 Street, Road, Highway, and Parking Lot Sweeping

Where the Permittees are responsible for the O&M of streets, roads, highways, and/or parking lots, the Permittee must sweep those areas that discharge to the MS4 at least once annually.

No later than [**180 days before Permit Expiration Date**]* the Permittees must include in the SWMP Document(s) a written description of their sweeping management plan(s). The sweeping management plan must include:

3.5.5.1 An inventory and/or map of all streets, roads, highways and public parking lots owned, operated, or maintained by the Permittee in the Permit Area that

** All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.*

discharge to the MS4 or directly to waters of the U.S., and identify their selected sweeping frequency;

- 3.5.5.2 A discussion of any areas where sweeping is technically infeasible; for such areas, the Permittee must document the reasons why sweeping in the particular area of their jurisdiction served by the MS4 is infeasible, and describe any alternative means the Permittee uses to minimize pollutant discharges from these areas into the MS4 and into any adjacent waters of the U.S;
- 3.5.5.3 An overall description of their street sweeping activities to minimize pollutant discharges into the MS4 and receiving water; including the types of sweepers used, number of swept curb and/or lane miles; general schedule or dates of sweeping by location and frequency category; volume or weight of materials removed; and any public outreach efforts or other means to address areas that are infeasible to sweep.

3.5.6 O&M Procedures for Other Municipal Areas and Activities

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

- grounds/park and open space maintenance;
- fleet maintenance and vehicle washing operations;
- building maintenance;
- snow management and 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.

3.5.7 Requirements for Pesticide, Herbicide, and Fertilizer Applications

The Permittees must implement practices to reduce the discharge of pollutants to the MS4 associated with the Permittees' application and storage of pesticides, herbicides and fertilizers in the Permit Area. At a minimum, such areas include the individual Permittee's public right-of-ways, parks, recreational facilities, golf courses, and landscaped areas. All employees or contractors of the individual 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.

3.5.8 Stormwater Pollution Prevention Plans (SWPPPs) for Permittee Facilities

The Permittees must develop and implement site-specific SWPPPs to manage stormwater discharges from all Permittee-owned material storage facilities and maintenance yards identified in the inventory required by Part 3.2.2 (*MS4 Map and Outfall Inventory*). Permittee-owned facilities discharging stormwater associated with industrial activity, as

defined in 40 CFR §122.26(b)(14), must obtain separate NPDES permit coverage pursuant to Part 2.3 (*Stormwater Discharges Associated with Industrial or Construction Activity*).

3.5.9 Litter Control

Throughout the Permit term, the Permittees must implement methods to reduce litter in their jurisdictions. The Permittees must work cooperatively among themselves and with others to control litter on a regular basis, and after major public events, in order to reduce the discharge of pollutants to the MS4.

3.5.10 Stormwater Pollution Prevention/Good Housekeeping Training for Staff

The Permittees must ensure that all persons responsible for the stormwater infrastructure management and O&M activities as required by this Part are trained or otherwise qualified to conduct such activities.

The Permittees must provide training for new staff working on infrastructure management and O&M activities as required by this Part in the first six (6) months of employment.

If the Permittees utilize outside parties to perform infrastructure management and O&M activities as required by this Part, outside staff must be trained or otherwise qualified to conduct such activities.

This training may be coordinated/combined with other Permittee staff education and training requirements in Parts 3.2.9 (*Illicit Discharge Detection and Elimination Training for Staff*); 3.3.7 (*Construction Runoff Control Training for Staff*); and 3.4.7 (*Permanent Stormwater Control Training for Staff*).

4 SPECIAL CONDITIONS FOR DISCHARGES TO IMPAIRED WATERS

4.1 General Requirements

The Permittees must conduct quantitative monitoring/assessment and pollutant reduction activities to assess and control pollutants of concern in their MS4 discharges to Lindsay Creek and Tammany Creek.

4.1.1 Submit Documents

No later than **(180 days from Permit Effective Date)**,* and pursuant to Part 2.6 (*Alternative Control Measure Requests*) the Permittees must submit the Monitoring/Assessment Plan and the description of Pollutant Reduction Activities as described in Parts 4.2 and 4.3 below

The EPA will review the materials submitted and, as necessary, propose to revise this Permit to incorporate by reference the specific monitoring/assessment and pollutant reduction activities. See Part 2.6.4 (*Recognition of ACMs*).

4.1.2 SWMP Document

No later than **(insert 1st Year Annual Report Deadline)**,* the Permittees must update their SWMP Document required in Part 2.5.5 to describe their intended means of accomplishing these requirements, including any associated implementation date(s).

4.1.3 Reporting Requirements

Upon the EPA's written notification pursuant to Part 2.6.4 (*Recognition of ACMs*) the Permittees must thereafter document in each Annual Report their individual or collective progress on conducting the specified monitoring/assessment and pollutant reduction activities. See also Part 6.4 (*Reporting Requirements*).

No later than **(180 days before Permit Expiration Date)**,* the Permittees must submit final reports summarizing the Monitoring/Assessment information and Pollutant Reduction Activities conducted to date. Such final reports must be submitted with the Permit Renewal Application required by Part 8.2 (*Duty to Reapply*).

4.2 Monitoring/Assessment Activities

The Permittees must submit a Monitoring/Assessment Plan that is designed to quantify, at a minimum, pollutant loadings from the MS4 into Lindsay Creek, Tammany Creek and the Snake River portion of the Lower Granite Dam Pool for the parameter(s) listed in Table 4.2 below. The Monitoring/Assessment Plan must address all required plan elements outlined in Part 6.2 (*General Requirements for Monitoring/Assessment Activities*).

Table 4.2: Minimum Monitoring/Assessment Expectations

| Location(s) | Pollutant Parameters |
|--|--|
| City of Lewiston MS4 Discharges into Lindsay Creek | Sediment, E.coli, Nitrite plus Nitrate as nitrogen; Total Phosphorus |
| City of Lewiston MS4 Discharges into Tammany Creek | |
| City of Lewiston MS4 Discharges to Snake River arm of the Lower Granite Dam Pool | Temperature |

* All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.

4.3 Pollutant Reduction Activities

The Permittees must define and implement at least one (1) pollutant reduction activity designed to reduce *E. coli*, nitrogen, phosphorus, and sediment loadings from the MS4 into Tammany Creek. See Table 4.3.

The Permittees must define and implement at least one (1) pollutant reduction activity designed to reduce *E. coli*, nutrients, and sediment loadings from the MS4 into the South Fork Lindsay Creek. See Table 4.3.

The Permittees must prioritize the implementation of its selected activities in the MS4 areas/locations that discharge into Tammany Creek, and Lindsay Creek, based on consideration of relevant and available information, such as: previously collected monitoring data; cleanup activities at sites with the target pollutants identified as a contaminant; and/or relevant City inspections and other compliance records.

In the final report required by Part 4.1.3 above, the Permittees must quantify the estimated pollutant reduction accomplished resulting from such pollutant reduction activities.

Table 4.3

| Waterbody/Assessment Unit/Description | Pollutants of Concern |
|--|--|
| Tammany Creek ID17060103SL014_02 <i>Tammany Crk WBID 015 to unnamed tributary</i> ID17060103SL014_03 <i>Tammany Crk Unnamed Tributary to mouth</i> ID17060103SL016_02 <i>Tammany Crk Source to Unnamed Tributary (T34N, R04W, Sec19)</i> | <i>E. coli</i> ; Nitrogen, Nitrate; Total Phosphorus; Sedimentation/Siltation |
| Lindsay Creek ID17060306CL003_02 Lindsay Creek Source to mouth ID17060306CL003_03 Lindsay Creek Source to mouth | <i>E. coli</i> ; Nutrients; Sedimentation/Siltation |

* All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.

5 REQUIRED RESPONSE TO EXCURSIONS ABOVE IDAHO WATER QUALITY STANDARDS

A Permittee will be presumed to be in compliance with applicable Idaho Water Quality Standards if the Permittee is in compliance with the terms and conditions of this Permit. If the Permittee, the EPA, and/or IDEQ determines that the discharge from the MS4 causes or contributes to an excursion above the Idaho Water Quality Standards, then the Permittee remains in compliance with this Permit as long as the Permittee implements all applicable SWMP control measures required by this Permit and undertakes the following actions:

5.1 Notification

The Permittee must notify the EPA and IDEQ in writing at the addresses listed in Appendix A.1 within 30 days of becoming aware that, based on credible site-specific information, a discharge from the Permittee's MS4 is causing or contributing to a known or likely excursion above the Idaho Water Quality Standards.

Written notification under this Part must, at a minimum, identify the source of the site-specific information; describe the location, nature, and extent of the known or likely water quality standard excursion in the receiving water; and explain the reasons why the MS4 discharge is believed to be causing or contributing to the problem. For on-going or continuing excursions, a single written notification provided to both the EPA and IDEQ will fulfill this requirement.

Nothing in this Part precludes any notification required by Part 7.9 (*24-hour Notice of Non-Compliance Reporting*), the institution of any legal action, or relieves 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 Permit releases the Permittee from any responsibility or requirements under other environmental statutes or regulations.

5.1.1 EPA Response

Based on a notification provided under this Part or through any other means, the EPA may notify the Permittee, in writing, that an adaptive management response is required if the EPA and IDEQ determine that a discharge from the Permittee's MS4 is causing or contributing to an excursion above the Idaho Water Quality Standards in a receiving water.

- 5.1.1.1 The EPA and IDEQ may elect not to require an adaptive management response from the Permittee if the EPA and IDEQ determine that the excursion of Idaho Water Quality Standards is already being addressed by a TMDL implementation plan or other enforceable water quality cleanup plan; or if the EPA and IDEQ conclude the Permittee's contribution to the excursion will be eliminated through implementation of other permit requirements, regulatory requirements, or Permittee actions.

5.2 Adaptive Management Report

Within 60 days of receiving a response from the EPA and IDEQ under Part 5.1.1, or by an alternative date established by the EPA, the Permittee must review its Stormwater Management Program and submit a report to the EPA & IDEQ. The Adaptive Management Report must include:

5.2.1 Existing BMPs

A description of the operational and/or structural BMPs that are currently being implemented at the location to prevent or reduce any pollutants that are causing or contributing to the violation of water quality standards, including a qualitative assessment of the effectiveness of each BMP.

5.2.2 Potential BMPs

A description of potential additional operational and/or structural BMPs that will or may be implemented in order to prevent or reduce any pollutants that are causing or contributing to the violation of water quality standards.

5.2.3 Monitoring/Assessment

A description of the potential monitoring or other assessment and evaluation efforts that will or may be implemented to monitor, assess, or evaluate the effectiveness of the additional BMPs.

5.2.4 Schedule

A schedule for implementing the additional BMPs including, as appropriate: funding, training, purchasing, construction, monitoring, and other assessment and evaluation components of implementation.

5.3 Review and Approval of Adaptive Management Report

The EPA and IDEQ will, in writing, acknowledge receipt of the Adaptive Management Response Report within a reasonable time and will notify the Permittee when it expects to complete its review of the report. The EPA, in consultation with IDEQ, will either approve the additional BMPs and implementation schedule, or require the Permittee to modify the report as needed. If modifications to the Adaptive Management Report are required, the EPA and IDEQ will specify a time frame in which the Permittee must submit the revised Report for the EPA and IDEQ review.

5.4 Implementation

The Permittee must begin implementation of any additional BMPs pursuant to the schedule approved by the EPA and IDEQ immediately upon receipt of the EPA's written notification of approval.

5.5 Reporting

The Permittee must include with each subsequent Annual Report a summary of the status of implementation and the results of any monitoring, assessment, or evaluation efforts conducted during the reporting period to assess progress towards addressing the the original water quality excursion. A final summary of such adaptive management efforts must be included with the Permit Renewal Application required by Part 8.2.

5.6 Permit Revision

The EPA will determine, based on the Adaptive Management Report, whether additional permit terms and conditions specific to the Permittee must be added to this Permit. If new or specific permit conditions are warranted, the EPA will notify the Permittee and the public of its intent to propose additional requirements affecting the Permittee and will accept public comment for a minimum of 30 days on any proposed revisions, pursuant to 40 CFR §§ 122.62 and 124.

6 MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

6.1 Compliance Evaluation

At least once per year, the Permittees must evaluate their compliance with the requirements of this Permit. This self-evaluation includes assessment of progress toward implementing the SWMP control measures in Part 3, and implementation of individual or collective actions to comply with any additional requirements identified pursuant to Part 4 (*Special Conditions For Discharges To Impaired Waters*). The Permittees may document this self-evaluation using the optional Annual Report format provided in Appendix B.

6.2 General Requirements for Monitoring/Assessment Activities

The Permittees must conduct any monitoring and/or assessment actions identified in Part 4 consistent with this Part.

6.2.1 Optional Cooperative Monitoring/Assessment

The Permittees may cooperate to conduct, or contract with others to conduct, any of the required monitoring/assessment activities specified herein.

Permittees who participate in cooperative monitoring/assessment efforts with outside entities must notify the EPA and IDEQ of their intended arrangement by submitting a joint Monitoring/Assessment Plan as specified in Part 6.2.2 below.

6.2.2 Monitoring/Assessment Plan and Objectives

No later than (**180 days from Permit Effective Date**)*, the Permittees must develop and submit a Monitoring/Assessment Plan to address the monitoring/assessment activity specified in Part 4 and quality assurance (QA) objectives defined in Part 6.2.6 below. Any existing Monitoring Plan(s) may be modified to comply with this Part. The Permittees must submit the complete Monitoring/Assessment Plan as an ACM Request. See Part 2.6.2 (*Actions to Address Discharges to Impaired Waters*).

- 6.2.2.1 The EPA will review the Permittees' ACM Request and, as necessary, propose to revise this Permit to incorporate by reference the Permittees' specific monitoring/assessment and pollutant reduction activities.

The Permittees must begin implementation their identified monitoring/assessment activities no later than 30 days following the EPA's written notice that the Permit has been revised to incorporate their activities, pursuant to Part 2.6.4 (*Recognition of Alternative Control Measures*).

6.2.3 Representative Sampling

Samples, measurements and/or assessments conducted in compliance with this Permit must be representative of the nature of the monitored discharge or activity.

6.2.4 Additional Monitoring

If the Permittees quantitatively monitor or assess pollutants in their MS4 discharges more

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frequently, or in more locations, than specified in the Monitoring/Assessment Plan named in this Permit, the results of any additional monitoring must be included with other data submitted to the EPA and IDEQ as required in Part 6.4.3 (*Monitoring/Assessment Report*).

6.2.5 **Wet Weather Discharge Monitoring**

If the Permittees monitor wet weather discharges from MS4 outfalls:

- 6.2.5.1 **Location** - the locations of such monitoring must be identified in the Monitoring/Assessment Plan required by Part 4 (*Special Conditions for Discharges to Impaired Waters*).
- 6.2.5.2 **Sample Type**. The sample collection must be identified in the Monitoring/Assessment Plan required by Part 4 (*Special Conditions for Discharges to Impaired Waters*).
- 6.2.5.3 **Parameters**. The pollutants to be sampled must be identified in the Monitoring/Assessment Plan required by Part 4 (*Special Conditions for Discharges to Impaired Waters*).
- 6.2.5.4 **Frequency**. The samples must be collected at a frequency identified in the Monitoring/Assessment Plan required by Part 4 (*Special Conditions for Discharges to Impaired Waters*).
- 6.2.5.5 **QA Requirements**. The Permittees must develop a Quality Assurance Project Plan (QAPP), or revise an existing QAPP, as required by Part 6.2.6 (*Quality Assurance Requirements*) to clearly identify all methods and protocols to be used in the wet weather sampling effort.
- 6.2.5.6 **Reporting**. The Permittees must submit all data collected to the EPA as required in Part 6.4.2 (*Annual Report*).

6.2.6 **Quality Assurance Requirements**

The Permittees must develop a Quality Assurance Project Plan (QAPP) for any monitoring or quantitative assessment activities conducted in compliance with this Permit. Any existing QAPP may be modified to meet the requirements of this Part.

- 6.2.6.1 **QAPP Content**: The QAPP must be designed to assist the Permittees in planning for the collection and analysis of any stormwater discharge, receiving water quality, catch basin sediments, and/or other types of information collected in compliance with this Permit, and in explaining data anomalies when they occur.

At a minimum, the QAPP must reflect the content specified in the EPA documents listed in Part 6.2.6.1.6 below, including:

- 6.2.6.1.1 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;

- 6.2.6.1.2 A map with GPS coordinates indicating the location of each monitoring point;
- 6.2.6.1.3 Qualifications and training of all personnel involved with water quality and discharge sampling;
- 6.2.6.1.4 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,
- 6.2.6.1.5 Name(s), address(es), and telephone number(s) of the laboratories used by, or proposed to be used by, the Permittee(s).
- 6.2.6.1.6 **QAPP Procedures:** Throughout all sample collection and analysis activities, the Permittees 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/q5-final.pdf>

6.2.6.2 **QAPP Updates and Availability**

- 6.2.6.2.1 The Permittees must amend and update the QAPP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAPP.
- 6.2.6.2.2 Copies of the QAPP must be maintained by the Permittees as part the Monitoring/Assessment Plan, updated as necessary, and made available to EPA and/or IDEQ upon request.

6.2.7 **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 the 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 the 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 the EPA.

Permittees must use sufficiently sensitive analytical methods as follows:

- 6.2.7.1 Permittees must use a method that detects and quantifies the level of the pollutant, or
- 6.2.7.2 Permittees must use a method that can achieve a maximum Minimum Level (ML) less than or equal to those specified in Table 6.2.8 below;
- 6.2.7.3 Permittees may request different MLs. The request must be in writing and must be approved by the EPA.

Table 6.2.8: Minimum Levels

| Pollutant & CAS No. (if available) | Minimum Level 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 |

** All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.*

6.3 Recordkeeping

6.3.1 Retention of Records.

The Permittees must retain records and information documenting implementation of all control measures required by this Permit (including a copy of this Permit and all Annual Reports) for a period of at least five years from the date of the report, sample, or measurement, or for the term of this Permit, whichever is longer. This period may be extended at the request of the EPA or IDEQ 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 control measures and/or used to complete the application for this Permit; 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 Permit; etc.

6.3.2 Availability of Records.

At a minimum, the Permittees must retain all records associated with this Permit in a location and format that are accessible to the EPA and IDEQ. The Permittees 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 Permittees may charge the public a reasonable fee for copying requests.

The Permittees must submit the records referred to in Part 6.3.1 above to the EPA and IDEQ when such information is requested.

6.4 Reporting Requirements

At a minimum, the Permittees must submit reports and/or documents required by this Permit to the 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.

All submittals must be sent to the Addresses in Appendix A.

6.4.1 Electronic Copy Submissions using NetDMR

Prior to the Permit expiration date, the EPA may provide the Permittees with instructions for submitting required Annual Reports and/or other documents electronically using NetDMR. The Permittees may then use NetDMR for this Permit only after requesting and receiving permission from the EPA Region 10. After the Permittees begin using NetDMR, the Permittees are no longer required to submit such materials to the EPA and IDEQ via U.S. Postal Mail.

6.4.2 Annual Report.

No later than **Insert Date** of each year beginning in **Insert Date*** the Permittees must submit an Annual Report to the EPA and IDEQ. The EPA recommends the Permittees use the Annual Report Format provided in Appendix B.

- 6.4.2.1 The reporting period for the Year 1 Annual Report will be from **Insert Date: January 1, 2019 – December 31, 2020***. Reporting periods for subsequent Annual Reports are specified in Table 6.4.1 below.

* All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.

| Table 6.4.1 Annual Report Deadlines* | | |
|---|--|---|
| | Reporting Period | Due Date |
| Year 1 Annual Report | January 1, 2019 – December 31, 2020 | [Insert date = <i>end of reporting period + 61 days</i>] |
| Year 2 Annual Report | January 1, 2020 – S December 31, 2021 | [Insert date = <i>end of reporting period + 61 days</i>] |
| Year 3 Annual Report | January 1, 2021 – December 31, 2022 | [Insert date = <i>end of reporting period + 61 days</i>] |
| Year 4 Annual Report | January 1, 2022 – December 31, 2023 | [Insert date = <i>end of reporting period + 61 days</i>] |
| Year 5 Annual Report | January 1, 2023 – December 31, 2024 | Not later than [Insert date = Permit Expiration Date] |

6.4.2.2 The EPA recommends the Permittees use the Annual Report Format provided in Appendix B. The Annual Report must reflect the status of the Permittees' collective or individual implementation of the Permit requirements during the relevant reporting period, and must include:

- 6.4.2.2.1 Any summaries, descriptions, and/or other information the Permittees use to demonstrate compliance with the Permit during the relevant reporting period.
- 6.4.2.2.2 A current website address where the Permittees' SWMP Document is available as an electronic portable data format (PDF) document;
- 6.4.2.2.3 If applicable, notification to the EPA and IDEQ that one or more Permittees are relying on another Permittee or outside entity to satisfy any obligations under this Permit;
- 6.4.2.2.4 Notification of any annexations, incorporations, or jurisdictional boundary changes resulting in an increase or decrease in the individual Permittee's area of responsibility during the reporting period; and
- 6.4.2.2.5 Point(s) of contact responsible SWMP implementation for each Permittee, and for authorization, certification, and signature pursuant to Part 8.5 (*Signatory Requirements*).

6.4.2.3 The Permittees must make a copy of each Annual Report (including any required attachments) available to the public through the Permittee-maintained website required by Part 3.1.8 (*SWMP Publicly Accessible Website*).

6.4.3 Monitoring/Assessment Report

The Permittees must submit a final report summarizing any/all discharge monitoring/assessment data collected during the permit term as an attachment to the Permit Renewal Application required by Part 8.2 no later than (**180 days before Permit Expiration Date**).* All Final Discharge Monitoring/Assessment Reports must summarize and evaluate the information collected, and include reference to:

* All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.

- 6.4.3.1 the date, exact place, and time of sampling or measurements;
- 6.4.3.2 the name(s) of the individual(s) who performed the sampling or measurements;
- 6.4.3.3 the date(s) analyses were performed;
- 6.4.3.4 the names of the individual(s) who performed the analyses; the analytical techniques or methods used; and
- 6.4.3.5 the results of such analyses, including both visual and narrative summary interpretation of the data collected, a discussion of any quality assurance issues, and a narrative discussion comparing data collected to any previously collected or historical information, as appropriate. Raw monitoring data must be submitted in a spreadsheet or text-format electronic file.

6.4.4 Pollutant Reduction Activity Report

The Permittees must submit a Pollutant Reduction Activity Report summarizing actions taken conducted during the permit term to reduce pollutant loadings from the Permittees' MS4. The Pollutant Reduction Activity Report must be submitted as an attachment to the Permit Renewal Application required by Part 8.2 no later than (**180 days before Permit Expiration Date**)*. The final Pollutant Reduction Activity Report must summarize the actions identified in Part 4 and must quantify any load reductions accomplished to date.

6.5 Addresses

Any reports or submittals required by this Permit must be sent to the Addresses listed in Appendix A.

** All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.*

7 COMPLIANCE RESPONSIBILITIES

7.1 Duty to Comply

The Permittees must comply with all conditions of this Permit. 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.

7.2 Penalties for Violations of Permit Conditions

7.2.1 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 \$51,570 per day for each violation).

7.2.1.1 **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].

7.2.1.2 **Criminal Penalties:**

7.2.1.2.1 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.

7.2.1.2.2 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.

7.2.1.2.3 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.

7.2.1.2.4 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 Permit 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 Permit, 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.

7.3 Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for the Permittees 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 Permit.

7.4 Duty to Mitigate

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

7.5 Proper Operation and Maintenance

The Permittees 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 Permittees to achieve compliance with the conditions of this Permit. 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 Permit.

7.6 Toxic Pollutants

The Permittees 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.

7.7 Planned Changes.

The Permittees 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.

7.8 Anticipated Noncompliance

The Permittees must give advance notice to the Director and IDEQ, using the addresses provided in Appendix A, of any planned changes in the permitted facility or activity which may result in noncompliance with this Permit.

7.9 Twenty-Four Hour Notice of Noncompliance Reporting

The Permittees must report to the EPA the following occurrences of noncompliance by telephone at (206) 553-1846, within 24 hours from the time the Permittee becomes aware of the following circumstances; see also Appendix A.2:

- Any discharge to or from the MS4 which could result in noncompliance that may endanger human health or the environment;
- Any unanticipated bypass that results in or contributes to an exceedance of any effluent limitation in this Permit. See Part 7.10 (*Bypass of Treatment Facilities*);
- Any upset that results in or contributes to an exceedance of any effluent limitation in this Permit. See Part 7.11 (*Upset Conditions*).

7.9.1 Written Report

The Permittees 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 Permittees must submit the written report to the EPA and IDEQ as specified in Appendix A.

7.9.2 Written Report Waiver

The EPA 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.

7.10 Bypass of Treatment Facilities

7.10.1 Bypass not exceeding limitations.

The Permittees 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 7.10.2 and 7.10.3 of this Part.

7.10.2 Notice

7.10.2.1 Anticipated bypass: If the Permittees 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.

7.10.2.2 Unanticipated bypass: The Permittees must submit notice of an unanticipated bypass as required under Part 7.9 (*Twenty-four Hour Notice of Noncompliance Reporting*).

7.10.3 Prohibition of bypass.

Bypass is prohibited, and the Director may take enforcement action against the Permittees 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 Permittees submitted notices as required under Part 7.10.2 above.

7.10.4 Optional Approval.

The Director 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 7.10.3.

7.11 Upset Conditions

7.11.1 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 Permittees meet 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.

7.11.2 Conditions Necessary for a Demonstration of Upset.

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

- An upset occurred and that the Permittees can identify the cause(s) of the upset;
- The permitted facility was at the time being properly operated;
- The Permittees submitted notice of the upset as required under Part 7.9 (*Twenty-four Hour Notice of Noncompliance Reporting*) and,
- The Permittees complied with any remedial measures required under Part 7.4 (*Duty to Mitigate*).

7.11.3 Burden of proof.

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

7.12 Other Noncompliance

The Permittees 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 7.9.1.

7.13 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 stormwater 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.

8 GENERAL REQUIREMENTS

8.1 Permit Actions.

This Permit or coverage under this Permit may be modified, revoked and reissued, or terminated for cause by the EPA as specified in 40 CFR §§122.62, 122.64, or 124.5. The filing of a request by the Permittees 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 Permit.

8.2 Duty to Reapply

If the Permittees intend to continue its operational control and management of discharges from the MS4 as regulated by this Permit after the Permit expiration date, the Permittees must apply for and obtain a new permit. 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 Permittees must submit an application at least 180 days before the Permit expiration date, or no later than **(180 days before Permit Expiration Date)***.

8.2.1 Contents of a Permit Renewal Application

The Permit Renewal Application must contain the information required by 40 CFR 122.21(f) which includes: name and mailing addresses of the Permittee(s) that operate the MS4(s), and the names and titles of the primary administrative and technical contacts for the Permittee(s). In addition, the Permittees must identify the identification number of the existing NPDES MS4 permit; and any previously unidentified water bodies that receive discharges from the MS4. The following attachments must be submitted as part of a complete Permit Renewal Application:

- 8.2.1.1 Updated SWMP Document, as required by Part 2.5.5 and described in Appendix B;
- 8.2.1.2 MS4 Map, and the accompanying Outfall Inventory, as required by Part 3.2.2;
- 8.2.1.3 List of MS4 outfall locations with dry weather flows identified by the Permittee as being associated with irrigation return flows and/or groundwater seepage, including latitude/longitude and physical description/characteristics, as required by Part 3.2.6.2;
- 8.2.1.4 Enforcement Response Policy for Construction Site Runoff Control, as required by Part 3.3.6;
- 8.2.1.5 Enforcement Response Policy for Permanent SW Management Controls, as required by Part 3.4.5.2;
- 8.2.1.6 If applicable, a written summary of the Permittee's adaptive management actions to date, as required by Part 5.5;
- 8.2.1.7 If applicable, a Final Report summarizing any required Monitoring/Assessment activities; see Part 4 and Part 6.4.3; and
- 8.2.1.8 If applicable, a Final Report summarizing implementation and effectiveness of Pollutant Reduction Activities to date; see Part 4 and Part 6.4.4.

** All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.*

8.3 Duty to Provide Information

The Permittees must furnish to the 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 Permit, or to determine compliance with this Permit. The Permittees must also furnish to the EPA or IDEQ, upon request, copies of the records required to be kept by this Permit.

8.4 Other Information

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

8.5 Signatory Requirements

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

8.5.1 All applications 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.

8.5.2 Duly Authorized Representative.

All Annual Reports required by this Permit and other information requested by the EPA or IDEQ must be signed by a person described in Part 8.5.1 above or by a duly authorized representative of that person. A person is a duly authorized representative only if:

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

8.5.2.2 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

8.5.2.3 Written authorization is submitted to the Director and IDEQ.

8.5.3 Changes to Authorization.

If an authorization under Part 8.5.2 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 8.5.2 must be submitted to the EPA and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

8.5.4 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 have no personal knowledge that the information submitted is other than 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."

8.6 Availability of Reports

In accordance with 40 CFR §2, information submitted to the EPA pursuant to this Permit may be claimed as confidential by the Permittees. 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, the EPA may make the information available to the public without further notice to the Permittees. 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.

8.7 Inspection and Entry

The Permittees must allow the Director; 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:

8.7.1 Enter

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

8.7.2 Access

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

8.7.3 Inspect

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

8.7.4 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.

8.8 Property Rights

The issuance of this Permit 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.

8.9 Transfers

Coverage under this Permit is not transferable to any person except after written notice to the Director of the EPA 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.

8.10 State/Tribal Laws

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the individual 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 Permit releases the Permittee from any responsibility or requirements under other environmental statutes or regulations.

8.11 Oil and Hazardous Substance Liability

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the individual 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).

8.12 Severability

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

8.13 Re-opener Clause

This Permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including one or more Permittees) 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 the EPA in writing and shall contain facts or reasons supporting the request.

9 DEFINITIONS

Administrator, as used in this Permit without qualifier, means the Administrator of the United States Environmental Protection Agency, or an authorized representative [40 CFR §122.2].

Appropriate means reasonable in intensity, duration, and magnitude.

Appropriate Action, as used in Part 3.6.6.1 of this Permit, means documentation in the Permittee's Annual Reports and SWMP Document of the MS4 outfall location(s) where the Permittee determines that the source of the ongoing dry weather flow is from either irrigation or groundwater seepage.

Best Management Practice, or *BMP*, means schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also mean treatment requirements operating procedures, and practices to control runoff, spillage, or leaks, sludge, or waste disposal, or drainage from raw material storages. See 40 CFR 122.2 and 122.44(k). For the purposes of this Permit, *BMP* broadly refers to any type of structural or non-structural practice or activity undertaken by the Permittee in the course of implementing its SWMP.

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

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

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 Permit, refers to any action, activity, Best Management

Practice or other method used to control the discharge of pollutants in MS4 discharges.

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].

Deleterious Materials is defined at IDAPA 58.01.02.010.21, and means any nontoxic substance which may cause the tainting of edible species of fish, taste and odors in drinking water supplies, or the reduction of the usability of water without causing physical injury to water users or aquatic and terrestrial organisms

Director means the Regional Administrator of the EPA Region 10, or the Director of the EPA Region 10 Office of Water and Watersheds. After July 1, 2021, “Director” may also refer to an authorized representative of the Idaho Department of Environmental Quality.

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

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].

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,” [40 CFR §122.2]. The terms and conditions of this Permit are a type of effluent limitations, and refers to actions designed to reduce pollutant discharges. See also 40 CFR §122.34 and 81 FR 89337 (Dec. 9, 2016).

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

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.

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

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and reuse.

Hazardous materials is defined at IDAPA 58.01.02.010.47 and means a material or combination of materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, the public health, or the environment. Unless otherwise specified, published guides such as Quality Criteria for Water (1976) by the EPA, Water Quality Criteria (Second Edition, 1963) by the state of California Water Quality Control Board, their subsequent revisions, and more recent research papers, regulations and guidelines will be used in identifying individual and specific materials and in evaluating the tolerances of the identified materials for the beneficial uses indicated.

Impaired waters means any water body that does not meet applicable water quality standards for one or more beneficial uses by one or more pollutants. For the purposes of this Permit, *impaired water* includes any water body that IDEQ includes in its 2014 Integrated Report, as a “Category 4a” water of the state for which a total maximum daily load has been completed and approved; as a “Category 4b” water of the state that have pollution control requirements in place other than a TMDL and are expected to meet standards; and/or as a “Category 5” water of the state where a TMDL is necessary. The term *impaired water* also includes any interstate surface water body that originates in Idaho and flows into Washington that the Washington Department of Ecology categorizes as Category 4a, 4b, or 5 in its latest Water Quality Assessment 305(b) Report and 303(d) List as approved by the EPA on July 22, 2016.

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 stormwater 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 stormwater 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).

Interconnection means the point (excluding sheet flow over impervious surfaces) where the Permittee’s MS4 discharges to another MS4 or other storm sewer system, through which the discharge is eventually conveyed to a water of the United States. Interconnections shall be treated similarly to outfalls throughout the Permit.

Lewiston Urbanized Area or the Permit Area is defined by the decennial census data from Year 2000 and Year 2010. An urbanized area is the densely settled core of census tracts and/or census blocks that have a population of at least 50,000, along with adjacent territory containing non-residential urban land uses as well as territory with low population density included to link outlying densely settled territory with the densely settled core. It is a calculation used by the Bureau of the Census to determine the geographic boundaries of the most heavily developed and dense urban areas. Once a small MS4 is designated into the program based on the UA

boundaries, it cannot be waived from the program if in subsequent UA calculation the small MS4 is no longer within the UA boundaries. The following websites are for the Census 2000 and Census 2010 UA maps, respectively:

<http://www2.census.gov/geo/maps/urbanarea/uaoutline/UA2000/ua49312/>

http://www2.census.gov/geo/maps/dc10map/UAUC_RefMap/ua/ua49312_lewiston_id-wa/

Low Impact Development or LID means stormwater 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 stormwater discharges that was established by Section 402(p) of the Clean Water Act, 33 U.S.C §1342(p).

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

MS4 means "municipal separate storm sewer system," and is used in this document to refer to 'Small Municipal Separate Storm Sewer System' as defined in 40 CFR 122.26(b)(16). The term, as used in the context of this Permit, refers to those portions of the municipal separate storm sewer systems owned and/or operated by the entities named herein. See also *Municipal Separate Storm Sewer*, and *Small MS4*.

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)(8) 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, stormwater, 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 stormwater; (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].

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.

Permanent Stormwater Controls, or practices, permanent controls, and/or Post-construction stormwater management controls means those structural and non-structural controls that are designed to treat or control pollutants in stormwater 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 stormwater 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 Permit, means any pollutant identified by IDEQ or WDOE as a cause of impairment of any water body that receives MS4 discharges authorized under this Permit. See also “impaired water.”

Post- construction stormwater management controls or “permanent stormwater 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.”

Redevelopment, for the purposes of this Permit, means the alteration, renewal or restoration of any developed land or property that results in land disturbance of one acre or more, or less than one acre that is part of a common plan of development or sale that exceeds one acre, 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.

Source control means practices that control stormwater before pollutants have been introduced into stormwater.

Stormwater and *storm water runoff* as used in this Permit means stormwater runoff, snow melt runoff, and surface runoff and drainage, and is defined at 40 CFR §122.26(b)(13). “Stormwater” 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.

Stormwater Control Measure or *Stormwater Management Program Control Measure*, 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 runoff. Also, SCM means a permit term or condition used to prevent or control the discharge of pollutants. This may include a schedule of activities, prohibition of practices, maintenance procedures, or other management practices. Stormwater control measures 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). Minimum stormwater control measures are defined 40 CFR §122.34(b).

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

Stormwater 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 Permit, the SWMP consists of the actions and activities conducted by the Permittees as required by this Permit and described in the Permittees’ SWMP Document. A “SWMP Document” is the written summary describing the unique and/or cooperative means by which an individual Permittee or entity implements the specific stormwater management control measures required by this Permit in their jurisdiction.

Stormwater 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 stormwater runoff; a SWPPP is generally developed for a construction site, or an industrial facility. For the purposes of this Permit, a SWPPP means a written document that identifies potential sources of pollution, describes practices to reduce pollutants in stormwater discharges from the site, and identifies procedures or controls that the site operator will implement to reduce impacts to water quality and comply with applicable Permit requirements.

Small municipal separate storm sewer system, or *Small MS4*, is defined at 40 CFR 122.26(b)(16) and (17), respectively, and means all separate storm sewers that are: (i) owned

or operated by the United States, 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, stormwater, 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) not defined as “large” or “medium” municipal separate storm sewer systems pursuant to 40 CFR 122.26(b)(4) and (b)(7), or designated under paragraph 40 CFR 122.26(a)(1)(v); and (iii) includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

Snow management means the plowing, relocation, and collection of snow.

Total Maximum Daily Load, or 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].

Toxic Substance is defined at IDAPA 58.01.02.010.102, and means any substance, material or disease-causing agent, or a combination thereof, which after discharge to waters of the State and upon exposure, ingestion, inhalation or assimilation into any organism (including humans), either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, malignancy, genetic mutation, physiological abnormalities (including malfunctions in reproduction) or physical deformations in affected organisms or their offspring. Toxic substances include, but are not limited to, the one hundred twenty-six (126) priority pollutants identified by the EPA pursuant to Section 307(a) of the federal Clean Water Act.

Treatment means the reduction and removal of pollutants from stormwater.

Uncontaminated, for the purposes of this Permit, 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 or exceedance 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:

** All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.*

- (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 - ADDRESSES & CONTACT INFORMATION

1. Alternative Control Measure Requests, Notifications, and Permit Renewal

Applications: Such documents must be signed as required by Part 7.5, and submitted by U.S. Postal Mail to both the EPA and IDEQ addresses below:

*Director, Office of Water and Watersheds
Attn: ID MS4 Permit Coordinator
U.S. EPA, Region 10
1200 6th Avenue, Suite 155, OWW-191
Seattle, Washington 98101*

*Administrator, Water Quality Division
Idaho Department of Environmental Quality
Attn: Surface Water Program
1410 North Hilton
Boise, ID 83854*

2. Reporting of Discharges Containing Hazardous Materials or Deleterious Material: The Permittee must immediately report all spills of hazardous material, deleterious material or petroleum products which may impact waters (ground and surface) of the state.

The Permittee must call 911 if immediate assistance is required to control, contain or clean up the spill.

If the Permittee requires no assistance in cleaning up the spill, the Permittee must contact the appropriate IDEQ regional office in A.4 below during normal working hours. After normal working hours, the Permittee must contact the Idaho State Communications Center at 800-632-8000.

If the spilled volume is above federal reportable quantities, the Permittee must contact the National Response Center at 800-424-8802.

See also Part 6.9 (*Twenty-Four Hour Notice of Noncompliance Reporting*).

3. Annual Reports, including any necessary attachments as required by this Permit:

Such documents must be signed as required by Part 5, and submitted by U.S. Postal Mail to both the EPA and IDEQ addresses below:

*Director, Office of Compliance & Enforcement
Attn: ID MS4 Permit Compliance
U.S. EPA, Region 10
1200 6th Avenue, Suite 155, OCE-101
Seattle, Washington 98101*

*Administrator, Water Quality Division
Idaho Department of Environmental Quality
Attn: Surface Water Program
1410 North Hilton
Boise, ID 83854*

4. General Contact Information for the EPA and IDEQ

| EPA Region 10 | Toll Free Phone Number | Phone Number |
|---|---------------------------------|---------------------|
| Office of Water and Watersheds NPDES Permits Unit 1200 6th Avenue, Suite 155 (OWW-191), Seattle WA 98101 | (800) 424-4372, extension 6650. | (206) 553-6650 |
| IDEQ State Office | Toll Free Phone Number | Phone Number |
| Surface Water Program 1410 North Hilton Street, Boise, ID. 83706 | | 208-373-0502 |
| IDEQ Regional Office | Toll Free Phone Number | Phone Number |
| Lewiston 1118 F Street, Lewiston, Idaho 83501 | 877-541-3304 | 208-799-4370 |

** All Compliance dates are provided in this Draft assuming a permit effective date of December 31, 2018.*

APPENDIX B –SWMP DOCUMENT & ANNUAL REPORT TEMPLATES

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

Appendix B.1 - SWMP Document Template

Appendix B.2 - Annual Report Form

Permit Appendix B.1 – Draft – December 2018



Storm Water Management Program (SWMP) Document Template

Purpose

The template has been developed to assist Permittees in creating or revising their written Storm Water Management Program (SWMP) Document to comply with their NPDES Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4s) in the State of Idaho

Permittees are not required to use this template. Permittees may use this template as a guide for the creation of a new or updated SWMP Document. The SWMP Document does not contain enforceable requirements. A SWMP Document summarizes how the Permittee (or group of cooperating Permittees) complies with the Permit requirements within their jurisdiction. Permittees are responsible for compliance with the MS4 Permit and should refer to the Permit text directly, in addition to the instructions and suggestions within this template.

Organization

*Template instructions for the initial written SWMP Document are written in this font. A Permittee's initial SWMP Document must be posted to the Permittee's publicly accessible website no later than **<insert date of 1st Annual Report>** - See Permit Part 2.6*

Template instructions for SWMP Document updates in subsequent years, as well as the required SWMP Document to be submitted with the Permit Renewal Application required by Permit Part 8.2, are written in this font. Relevant deadlines can be found in the Permit.

This page, and all **red**, **green**, and **bolded text** should be deleted in the Permittee's published SWMP Document.

Additional Information

For additional information or questions about this template, contact: Misha Vakoc at vakoc.misha@epa.gov

Example SWMP Documents from other regulated MS4 entities are listed in the Administrative Record Index for the Permit.

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Stormwater Management Program

Written description as required by NPDES Permit #IDS028XXXX

[Insert Permittee logo]

*[Insert Permittee Organization Name/Address/Contact Information,
including Website URL]*

[Insert Permittee permit number]

[Insert Date/Revision Date]

[UPON COMPLETION OF WRITING THIS SWMP: RIGHT-CLICK on the text below and choose UPDATE FIELD to regenerate with correct pages and specific attachments. Include additional attachments as necessary. For additional attachments, be sure to apply the Heading 1 style to the title of the attachment.]

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ACRONYMS

[Insert acronyms used in this SWMP Document.]

DEFINITIONS

[Insert definitions used in this written SWMP Document.]

DRAFT

1 BASIC SWMP INFORMATION

This Storm Water Management Program (SWMP) Document was developed by **[Insert Permittee Name]** to describe the activities and control measures conducted to meet the terms and conditions of NPDES Permit #XXXXXXX.

1.1 Staff Organization

[Insert a narrative description and an organization chart which identifies the names and titles of people in the Permittee's organization responsible for SWMP implementation. If a position is currently unfilled, list the title of the position and modify the SWMP with the name once the position is filled.]

[If two or more Permittees operate as Co-permittees, describe the relationship as required by Permit Part 2.5.2: "Permittees elect to work together in joint agreement under this as co-Permittees.... 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 aspects of storm water management where the entities will share implementation responsibility, including the areas served by the MS4(s) where the co-Permittees agree to share such responsibility.... Any previously signed agreement may be updated, as necessary, to comply with this requirement. Any such agreement must be referenced in the Permittee's SWMP Document..."]

[If the Permittee shares SWMP implementation responsibility with another party, describe the relationship as required by Permit Part 2.5.3: "The Permittee and outside entity must maintain a written and binding agreement between the parties. The written agreement must describe each organization's respective roles and responsibilities related to this GP, and identify all aspects of storm water management where the entities will share or delegate implementation responsibility... Any previously signed agreement may be updated, as necessary, to comply with this requirement Any such agreement must be referenced in the Permittee's SWMP Document....]

1.2 Receiving Waters

The waterbodies identified in Table 1 receive storm water discharges from the **[Insert Permittee Name]** MS4.

[This section can be completed in narrative form or by completing the tables below. If the Permittee's MS4 does not discharge into any interconnected MS4s, delete the applicable section (s) below.]

Table 1 Receiving Water Summary

| Receiving Waterbody Segments | WQS Classification | Impairment/Pollutant of Concern | TMDLs? (Yes/No) | Applicable WLAs (Yes/No) | No. of Discharging Outfalls |
|------------------------------|--------------------|---------------------------------|-----------------|--------------------------|-----------------------------|
| | | | | | |
| | | | | | |

[Insert Permittee Name]'s MS4 is also interconnected with other MS4s as identified below.

[For each interconnected MS4 receiving discharge from the Permittee's MS4, complete Table 2 below]

Table 2 **[Insert Interconnected MS4 Name]** Receiving Water Summary

| Receiving Waterbody Segments | WQS Classification | Impairment/Pollutant of Concern | TMDLs | Applicable WLAs | No. of Inter-connections |
|------------------------------|--------------------|---------------------------------|-------|-----------------|--------------------------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

1.3 SWMP Information and Statistics

Permit Requirement: “The Permittee must maintain a method of gathering, tracking, and using SWMP information to set priorities, and assess Permit compliance.”

(Permittees should describe briefly what information they keep track of to show program success, (e.g., the number of inspections, official enforcement actions, and/or types of public education actions, etc.)

1.4 Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation

Permit Requirement: “The Permittee must impose the required control measures of this Permit in any 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.” Part 2.5.8

(As necessary, the Permittee should use this section to describe any physical areas served by a MS4 have been recently annexed by the Permittee, or that have been transferred away from the Permittee’s direct responsibility. Use this section to describe how/when the Permittee plans to impose the SW control measures in any new areas under their control. If areas have been transferred away, provide a description and date the transfer became effective.)

2 MAP OF THE SEPARATE STORM SEWER SYSTEM

[Include a descriptive narrative overview of the MS4 in this section – for example, summarize the total number of outfalls and other features to describe the Permittee's unique circumstances. Photos and/or other graphics help! Include a copy (or some graphic representation) of the Permittee's existing MS4 map either in this section or as an Attachment I.]

[If the MS4 map is not complete, describe its current status and the intended schedule for completing it prior to the deadline established in the Permit.]

3 TARGETING POLLUTANTS OF CONCERN

[Section 3 of this SWMP Document must be completed if the Permittee has required actions to address discharges to impaired waters or TMDLs as outlined in Permit Part 4. Complete the sections below as appropriate. In this introductory paragraph, the Permittee should identify where their MS4 discharges to the impaired waters, and how the requirements in Permit Part 4 are being accomplished during the permit term. This section is meant to describe how the Permittee works to reduce the specific pollutants of concern from its MS4, and how the Permittee will monitor/assess that such targeted pollutant reduction actions are working. Permittees are free to rearrange or reorganize this section to best suit their needs.]

3.1 Monitoring/Assessment of MS4 Discharges to Impaired Waters

[Describe the Monitoring and/or Assessment Activity that is designed to quantify pollutant loadings from the MS4 into the impaired water. The Permittee must submit a Monitoring/Assessment Plan no later than 180 days after the Permit Effective Date to describe what and how the Permittee intends to monitor/assess to target the relevant pollutants of concern.]

[In this section, provide a general description of the monitoring/assessment to be accomplished, including what is being monitored and/or assessed. Discuss the type and frequency of the Monitoring and/or Assessment Activity that the Permittee chooses to conduct. If appropriate, include discussion of why the Permittee is choosing to monitor/assess pollutants in that manner. Discuss also any cooperative efforts with other MS4 Permittees or other entities to accomplish the Monitoring and/or Assessment. If appropriate, keep the description of the monitoring/assessment general in this document, and refer the reader to the formal Monitoring/Assessment Plan for specific details. Include a schedule to describe 1) when the Permittee submitted the Monitoring/Assessment Plan to EPA for consideration; 2) whether members of the public can be engaged in the Monitoring/Assessment activities; and 3) when the Permittee expects to begin conducting the monitoring/assessment of pollutants of concern in MS4 discharges (or confirm whether it is already underway).]

[No later than 180 days prior to the expiration date, revise this section to include a general overview of the results of the monitoring/assessment activity to date. If appropriate, keep the overview discussion general in this document, and refer the reader to the Final Report summarizing the Monitoring/Assessment information for specific details. Consider including the Final Report as one or more Attachments.]

3.2 Pollutant Reduction Activities

[Permittees with required actions in Permit Part 4 must select and conduct at least two Pollutant Reduction Activities to reduce pollutant loadings from the MS4 into the impaired water. The Permittee must also determine how to quantify those reductions. The Permittee must submit a written description of its two selected Pollutant Reduction Activities no later than 180 days after the Permit Effective Date. The written description must explain what targeted controls the

Permittee intends to be implemented to reduce discharge of pollutants of concern.

[In this section, provide a general introductory paragraph to describe the two (2) Pollutant Reduction Activities that are to be conducted during the term of the Permit. If appropriate, include discussion of why the Permittee selected the specific activities, and how the two pollutant reduction activities link (if at all) to the Monitoring/Assessment actions described above. Will one or both of these activities be conducted only during the permit term, or will the Permittee “keep it going” if it is successful? Discuss any cooperative efforts to conduct the actions with other MS4 Permittees or other entities. Who is the lead entity? What is the role of each cooperating entity? Include a schedule to outline relevant dates: 1) when the Permittee submitted the formal written description of the selected Pollutant Reduction Activities; 2) whether members of the public can assist the Permittee with the specific activity, when and how; and (if not already explained) 3) when the Permittee expects to begin/end each Activity (or, whether it is already underway).]

[These targeted Pollutant Reduction Activities should specifically address the pollutants of concern cited for the Permittee in Permit Part 4. For each activity, insert the description of a goal or target that will allow the Permittee to evaluate the activity’s effectiveness in making progress towards achieving the goal of reducing the presence of the specific pollutant in the MS4 discharge(s). In the examples provided below, the activities listed also would be considered public education and illicit discharge detection and elimination controls. Insert a narrative below or use the tables provided. Insert as many targeted controls as necessary.]

[No later than 180 days prior to the expiration date of the Permit, revise this section to include a general overview of the Pollutant Reduction Activities to date. If appropriate, a general overview discussion can be included in the body of the document, and may refer the reader to the Final Report summarizing the results to date for each Pollutant Reduction Activity. Consider including the Final Report as one or more Attachments.]

The following is an example of a write up for a Pollutant Reduction Activity to Address Bacteria. This is only an example for consideration.

Pollutant Reduction Activity #1 to Reduce Bacteria

Homeowner Outreach & Education

Control Description:

[Name of Permittee] will target educational efforts to homeowners within the MS4 boundary served by aging septic tanks. ***Name of Permittee*** will provide these residents with opportunity for education on proper construction, management, and maintenance of the septic tank. ***Name of Permittee*** will also work with septic tank service providers to enlist their help with reaching all target households and assessing an estimated number of households that seek assistance to maintain (or replace) their septic system.]

Interim Milestone Goals:

- During the first year of implementation: ***Name of Permittee*** will

develop a PowerPoint presentation and other appropriate informational materials for home owners describing proper management and maintenance of older septic systems

- *Starting in the second year, **Name of Permittee** will contact at least 50 percent of known septic system owners to receive the outreach materials and be educated on proper septic sanitary tanks management and maintenance; **Name of Permittee** will continue this effort each consecutive year until all households with aging septic tanks have been contacted.]*

Desired Outcome:

- ✓ *All homeowners with aging septic systems within the targeted MS4 drainage area have successfully received educational materials prior to [180 days before Permit Expiration Date}*
- ✓ *Approximately 25% of the targeted homeowners have taken action to maintain or replace their septic system.*

*Person(s) or
Department
Responsible:*

*Bob Weatherman, MS4 Coordinator, Public Works Department
555-444-3333
Weatherman.bob@publicworks.org*

4 LEGAL AUTHORITY AND ENFORCEMENT

[Insert one or more paragraphs to summarize the Permittee's legal authorities allowed under Idaho law that satisfy the six criteria listed below to implement and enforce the requirements of the Permit, including a discussion of any limitations to the legal authority.

[Note that "other legal authorities available to the Permittee pursuant to Idaho law" can mean a statute, ordinance, policy, permit, contract, court or administrative order, or other similar mechanism. Highway districts, transportation departments, universities, and other "non-traditional" MS4s should include descriptions of any by- laws, policies, contract agreements, or other regulatory mechanisms.

[Include the exact title and citation of the legal authority, and, if possible, a URL where the legal authority can be reviewed in its entirety. If needed, describe the schedule to adopt ordinances or regulatory mechanisms which will comply with Part 2.5.4 of the Permit, which states: "The Permittee must maintain relevant ordinances or other regulatory mechanisms sufficient to control pollutant discharges into and from its MS4, and meet the criteria identified below. "

| [Insert Permittee Name] <i>relies on the following legal authorities</i> | |
|---|--|
| 1. To prohibit and eliminate illicit discharges to the MS4: | |
| 2. To control the discharge of spills, dumping or disposal of materials other than storm water to the MS4: | |
| 3. To 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 | |
| 4. To control the contribution of pollutants from one MS4 to another interconnected MS4; | |
| 5. To require local compliance with such requirements; and | |
| 6. To carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the Permit. | |

5 STORM WATER CONTROL MEASURES TO REDUCE POLLUTANTS TO

THE MAXIMUM EXTENT PRACTICABLE

The following sections describe [Insert Permittee Name]'s program to reduce pollutants in the MS4 discharges to the maximum extent practicable, as required by Permit Part 3. Each section summarizes the mandatory program, and describes how [Insert Permittee Name] meets each program component.

[The controls described in this section do not follow the order of the required control measures in the Permit – the Permittee is free to organize this section as they like.]

5.1 Construction Site Runoff Control

Recommendations to SWMP writers:

- *Refer to Part 3.3 of the Permit for specific topics that must be discussed in this section.*
- *If not already listed in the previous section, include a citation to the specific ordinance, contract mechanism, policy, etc, used by the Permittee to control discharges from construction sites.*

To control the discharge of storm water and pollutants from land disturbance during the construction phase [insert Permittee Name] must:

- ✓ Require appropriate erosion, sediment, and waste management requirements for construction site activity that results in land disturbance of 5,000 square feet (ft²) or more.
- ✓ Establish installation and use guidelines for required erosion/sediment/waste management during all phases of construction site activity.
- ✓ At a minimum, review preconstruction site plans for construction sites that will result in land disturbance of one (1) or more acres, using a checklist or similar process to consider and address potential water quality impacts from the site activities.
- ✓ Inspect and enforce erosion, sediment, and waste management requirements requirements on construction sites.
- ✓ Establish an inspection prioritization plan
- ✓ Establish an enforcement response policy,
- ✓ Ensure that Permittee staff is trained to conduct these activities.

INSERT THE PERMITTEE-SPECIFIC DISCUSSION HERE:

- *Describe how the Permittee requires construction site operators to control erosion and waste at construction sites disturbing 1 acre or more in their jurisdiction. Cite the name, title, etc of applicable manual, or set of specifications or requirements -*
- *Describe how the Permittee informs a construction project proponent to obtain the NPDES Construction General Permit coverage for sites disturbing > 1 acre.*
- *Describe how the Permittee enforces its own local erosion, sediment, and waste management control requirements on construction sites disturbing at least 1 acre or more.*
- *Describe what/how construction sites are prioritized for inspection*
- *Describe or include a copy of the Enforcement Response Policy*
- *If any of these program components are not yet in place, describe the schedule or plan for*

getting such program components in place – including target dates and actions needed - to get the mandatory local controls “on the books” before [180 days before the Permit Expiration Date.]

[No later than 180 days before the Permit Expiration Date], per Permit Part 3.3.6 and 8.2, update this section to include a discussion of the Permittee’s Enforcement Response Policy (ERP) for Construction Site Runoff Control.

Suggestion: A general overview of the ERP can be included here in the body of the document, and refer the reader to the actual ERP available elsewhere. EPA requires the ERP to be submitted as part of the Permit Renewal Application/NOI, so the Permittee may consider including the ERP as an Attachment to the SWMP Document]

5.2 Storm Water Management for Areas of New Development and Redevelopment

Recommendations to SWMP writers:

- *Refer to Part 3.4 of the Permit for specific topics that must be discussed in this section.*
- *If not already listed in the previous section, include a citation to the specific ordinance, contract mechanism, policy, etc, used by the Permittee to require permanent storm water management controls at new development and redevelopment sites.*

To control the discharge of storm water and pollutants from land disturbance and development, after construction is completed, **[insert Permittee Name]** must:

- ✓ Require the installation and long-term maintenance of permanent storm water controls at new development and redevelopment project sites that result from land disturbance of 1 acre or more.
 - Permanent storm water 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.
 - Alternatively, storm water treatment requirements must be required that can attain an equal or greater level of water quality benefits as onsite retention of storm water discharges from new development and redevelopment sites.
 - Other alternatives may be allowed for projects to meet the onsite retention requirement at a particular project site based on technical infeasibility, and/or site constraints.
- ✓ Establish proper installation and use guidelines for permanent storm water controls – the Permittee may establish different types of controls for different types and/or sizes of site development activity.
- ✓ At a minimum, review and approve preconstruction plans for permanent storm water controls at new development and redevelopment sites that result from land disturbance of one (1) or more acres

- ✓ Periodically inspect “high priority” permanent storm water controls for proper installation and operation, using an inspection prioritization system
- ✓ Maintain an inspection prioritization plan and enforcement response policy,
- ✓ Maintain a database inventory to track and manage the operational condition of permanent storm water controls
- ✓ Ensure the appropriate Permittee staff is trained to conduct these activities.

INSERT THE PERMITTEE-SPECIFIC DISCUSSION HERE:

- *Describe how the Permittee requires project site operators to install permanent sites. Cite the name, title, etc of applicable manual, or set of requirements -*
- *Describe how the Permittee enforces its installation requirements for development sites disturbing at least 1 acre or more.*
- *Describe what/how permanent storm water controls are prioritized for inspection*
- *Describe or include a copy of the Enforcement Response Policy*
- *Describe how the Permittee keeps track of the operation and maintenance of permanent controls –*
 - *Does the permittee have O&M Agreements with other parties responsible for the operation and maintenance of permanent storm water controls? If so, briefly describe what/how such arrangements work.*
- *If any of these program components are not yet in place, Describe the schedule or plan for getting such program components in place – including target dates and actions needed - to get appropriate local controls “on the books” before [180 days before the Permit Expiration Date]*

[No later than 180 days before the Permit Expiration Date.], per Permit Parts 3.4.5.2 and 8.2, update this section to include a discussion of the Permittee’s Enforcement Response Policy for Permanent SW Management Controls

Suggestion: A general overview of the ERP can be included here in the body of the document, and refer the reader to the actual ERP available elsewhere. EPA requires the ERP to be submitted as part of the Permit Renewal Application/NOI, so the Permittee may consider including the ERP as an Attachment to the SWMP Document]

5.3 Pollution Prevention/Good Housekeeping for MS4 Operations

Recommendations to SWMP writers:

- *Refer to Part 3.5 of the Permit for specific topics that must be discussed in this section.*

To properly operate and maintain the MS4, and its facilities using prudent pollution prevention and good housekeeping, **[insert Permittee Name]** must:

- ✓ Maintain a current Map of the MS4, including an inventory of all Outfalls and other features;
- ✓ Inspect catch basins and inlets at least once every five years. using an inspection prioritization plan
- ✓ Maintain or clean catch basins based on those inspections,

- ✓ If applicable, maintain Operation and Maintenance (O&M) Procedures for Streets, Roads, Highways and Parking Lots, including:
 - If applicable, inventory and manage Street/Road Maintenance Materials
 - If applicable, implement a Street, Road, Highway and Parking Lot Sweeping Management Plan;
- ✓ Maintain O&M Procedures for Other Municipal Areas and Activities to protect water quality;
- ✓ Use best practices to reduce the discharge of pollutants to the MS4 associated with the Permittee's application and storage of pesticides, herbicides and fertilizers;
- ✓ Develop site-specific Pollution Prevention Plans for Permittee-owned Facilities;
- ✓ Work cooperatively with other entities to control litter on a regular basis;
- ✓ Ensure the appropriate Permittee staff is trained to conduct these activities.

INSERT THE PERMITTEE-SPECIFIC DISCUSSION HERE:

- *Cite the name, title, etc, of applicable O & M manual, or set of requirements -*
- *Describe how the Permittee targets inlet/catch basin inspections & maintenance within the jurisdiction,*
- *Describe when the Permittee last reviewed - and updated if necessary - its inspection and maintenance schedules to ensure pollution prevention and good housekeeping practices are conducted for the following activities:*
 - *grounds/park and open space maintenance;*
 - *fleet maintenance and vehicle washing operations;*
 - *building maintenance;*
 - *snow management and snow disposal sites;*
 - *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.*
-
- *If any of the program components listed above/in Permit Part 3.5 are not yet in place, describe the schedule or plan for getting such program components in place – including target dates and actions needed - to get appropriate local controls “on the books” [180 days before the Permit Expiration Date.]*

No later than 180 days before the Permit Expiration Date], per Permit Parts 3.5.4, update this section to include a discussion of the Permittee's material storage locations in areas served by the MS4, including summary description of controls used to prevent the discharge of pollutants to the MS4 & waters of the US.

No later than 180 days before the Permit Expiration Date], per Permit Parts 3.5.5, update this section to include a detailed discussion of the Permittee's sweeping management plan.

Suggestion: Include an updated discussion in this section to provide a general overview of the size/scope/nature of the MS4 and the inventory, including any significant findings or changes that have occurred on what is known about the extent of the Permittee's MS4. This discussion can be included here in the body of the document, and refer the reader to the actual map (or reflection of the final map) as an attachment. EPA requires the updated Map and Outfall Inventory to be submitted as part of the Permit Renewal Application/NOI, so the Permittee may consider how to reference the final map and inventory in this SWMP Document]

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5.4 Illicit Discharge Detection and Elimination

Recommendations to SWMP writers:

- *Refer to Part 3.2 of the Permit for specific topics that must be discussed in this section.*

To prohibit and eliminate illicit discharges to the MS4, **[insert Permittee Name]** must:

- ✓ Enforce an ordinance that effectively prohibits illicit discharges into the MS4;
- ✓ Respond to Complaints or Reports of illicit Discharges from the Public;
- ✓ Keep Track of Complaints/Reports, and any Response Actions Taken;
- ✓ Conduct MS4 outfall screening inspections during dry weather;
- ✓ Follow-up to determine the source of a recurring illicit discharge identified as a result of complaints, or of the dry weather screening investigations within thirty (30) days;
- ✓ Take appropriate action to address the source of an ongoing illicit discharge;
- ✓ Prevent and Respond to Spills to the MS4, as appropriate;
- ✓ Coordinate with other entities for the proper disposal of used oil and toxic materials;
- ✓ Ensure the appropriate Permittee staff is trained to conduct these activities.

INSERT THE PERMITTEE-SPECIFIC DISCUSSION HERE:

- *Cite/describe the name, title, etc of applicable illicit discharge policy, or set of requirements –*
- *Describe how certain types of “non-storm water” are conditionally allowed to be discharged through the MS4;*
- *Describe how the Permittee targets outfalls within its jurisdiction to be screened during dry weather*
- *Summarize describe how the Permittee responds to illicit discharges; summarize the typical number & types of complaints received annually, and any other statistics or findings from prior illicit discharge investigations*
- *Summarize the most significant or successful illicit discharge response to date – Highlight successes!*
- *Where ongoing or recurring dry weather discharges are associated with ground water infiltration and/or irrigation water, list the specific outfall locations by latitude/longitude where such ongoing discharges occur.*
 - o *Describe any attempt to determine whether the ongoing dry weather discharge is “contaminated” and/or whether it can be identified as an “allowable non-storm water discharge”*
- *If any of the program components listed above/in Permit Part 3.2 are not yet in place, describe the schedule or plan for getting such program components in place – including target dates and actions needed - to get appropriate local controls “on the books” [180 days before the Permit Expiration Date.]*

[No later than 180 days before the Permit Expiration Date], per Permit Parts 3.2.5 and 8.2, update this section to include the final list of MS4 outfall locations with dry weather flows

identified by the Permittee as being associated with irrigation return flows and/or groundwater seepage. This list must include latitude/longitude and physical description/characteristics of each outfall. (This final list could instead be referenced – if appropriate - with the discussion of the Permittee’s updated MS4 Map and Outfall Inventory.

Suggestion: A general overview of the size/scope/nature of the MS4 and the inventory, including any significant findings or changes have occurred on what is known about the extent of the Permittee’s MS4. This discussion can be included here in the body of the document, and refer the reader to the actual map (or reflection of the final map) as an attachment. EPA requires the updated Map and Outfall Inventory to be submitted as part of the Permit Renewal Application, so the Permittee may consider how to reference the final map and inventory in this SWMP Document]

5.5 Education, Outreach, and Public Involvement

Recommendations to SWMP writers:

Refer to Part 3.1 of the Permit for specific topics that must be discussed in this section.

To educate and involve members of the public to learn about pollutants in storm water and similarly significant issues, **[insert Permittee Name]** must conduct, or contract with other entities to conduct, an ongoing education, outreach, and public involvement program. **[insert Permittee Name]** must also comply with applicable State and local public notice requirements when implementing any public involvement activities.

Within one year of the Permit effective date, **[insert Permittee Name]** must, at a minimum:

- ✓ Select at least one audience and focus its efforts on conveying relevant messages
 - Distribute and/or offer at least eight (8) educational messages or activities over the permit term to selected audience(s)
 - Begin to assess, and track, activities to gauge the audience’s understanding of the relevant messages and adoption of appropriate behaviors.
- ✓ Target specific educational material to the construction/engineering/design community regarding construction site runoff control and permanent storm water controls.
- ✓ Maintain and advertise a publicly accessible website to provide all relevant SWMP materials.

INSERT PERMITTEE SPECIFIC DISCUSSION HERE

- *Provide a detailed discussion in this section of the Permittee’s outreach efforts to address the required elements.*
- *Describe how the Permittee elects to deliver the selected educational topics to the selected audiences.*
- *Discuss how those decisions are made by the Permittee.*

No later than 180 days before the Permit Expiration Date], per Permit Part 8.2, update this section to include a review of the Education, Outreach, and Public Involvement activities to date.

6 UNIQUE PROVISIONS SPECIFIC TO [INSERT PERMITTEE NAME]

6.1 Annual Compliance Evaluation

[The Permit Part 6.4 requires Annual Reports to be submitted to the Permitting Authority. The initial version of this SWMP Document must be developed and posted on the Permittee's website concurrent with the submittal of the 1st Year Annual Report.]

Suggestion: Consider using this section to identify if/how the reader can view the Annual Reports submitted on behalf of the Permittee through the permit term, and/or document how the Permittee has assessed its compliance with the Permit.

6.2 Alternative Control Measure Requests

[The Permit Part 1.6 allows Permittees to submit and justify alternative control measures to tailor or replace any of the required control measures or control measure components found in Part 3.]

Suggestion: Consider using this section to summarize the specific alternative control measure[s] that the Permittee determines are appropriate for EPA to consider including in the Permit as being relevant to their management of MS4 discharges.

Permittees may consider linking this section to this template's prior discussion of SW Control Measures as appropriate.

6.3 Adaptive Management Actions

[Where needed, the Permit Parts 2.2 and 5 provides a means for Permittees to submit and justify longer term adaptive management actions to address MS4 discharges where pollutants contribute to excursions above the Idaho water quality standards.]

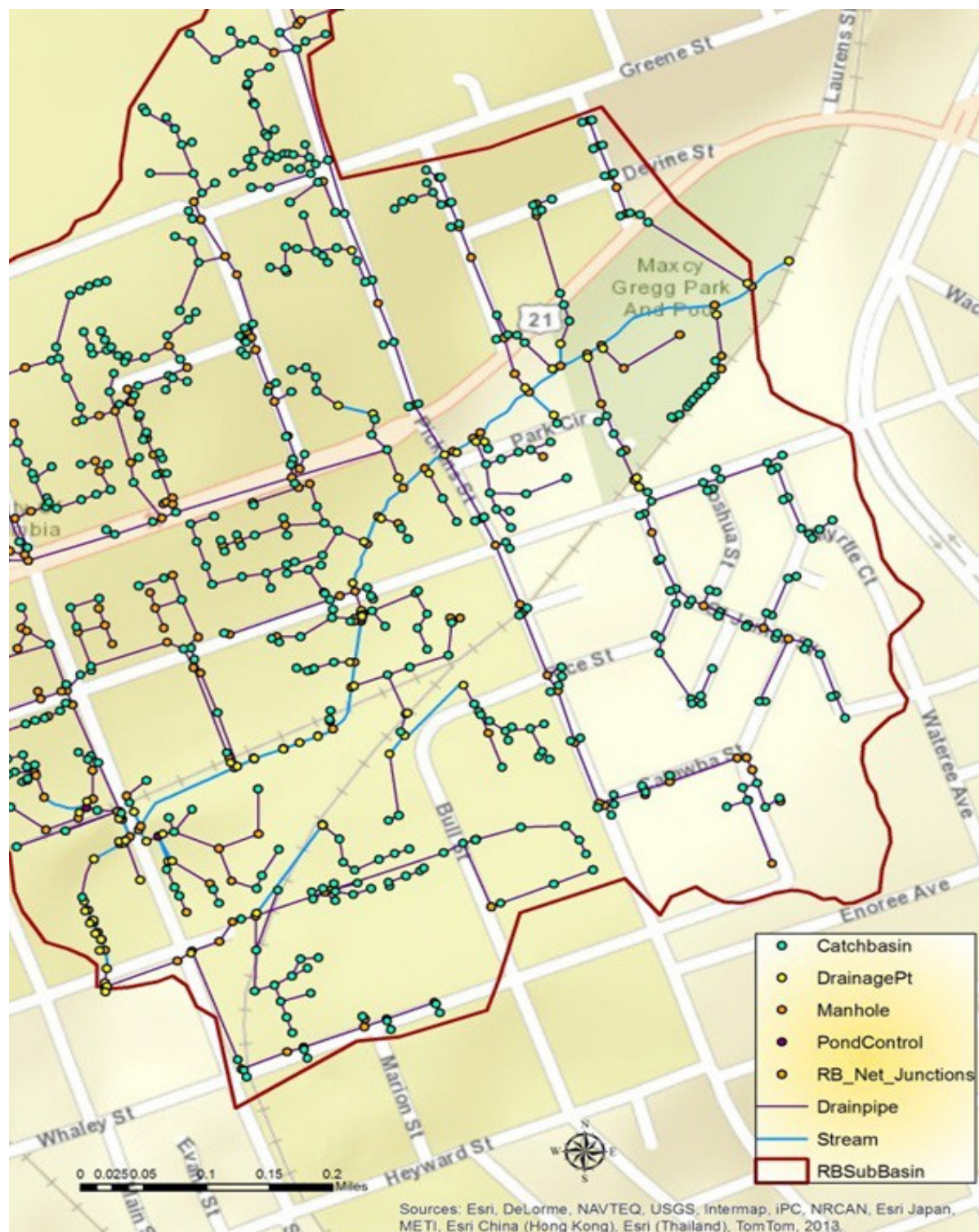
Suggestion: Use this section – if needed - to summarize the specific adaptive management action measure[s] that the Permittee submits to EPA to consider including in the Permit as being relevant to their management of MS4 discharges.

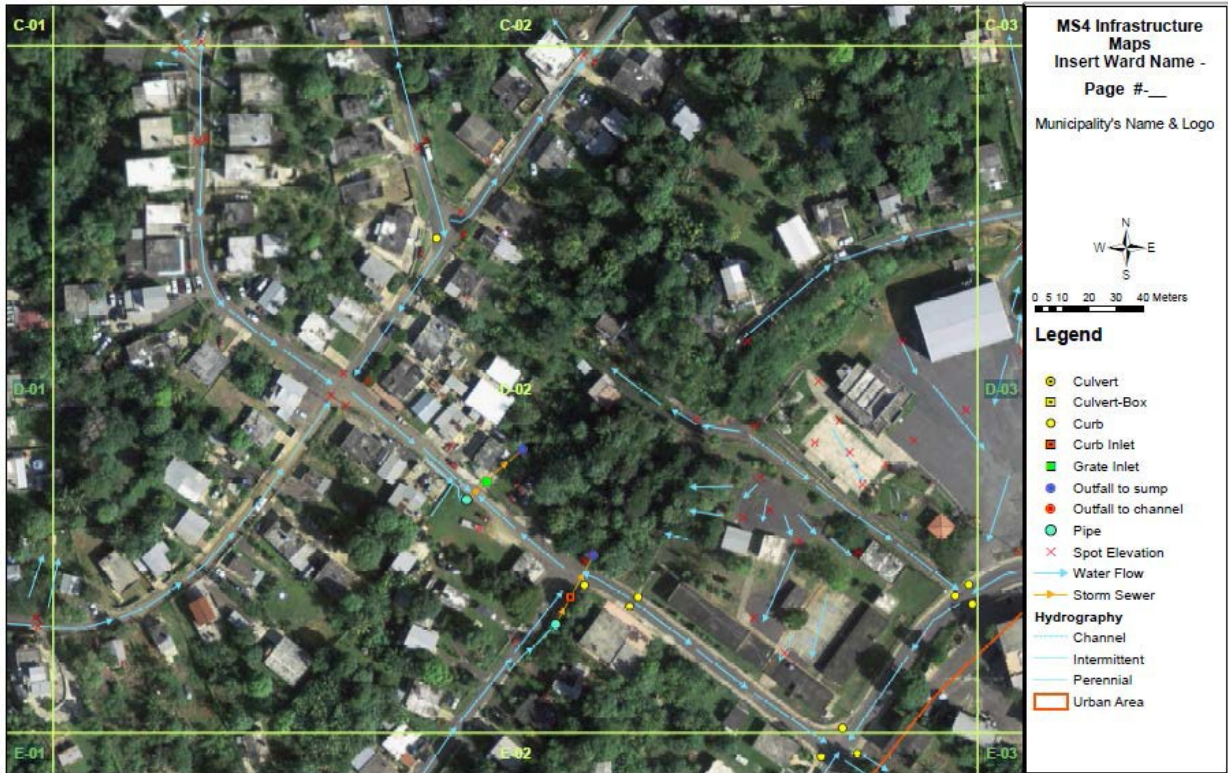
[No later than 180 days before the Permit Expiration Date], per Permit Parts 5.5 and 8.2, update this section to include a written summary of the Permittee's adaptive management actions to date, and if necessary, plans to continue such actions to further address pollutants in MS4 discharges.

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ATTACHMENT I MS4 STORMWATER INFRASTRUCTURE MAPS

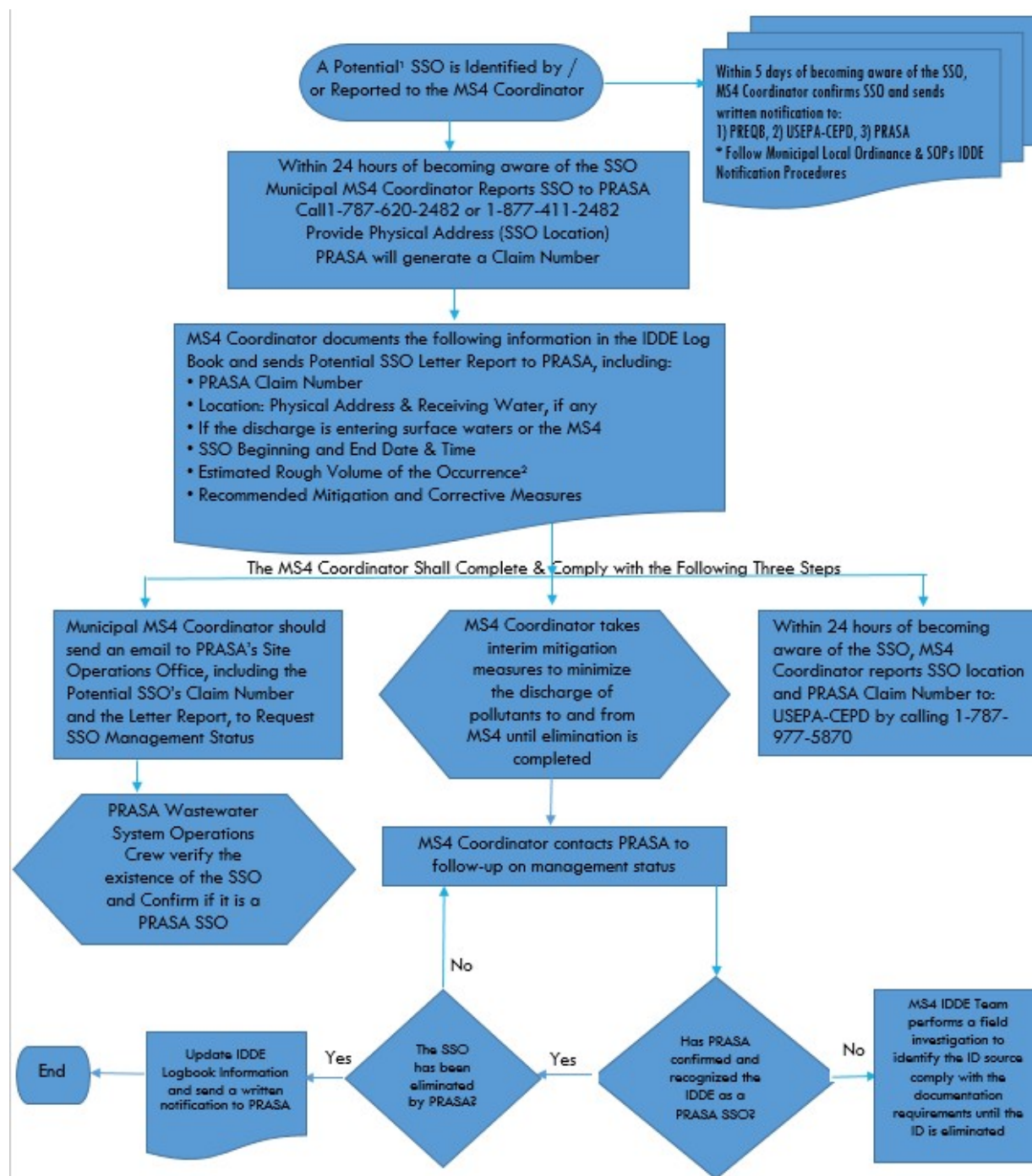
[The following figures are examples of MS4 Stormwater Infrastructure Maps. Replace with your system- specific maps move before submitting your SWMP]





ATTACHMENT II Example

[The following is an example of an Illicit Discharge Response Flowchart – such a graphic could be used to illustrate a Permittee's particular or unique process or procedure.]



¹ The Suspected or Potential Sanitary Sewer Overflow (SSO) is considered an Illicit Discharge caused by PRASA once PRASA Operations Crew confirms its existence.

² Estimated Rough Volume Calculation Method is under development due 2018.

ATTACHMENT III [INSERT TITLE]

[Insert additional attachments as needed.]

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Permit Appendix B.2 – Draft – December 2018

MS4 Permit Annual Report Format



This Annual Report is due no later than XXXXX following the relevant reporting period, beginning in 2019. See Part XXX Annual Reports and any attachments must be sent to EPA and IDEQ by U.S. Postal Mail to the following addresses:

Director, Office of Compliance &
Enforcement
Attn: ID MS4 Permit Compliance
U.S. EPA, Region 10
1200 6th Avenue, Suite 155, OCE-101
Seattle, Washington 98101

Administrator, Water Quality Division
Idaho Department of Environmental
Quality
Attn: Surface Water Program
1410 North Hilton
Boise, ID 83854

Complete Sections 1 through IV. Do not leave any questions blank.

Permittee Name/Organization: _____

NPDES Permit Number: _____

Annual Report Number & Reporting Period:

- | | |
|---|---|
| <input type="checkbox"/> Year 1 Period: XX, 2019 – XX, 2020 | <input type="checkbox"/> Year 5 Period: XX, 2023 – Permit Expiration Date |
| <input type="checkbox"/> Year 2 Period: XX, 2020 – XX, 2021 | |
| <input type="checkbox"/> Year 3 Period: XX, 2021 – XX, 2022 | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Year 4 Period: XX, 2022 – XX, 2023 | |

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 have no personal knowledge that the information submitted is other than 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."*

Signature: _____

Printed Name: _____

Title: _____

Date: _____

Section I. General Information

Contact Person: _____ Title: _____

Telephone #: _____ Email: _____

Mailing Address: _____

Jurisdiction Type: ☐ County ☐ City or Town ☐ Highway District ☐ Other _____

Major Receiving Water(s): _____

Section II. Permittee Responsibility:

Please answer all questions. If the answer is "No," or "Not Applicable" and no other direction is provided, use the Comments field at the end of this section to explain the reason and the expected date(s) that the requirement will be met, and/or to explain why the requirement does not apply.

- 1. This Permittee organization shares implementation responsibility for Permit compliance with one or more Permittees.**

Is the agreement between this group of Permittees described/cited in the Storm Water Management Program (SWMP) Document?

☐ Yes ☐ No ☐ Not Applicable

- 2. This Permittee organization shares implementation responsibility for Permit compliance with one or more outside (non-Permittee) Entities.**

Is the agreement with these other entity(ies) described/cited in the SWMP Document?

☐ Yes ☐ No ☐ Not Applicable

- 3. This Permittee organization maintains relevant ordinances or other regulatory mechanisms to control pollutant discharges into and from the MS4 to meet the requirements of this GP.**

☐ Yes

☐ No

If "No," use the Comment field to specify on overall progress to adopt adequate ordinances, or utilizing available regulatory mechanisms.

☐ *Not Applicable*

4. This Permittee organization's SWMP Document posted on a publicly accessible website.

☐ Yes

URL for the webpage where the SWMP Document can be accessed:

http://_____

☐ No

☐ *Not Applicable*

5. (Year 2 Annual Report only): This Permittee organization's SWMP Document been updated to describe the implementation of the selected Monitoring/Assessment and/or Pollutant Reduction activities cited in Permit Part 4.

☐ Yes

URL for the webpage where the SWMP Document can be accessed:

http://_____

☐ No

☐ *Not Applicable*

6. This Permittee organization tracks certain types of activities to set priorities and assess compliance with the Permit.

☐ Yes

☐ No

☐ *Not Applicable*

7. During the reporting period, responsibility for SMWP implementation has changed due to a Transfer of Ownership or Operational Authority over a geographic portion of the MS4. This Permittee's SWMP Document has been updated to reflect these changes in responsibility for any new or transferred areas served by the MS4.

☐ Yes

If yes, use the Comments field to provide a brief statement summarizing the change in ownership or operational authority.

☐ No

☐ *Not Applicable*

Section II Comments:

Section III. Status of SWMP Control Measures

Please answer all questions for each SWMP control measure and associated component activity. In the Comments field, cite any relevant information and/or statistics that helps illustrate the Permittee's implementation of the required action/activity.

If the answer is "No," use the Comments field to explain the reason, and outline the expected dates that the requirement will be met.

If the requirement does not apply to the Permittee's organization, mark "NA" and explain why it does not apply in the Comments field.

Public Education, Outreach and Involvement Program (Permit Part 3.1)

8. **This Permittee organization conducts an education, outreach, and public involvement program based on stormwater issues of significance in the Permittee's jurisdiction.**
- ☐ *Yes, this organization conducts the education, outreach, and involvement activities required by the Permit*
 - ☐ *Yes, this organization works through contract with other entities to conduct the education, outreach, and involvement activities required by the Permit*
 - ☐ *No*
 - ☐ *Not Applicable*
9. **Target Audience: During the reporting period, this Permittee organization focused its education, outreach, and public involvement messages to the following audience(s):**
- ☐ **General Public** *(including homeowners, homeowner's associations, landscapers, and property managers)*
 - ☐ **Business/Industrial/Commercial/Institutions** *(including home based and mobile businesses)*
 - ☐ **Construction/Development** *(e.g., Engineers, Contractors, Developers, Landscape Architects, Site Design Professionals)*
 - ☐ **Elected Officials, Land Use Policy and Planning Staff**
 - ☐ *Other (describe in Comments section below)*
10. **Topics: During the reporting period, this Permittee organization focused its education, outreach, and public involvement messages on the following topics (select all that apply):**
- ☐ *General impacts of stormwater flows into surface water, and appropriate actions to prevent adverse impacts;*
 - ☐ *Impacts from impervious surfaces, techniques to avoid adverse impacts;*
 - ☐ *Yard care techniques protective of water quality, such as composting;*

- ☐ Proper use, application & storage of pesticides, herbicides, and fertilizers;
- ☐ Litter & trash control and recycling programs;
- ☐ BMPs for power washing, carpet cleaning, auto repair & maintenance;
- ☐ Low Impact Development/green infrastructure techniques, including site design, pervious paving, retention of mature trees/vegetation, landscaping and vegetative buffers;
- ☐ Maintenance of landscape features providing water quality benefits;
- ☐ Stormwater treatment and volume control practices;
- ☐ Technical standards for stormwater site plans; including appropriate selection, installation, and use of required construction site control measures
- ☐ 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
- ☐ BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, vehicle wash soaps and other hazardous materials;

11. During the reporting period, this Permittee organization began and/or continued distribution of the selected messages/activities to the intended target audience.

- ☐ Yes

Please summarize the message/activity conducted during the reporting period in the Comments section below.

- ☐ No

*Note: Permit Part 3.1.3 requires Permittees to conduct at least eight (8) educational messages or activities no later than **Permit Expiration****

- ☐ Not Applicable

12. During this reporting period, this Permittee organization assessed, or participated in efforts to assess, the understanding and adoption of intended behaviors by the target audience?

- ☐ Yes

In the Comments section below, please summarize efforts to assess the selected education, outreach and public involvement activities conducted during the reporting period. If information is available, describe how this information is used to improve the education/outreach efforts.

- ☐ No

☐ Not Applicable

13. During this reporting period, this Permittee organization offered (or worked with others to offer) training/education regarding construction site runoff control measures to site operators working in the Permittee's jurisdiction.

☐ Yes

☐ No

*Note: Permit Part 3.1.7.1 requires Permittees to offer outreach/training on construction site control measures at least twice during the permit term, no later than **Permit Expiration****

☐ Not Applicable

14. During this reporting period, this Permittee organization offered (or worked with others to offer) training/education regarding permanent stormwater controls to audiences working in the Permittee's jurisdiction.

☐ Yes

☐ No

*Note: Permit Part 3.1.7.2 requires Permittees to offer outreach/training on permanent stormwater controls at least twice during the permit term, no later than **Permit Expiration****

☐ Not Applicable

15. This Permittee organization maintains and promotes a publicly-accessible website that provides current SWMP-related information cited in Permit Part 3.1.8. This website was recently updated prior to submitting this Report.

☐ Yes

URL for the Permittee's webpage:

http://_____

☐ No

☐ Not Applicable

Comments on Public Education, Outreach, and Involvement Program:

Use this Comments field to explain or discuss unique implementation schedules, summarize nature of the education, outreach, and public involvement activities conducted during the reporting period

Illicit Discharge Detection and Elimination Program (Permit Part 3.2)

16. To the extent allowable pursuant to authority granted under Idaho law, this Permittee organization conducts and enforces a program to detect and eliminate illicit discharges into the MS4.

☐ Yes

☐ No

*Note: Permit Part 3.2 requires Permittees to revise and update their existing programs as necessary to comply with Permit Parts 3.2.2 through 3.2.9 no later than 180 days before **Permit Expiration****

☐ Not Applicable

17. This Permittee organization maintains a current MS4 Map and Outfall Inventory as described in Permit Part 3.2.2.

☐ Yes

☐ No

*Note: Permit Part 3.2 requires Permittees to update their Map(s) and Inventory no later than 180 days before **Permit Expiration****

☐ Not Applicable

18. To the extent allowable pursuant to authority granted under Idaho law, this Permittee organization prohibits non-storm water discharges into the MS4 (except those identified in Permit Part 2.4) through an ordinance or other regulatory mechanism.

☐ Yes – if yes, please provide citation/web address to the ordinance/regulatory mechanism:

☐ No

*Note: Permit Part 3.2 requires Permittees to revise and update their existing programs as necessary no later than 180 days before **Permit Expiration****

☐ Not Applicable

19. This Permittee organization maintains a dedicated telephone number, email address, and/or other means for the public to report illicit discharges,

☐ Yes – if yes, please provide phone number/web address:

☐ No

Note: Permit Part 3.2 requires Permittees to revise and update their existing

programs as necessary no later than 180 days before **Permit Expiration***

☐ Not Applicable

- 20. This Permittee organization responds and investigates illicit discharge complaints or reports within two working days.**

☐ Yes

☐ No

*Note: Permit Part 3.2 requires Permittees to revise and update their existing programs as necessary no later than 180 days before **Permit Expiration****

☐ Not Applicable

- 21. Number of Public Complaints/Reports Received During this Reporting Period:**

- 22. Number of Illicit Discharge Complaints/Reports Investigated through field visits, sampling or other follow-up action**_____

- 23. Number of Illicit Discharge Complaints/Reports Resolved**_____

- 24. This Permittee organization conducts a dry weather analytical and field screening monitoring program to identify non-stormwater flows from MS4 outfalls.**

☐ Yes

☐ No

☐ Not Applicable

- 25. During the reporting period, this Permittee organization used its written protocols to prioritize and identify MS4 outfalls for dry weather discharge investigation.**

☐ Yes

☐ No

☐ Not Applicable

- 26. Total Number of MS4 Outfalls in the Permittee's jurisdiction of the Permit Area:**

- 27. During the reporting period, this Permittee organization completed visual dry weather screening on at least 50 MS4 outfalls.**

☐ Yes

☐ No – Total # of outfalls screened in this jurisdiction was less than 50

☐ Not Applicable

- 28. Of the 50 outfalls screened during the reporting period:**

How many outfalls were discharging during dry weather? _____

How many of these identified dry weather discharges were sampled or otherwise investigated to determine the discharge source?

How many of the identified dry weather discharges resulted in the Permittee action to address and eliminate the discharge source?

29. During this reporting period, how many of the Permittee's MS4 outfalls have been identified as having dry weather flows caused by irrigation return flow or ground water seepage?

Number of outfalls identified this reporting period _____

Total number of MS4 outfalls identified to date, as having dry weather flows from irrigation or groundwater seepage _____

*Note: Permit Part 3.2.6 requires Permittees to provide a complete list of MS4 outfalls locations identified as having dry weather flows caused by irrigation return flow or ground water seepage as part of their Permit Renewal Application no later than 180 days before Permit Expiration**

30. This Permittee organization maintains written spill response procedures and coordinates appropriate spill prevention, containment and response activities with other organizations in the Permit Area to ensure maximum water quality protection at all times?
- ☐ Yes ☐ No ☐ Not Applicable
31. This Permittee organization coordinates with appropriate local entities to educate employees and the public of the proper management and disposal or recycling of used oil, vehicle fluids, toxic materials, and other household hazardous wastes.
- ☐ Yes ☐ No ☐ Not Applicable
32. This Permittee organization's staff responsible for investigating, identifying and eliminating illicit discharges, spills, and illicit connections into the MS4 are trained to conduct such activities
- ☐ Yes ☐ No ☐ Not Applicable

Comments on Illicit Discharge Detection and Elimination Program:

Use this Comments field to explain any unique implementation schedules, highlight investigation results or follow-up actions, discuss subsequent enforcement actions, etc. that were conducted during the relevant reporting period.

Construction Site Runoff Control Program (Permit Part 3.3)

- 33. This Permittee organization uses an ordinance or other regulatory mechanism to require erosion, sediment, and waste material management controls at construction project site activity that results in land disturbance of one (1) or more acres and discharges to the MS4.**

☐ Yes

☐ No

*Note: Permit Part 3.3 requires Permittees to update their construction site runoff control requirements no later than **180 days before Permit Expiration****

☐ Not Applicable

- 34. This Permittee organization requires construction site operators to submit construction site plans for projects disturbing one (1) or more acres for Permittee review.**

☐ Yes

☐ No

*Note: Permit Part 3.3 requires Permittees to update their construction site runoff control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

- 35. This Permittee organization inspects construction sites that disturb one (1) or more acres to ensure compliance with applicable requirements for erosion, sediment and waste material management controls.**

☐ Yes

☐ No

*Note: Permit Part 3.3 requires Permittees to update their construction site runoff control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

- 36. This Permittee organization inspects construction sites using an inspection prioritization system.**

☐ Yes

☐ No

*Note: MS4GP Part 3.3 requires Permittees to update their construction site runoff control requirements no later than **180 days before Permit Expiration****

☐ Not Applicable

- 37. This Permittee organization implements a written escalating enforcement response policy or plan (ERP) for construction site runoff control.**

☐ Yes

☐ No

*Note: MS4GP Part 3.3 requires Permittees to update their construction site runoff control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

- 38. This Permittee organization ensures that all persons responsible for preconstruction site plan review, site inspections, and enforcement of construction site runoff control requirements are appropriately trained to conduct such activities – specifically, this organization provides orientation and training for new staff working on construction runoff control issues within the first six (6) months of employment.**

☐ Yes

☐ No

*Note: MS4GP Part 3.3 requires Permittees to update their construction site runoff control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

Comments on Construction Site Runoff Control:

Use this Comments field to explain unique implementation schedules, summarize the number of site inspections, follow-up actions, and/or any subsequent enforcement actions, etc that were conducted during the relevant reporting period.

Post Construction Stormwater Management in New Development & Redevelopment (Permit Part 3.4)

- 39. Through ordinance or other regulatory mechanism, this Permittee organization requires the installation and long-term maintenance of permanent stormwater controls at new development and redevelopment project sites that result from land disturbance greater than or equal to 1 acre and that discharges to the MS4.**

The required stormwater controls must be sufficient to retain onsite the runoff volume produced from a 24-hour 95th percentile storm event, and/or require runoff treatment sufficient to attain an equal or greater level of water quality benefit as this onsite retention standard.

☐ Yes

Please cite to the ordinance containing the permanent stormwater control requirements:

☐ No

*Note: MS4GP Part 3.4 requires Permittees to update their permanent stormwater control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

40. This Permittee organization requires permanent storm water controls through written specifications.

☐ Yes

Please cite to the document containing the permanent stormwater control requirements:

☐ No

*Note: MS4GP Part 3.4 requires Permittees to update their permanent stormwater control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

41. This Permittee organization requires preconstruction site plan review and approval for permanent storm water controls at new development and redevelopment sites that result in land disturbance of one or more acres and discharge to the MS4.

☐ Yes

☐ No

*Note: MS4GP Part 3.4 requires Permittees to update their permanent stormwater control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

42. This Permittee organization has identified high priority locations in the jurisdiction where the Permittee regularly inspects the installation, and long-term operation, of permanent stormwater controls.

☐ Yes

☐ No

*Note: MS4GP Part 3.4 requires Permittees to update their permanent stormwater control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

43. **This Permittee organization has an enforcement strategy to ensure and maintain the functional integrity of permanent stormwater controls within this jurisdiction.**

☐ Yes

☐ No

*Note: MS4GP Part 3.4 requires Permittees to update their permanent stormwater control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

44. **This Permittee organization uses a database inventory to track and manage the operational condition of permanent stormwater controls within this jurisdiction.**

☐ Yes

☐ No

*Note: MS4GP Part 3.4 requires Permittees to update their permanent stormwater control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

45. **This Permittee organization requires enforceable and transferable O&M Agreements, where parties other than this Permittee organization are responsible for operation and maintenance of permanent storm water controls?**

☐ Yes

☐ No

*Note: MS4GP Part 3.4 requires Permittees to update their permanent stormwater control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

46. **This Permittee organization ensures that all persons responsible for reviewing site plans for permanent stormwater controls and/or for inspecting the installation and operation of permanent controls are trained to conduct such activities**

☐ Yes

☐ No

*Note: MS4GP Part 3.4 requires Permittees to update their permanent stormwater control requirements no later than **180 days before Permit Expiration** **

☐ Not Applicable

Comments on Post Construction Stormwater Management in New Development and Redevelopment

Use this Comments field as necessary to explain any unique implementation schedules, summarize inspections, actions, etc. that were conducted during the relevant reporting period.

Pollution Prevention/Good Housekeeping for MS4 Operations (Permit Part 3.5)

- 47. This Permittee organization inspects all MS4 catch basins and inlets in the jurisdiction at least once every five years, and takes appropriate maintenance or cleaning action based on those inspections.**

- ☐ Yes
- ☐ No – Permittee uses an alternate inspection & maintenance schedule as outlined in the SWMP Document.
- ☐ No

*Note: MS4GP Part 3.5 requires Permittees to update their pollution prevention and good housekeeping as needed to properly operate and maintain their MS4s no later than **180 days before Permit Expiration** **

- ☐ Not Applicable

Total Number of catch basins and inlets inspected this reporting period _____

- 48. This Permittee organization operates and maintains Streets, Roads, Highways and/or Parking Lots in its jurisdiction in a manner that protects water quality and reduces the discharge of pollutants through the MS4.**

- ☐ Yes
- ☐ No

*Note: MS4GP Part 3.5 requires Permittees to update their requirements pollution prevention/good housekeeping for MS4 Operations no later than **180 days before Permit Expiration** **

- ☐ Not Applicable

- 49. This Permittee organization operates all street/road maintenance material storage locations in a manner that prevents pollutants in stormwater runoff from discharging to the MS4 or into any receiving waterbody. A description of each Material Storage Location is included in the SWMP Document, as required by Permit Part 3.5.4**

- ☐ Yes
- ☐ No

*Note: MS4GP Part 3.5 requires Permittees to update their requirements pollution prevention/good housekeeping for MS4 Operations no later than **180 days before Permit Expiration** **

☐ Not Applicable

50. **This Permittee organization sweeps all areas of the jurisdiction that discharge to the MS4 at least once annually. A description of the street sweeping program, as required by Permit Part 3.5.5, is included in the SWMP Document.**

☐ Yes

☐ No

*Note: MS4GP Part 3.5 requires Permittees to update their requirements pollution prevention/good housekeeping for MS4 Operations no later than **180 days before Permit Expiration** **

☐ Not Applicable

51. **This Permittee organization has reviewed its operation and maintenance activities for the types of activities listed below and confirms that all such activities are conducted in a manner that protects water quality and reduces the discharge of pollutants through the MS4.** Municipal Activities to be addressed include: *grounds/park and open space maintenance operations; fleet maintenance and vehicle washing operations; building maintenance; snow disposal site operation and maintenance; 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.*

☐ Yes

☐ No

*Note: MS4GP Part 3.5 requires Permittees to update their requirements pollution prevention/good housekeeping for MS4 Operations no later than **180 days before Permit Expiration** **

☐ Not Applicable

52. **This Permittee organization ensures appropriate practices to reduce the discharge of pollutants to the MS4 associated with the application, storage and disposal of pesticides, herbicides and fertilizers. All employees or contractors applying pesticides, etc. are instructed to follow all label requirements, including those regarding application methods, rates, number of applications allowed, and disposal of the pesticide/herbicide/fertilizer and rinsate.**

☐ Yes

☐ No

*Note: MS4GP Part 3.5 requires Permittees to update their requirements pollution prevention/good housekeeping for MS4 Operations no later than **180 days before Permit Expiration** **

☐ *Not Applicable*

- 53. This Permittee organization uses site specific Storm Water Pollution Prevention Plans for all Permittee-owned material storage facilities, and maintenance yards located in the Permit Area.**

☐ *Yes*

☐ *No*

*Note: MS4GP Part 3.5 requires Permittees to update their requirements pollution prevention/good housekeeping for MS4 Operations no later than **180 days before Permit Expiration** **

☐ *Not Applicable*

- 54. This Permittee organization ensures that all persons responsible for municipal operations and maintenance activities are trained to conduct such activities**

☐ *Yes*

☐ *No*

*Note: MS4GP Part 3.5 requires Permittees to update their requirements pollution prevention/good housekeeping for MS4 Operations no later than **180 days before Permit Expiration** **

☐ *Not Applicable*

Comments on Pollution Prevention/Good Housekeeping for MS4 Operations

Use this Comments field as necessary to explain any unique implementation schedules, summarize inspections, actions, etc. that were conducted during the relevant reporting period

Section IV. Response To Excursions Above Idaho Water Quality Standards

- 55. During this or any prior reporting period, did the Permittee submit written notification to EPA and IDEQ regarding MS4 discharge that are causing or contributing to an excursion above the WQS as directed by Permit Part 5.1?**

☐ *Yes – if yes, proceed to Q.56*

☐ *No*

☐ *Not Applicable*

56. During this or any prior reporting period, did the Permittee submit an Adaptive Management Report to EPA and IDEQ, as directed by Permit Part 5.2?

☐ *Yes – if yes, proceed to Q.57*

☐ *No*

☐ *Not Applicable*

57. Provide a summary of Permittee's efforts to date that address the MS4 discharges contributing to the original water quality excursion, including the results of any monitoring, assessment, or evaluation efforts conducted during the reporting period.

