Issuance Date: MM/DD/YY
Effective Date: MM/DD/YY
Expiration Date: MM/DD/YY

Idaho Pollutant Discharge Elimination System Discharge Permit No. IDR100000

Idaho Department of Environmental Quality

Water Quality Division
IPDES Program
1410 N. Hilton
Boise, ID 83706

In compliance with the provisions of the State of Idaho Environmental Protection and Health Act Title 39, Chapter 1, "Rules Regulating the Idaho Pollutant Discharge Elimination System Program" (IDAPA 58.01.25) and the Federal Water Pollution Control Act (Clean Water Act) Title 33 United States Code, Section 1251 et seq.

Operators of construction activities (defined in Appendix A) in Idaho that meet the requirements of Section 1.1 Eligibility of this IPDES general permit are authorized to discharge in accordance with the permit conditions that follow.

A copy of this general permit must be kept at all construction activities covered by this permit

DRAFT

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1. Coverage under This Permit

To be covered under this permit, you must meet the eligibility conditions and follow the requirements for obtaining permit coverage.

1.1 Eligibility

1. An Operator of a construction site for which discharges that enter or have the potential to enter into Waters of the United States (WOTUS) may apply to be covered under this permit. IDAPA 58.01.25.102.01. For the purpose of this permit, "Operator" is defined in Appendix A to mean any party associated with a construction project that meets either of the following two criteria:

   A. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications ("plans and specifications" includes the construction drawings, the Storm Water Pollution Prevention Plans, and any other plans and specifications used on the project); or

   B. The party has day-to-day operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

   Where there are multiple operators associated with the same project, all operators must obtain permit coverage.[1] Subcontractors generally are not considered operators for the purposes of this permit.

2. This permit covers construction activities that:

   A. Will disturb one or more acres of land, or will disturb less than one acre of land but are part of a common plan of development or sale[2] that will ultimately disturb one or more acres of land; or

   B. Have been designated by DEQ as needing permit coverage under 40 CFR 122.26(a)(1)(v) or 40 CFR 122.26(b)(15)(ii).

3. The construction activities are within the state of Idaho where DEQ is the permitting authority, but not within tribal reservation boundaries.

4. Discharges from your site are not:

   A. Already covered by a different IPDES permit for the same discharge; or

[1] If the operator of a "construction support activity" (See Section 1.2.1.C) is different than the operator of the main site, that operator must also obtain permit coverage. See Section 7.1 for clarification on the sharing of permit related functions between and among operators on the same site and for conditions that apply to developing a SWPPP for multiple operators associated with the same site.

[2] A "common plan of development or sale" is a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

B. In the process of having coverage under a different IPDES permit for the same discharge be denied, terminated, or revoked.[3,4]

5. You are able to demonstrate that you meet one of the criteria listed in Appendix C with respect to the protection of species that are federally listed as endangered or threatened under the Endangered Species Act (ESA) and federally-designated critical habitat.

6. For new sources (as defined in Appendix A) only:

   A. DEQ has not, prior to authorization under this permit, determined that discharges from your site will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, DEQ may notify you that an individual permit application is necessary. However, DEQ may authorize your coverage under this permit after you have included appropriate controls and implementation procedures designed to bring your discharge into compliance with this permit, specifically, to meet water quality standards (WQS). In the absence of information demonstrating otherwise, DEQ expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Section 3, will result in discharges that will not cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard.

   B. Discharges from your site to a Tier II or Tier III water[5] will not lower the water quality of the applicable water. In the absence of information demonstrating otherwise, DEQ expects that compliance with the requirements of this permit, including the requirements applicable to such discharges in Sections 3.2, 3.3, and 3.4, will result in discharges that will not lower the water quality of such waters.

7. If you plan to add cationic treatment chemicals, as defined in Appendix A, to storm water and/or authorized non-storm water prior to discharge, you may not submit your NOI until and unless you notify DEQ in advance and DEQ authorizes coverage under this permit after you include appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to discharges that cause an exceedance of WQS.

[3] Sections 1.1.4.A and 1.1.4.B do not include sites currently covered under the 2017 CGP that are in the process of obtaining coverage under this permit, nor sites covered under this permit that are transferring coverage to a different operator.

[4] Except for a site being made ineligible for coverage under this permit because it falls under the descriptions of Sections 1.1.4.A or 1.1.4.B, DEQ may waive the applicable eligibility requirement after specific review if it determines that coverage under this permit is appropriate.

[5] Your site will be considered to discharge to a Tier II or Tier III water if the first water of the U.S. to which you discharge is identified by the State of Idaho as a Tier II or III water. For discharges that enter a storm sewer system prior to discharge, the first water of the U.S. to which you discharge is the water body that receives the storm water discharge from the storm sewer system. For discharges that reach a canal or other manmade water conveyance system, the first water of the U.S. to which you discharge is the water body that receives the storm water discharge from the canal or other manmade water conveyance system.

1.2 Types of Discharges Authorized[6]

1. The following storm water discharges are authorized under this permit provided appropriate storm water controls are designed, installed, and maintained;

   A. Storm water discharges, including storm water runoff, snowmelt runoff, and surface runoff and drainage, associated with construction activities under 40 CFR 122.26(b)(14) or 122.26(b)(15)(i).

   B. Storm water discharges designated by DEQ as needing a permit under 40 CFR 122.26(a)(1)(v) or 122.26(b)(15)(ii).

   C. Storm water discharges from construction support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided that;

      i. The support activity is directly related to the construction site required to have permit coverage for storm water discharges;

      ii. The support activity is not a commercial operation, and does not serve multiple, unrelated construction sites;

      iii. The support activity does not continue to operate beyond the completion of the construction activity at the site it supports; and

      iv. Storm water controls are implemented in accordance with Section 2 and Section 3 of this permit for discharges from the support activity areas.

   D. Storm water discharges from earth-disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining.

2. The following non-storm water discharges associated with your construction activity are authorized under this permit provided that, with the exception of water used to control dust and to irrigate vegetation in stabilized areas, these discharges are not routed to areas of exposed soil on your site and you comply with any applicable requirements for these discharges in Section 2 and Section 3 of this permit;

   A. Discharges from emergency fire-fighting activities;

   B. Fire hydrant flushing activities;

   C. Landscape irrigation;

   D. Water used to wash vehicles and equipment, provided that there is no discharge of soaps, solvents, or detergents used for such purposes;

   E. Water used to control dust;

   F. Potable water including uncontaminated water line flushing activities;

[6] See "Discharge" as defined in Appendix A. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA Section 402(k) by disclosure to DEQ, EPA, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the SWPPP, or during an inspection.

G. External building washdown, provided soaps, solvents, or detergents are not used, and external surfaces do not contain hazardous substances (as defined in Appendix A);

H. Pavement wash waters, provided spills or leaks of toxic or hazardous substances have not occurred (unless all spill material has been removed) and where soaps, solvents, and detergents are not used. You are prohibited from directing pavement wash waters directly to a waters of the U.S., storm drain inlet, or storm water conveyance, unless the conveyance is connected to a sediment basin, sediment trap, or similarly effective control;

I. Uncontaminated air conditioning or compressor condensate;

J. Uncontaminated, non-turbid discharges of ground water or spring water;

K. Foundation or footing drains where flows are not contaminated with process materials such as solvents or contaminated ground water; and

L. Construction dewatering water discharged in accordance with Section 2.4 of this permit.

3. Also authorized under this permit are discharges of storm water listed above in Section 1.2.1, or authorized non-storm water discharges listed above in Section 1.2.2, commingled with a discharge authorized by a different IPDES permit and/or a discharge that does not require IPDES permit authorization.

1.3 Prohibited Discharges[7]

1. Wastewater from washout of concrete, unless managed by an appropriate control as described in Section 2.3.4 of this permit.
2. Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials.
3. Fuels, oils, or other pollutants used in vehicle or equipment operation and maintenance.
4. Soaps, solvents, or detergents used in vehicle or equipment washing or external building washdown.
5. Toxic or hazardous substances from a spill or other release.
6. Dewatering water discharged from a contaminated site. [8]

To prevent the above-listed prohibited non-storm water discharges, operators must comply with the applicable pollution prevention requirements in Section 2.3 of this permit.

[7] DEQ includes these prohibited non-storm water discharges as a reminder to the operator that the only non-storm water discharges authorized by this permit are in Section 1.2.2. Any unauthorized non-storm water discharges must be covered under an individual permit or an alternative general permit.

[8] The following are considered to be discharges from contaminated sites: sites subject to existing or former remediation activities (e.g. Superfund/CERCLA or RCRA sites).

1.4 Submitting Your Notice of Intent (NOI)

1. Operators associated with your construction site who meet the eligibility requirements in Section 1.1, and who seek coverage under this permit, must submit a complete and accurate NOI to DEQ according to the deadlines in Table 1 prior to commencing construction activities.

   Exception: If you are conducting construction activities in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), and the related work requires immediate authorization to avoid imminent endangerment to human health, public safety, or the environment, or to reestablish essential public services, you may discharge on the condition that a complete and accurate NOI is submitted within 30 calendar days after commencing construction activities establishing that you are eligible for coverage under this permit. You must also provide documentation in your SWPPP to substantiate the occurrence of the public emergency.
2. You must develop a SWPPP consistent with Section 7 before submitting your NOI for coverage under this permit.
3. You must use DEQ's IPDES E-Permitting System to electronically prepare and submit your NOI for coverage under this permit unless you receive an electronic reporting waiver from DEQ. The IPDES E-Permitting System may be accessed at https://www2.deq.idaho.gov/water/ipdes. Waivers from electronic reporting may be granted based on one of the following:

   A. If your operational headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband internet access in the most recent report from the Federal Communications Commission; or

   B. If you have limitations regarding available computer access or computer capability.

If DEQ grants you approval to use a paper NOI, and you elect to use it, you must complete the form found in Appendix F.

4. Table 1 provides the deadlines for submitting your NOI and the official start date of your permit coverage, which differ depending on when you commence construction activities.

Table 1. NOI Submittal Deadlines

Type of Operator	NOI Submittal Deadline[9]	Permit Authorization Date[10]
Operator of a new site (i.e., a site where construction activities commence on or after [effective date of permit])	At least 14 calendar days prior to commencing construction activities.	At least 14 calendar days after DEQ notifies you that it has received a complete NOI. DEQ will send an authorization letter with your IPDES Permit Number and
Operator of an existing site	No later than [60 days after	

[9] If you miss the deadline to submit your NOI, any and all discharges from your construction activities will be unauthorized under the CWA until they are covered by this or a different IPDES permit. DEQ may take enforcement action for any unpermitted discharges that occur between the commencement of construction activities and discharge authorization.

[10] Discharges are not authorized if your NOI is incomplete or inaccurate or if you are not eligible for permit coverage. Discharges are not authorized until you have received an authorization letter with the dates of authorization and your IPDES permit number.

(i.e., a site with 2017 EPA CGP coverage where construction activities commenced prior to [effective date of permit])	effective date of permit].[11]	dates of authorization, unless DEQ notifies you that your authorization is delayed or denied.
New operator of a permitted site (i.e., an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site".	At least 14 calendar days before the date the transfer to the new operator will take place.	
Operator of an "emergency related project" (i.e., a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services).	No later than 30 calendar days after commencing construction activities.	You are considered provisionally covered under the terms and conditions of this permit immediately and fully covered at least 14 calendar days after DEQ notifies you it has received a complete NOI. DEQ will send you an authorization letter with your IPDES Permit Number and dates of authorization, unless DEQ notifies you that your authorization is delayed or denied.

5. If, after submitting your NOI, you need to correct or update any fields, you may do so by submitting a Change NOI form using the IPDES E-Permitting System. Waivers from electronic reporting may be granted as specified in Section 1.4.2. If DEQ has granted you approval to submit a paper NOI modification, you may indicate any NOI changes on the same NOI form in Appendix F.
6. When there is a change to the site's operator, the new operator must submit a new NOI, and the previous operator must submit a Notice of Termination (NOT) form as specified in section 8.3.
7. Once covered under this permit, your coverage will last until:
   A. You terminate permit coverage consistent with Section 8 ("Terminating Coverage") in this permit.
   B. You receive permit coverage under a different IPDES permit or a reissued or replacement version of this permit after expiring on [permit expiration date]

[11] Existing coverages under the 2017 EPA CGP that do not meet this NOI submittal deadline will be automatically terminated 60 days after effective date of permit.

C. You fail to submit an NOI for coverage under a reissued or replacement version of this permit before the deadline for existing construction sites where construction activities continue after this permit has expired.

D. You fail to pay the annual fee for permit coverage which remains delinquent in excess of 180 days.

1.5 Requirement to Post Notice of Permit Coverage

1. You must post a sign or other notice of your permit coverage at a safe, publicly accessible location in close proximity to the construction site. The notice must be located so that it is visible from the public road that is nearest to the active part of the construction site, and it must use a font large enough to be readily viewed from a public right of way.[12] At a minimum, the notice must include:

   A. The IPDES ID[13] (i.e., the permit tracking number assigned to your NOI and available on the DEQ webpage found here https://www2.deq.idaho.gov/water/ipdes);

   B. A contact name and phone number for obtaining additional construction site information;

   C. The Uniform Resource Locator (URL) for the SWPPP (if available) or the following statement; "If you would like to obtain a copy of the SWPPP, contact the Site Representative above."; and

   D. The following statement "if you observe indicators of storm water pollutants in the discharge or in the receiving waterbody, contact DEQ through the following website: https://www.deq.idaho.gov/about-us/contact-us/".

1.6 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.

2. Technology-Based Effluent Limits

You must comply with the following technology-based effluent limits in this section for all authorized discharges.[14]

[12] If the active part of the construction site is not visible from a public road, then place the notice of permit coverage in a position that is visible from the nearest public road and as close as possible to the construction site.
[13] When multiple operators are sharing a SWPPP on a project, each of their IPDES IDs must be included on the posted Notice of Permit Coverage.
[14] For each of the effluent limits in Section 2, as applicable to your site, you must include in your SWPPP (1) a description of the specific controls to be implemented to meet the effluent limit; (2) any applicable design specifications; (3) routine maintenance specifications; and (4) the projected schedule for installation/implementation. See Section 7.2.6.

2.1 General Storm Water Control Design, Installation, and Maintenance Requirements

You must design, install, and maintain storm water controls required in Sections 2.2, 2.3, and 2.4 to minimize the discharge of pollutants in storm water from construction activities. [15] To meet this requirement, you must:

1. **Account for the following factors in designing your storm water controls:**
   A. The expected amount, frequency, intensity, and duration of precipitation
   B. The nature of storm water runoff (i.e., flow) and run-on at the site, including factors such as expected flow from impervious surfaces, slopes, and site drainage features. You must design storm water controls to control storm water volume, velocity, and peak flow rates to minimize discharges of pollutants in storm water and to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.
   C. The soil type and range of soil particle sized expected to be present onsite.
2. **Design and install all storm water controls in accordance with good engineering practices, including applicable design specifications.** [16]
3. **Complete installation of storm water controls by the time each phase of construction has begun.**
   A. By the time construction activity in any given portion of the site begins, install and make operational any downgradient sediment controls (e.g., buffers, perimeter controls, exit point controls, storm drain inlet protection) that control discharges from the initial site clearing, grading, excavating, and other earth-disturbing activities. [17]
   B. Following the installation of these initial controls, install and make operational all storm water controls needed to control discharges prior to subsequent earth disturbing activities.
4. **Ensure that all storm water controls are maintained and remain in effective operating condition during permit coverage and are protected from activities that would reduce their effectiveness**.
   A. Comply with any specific maintenance requirements for the storm water controls listed in this permit, as well as any recommended by the manufacturer.[18]

[15] The permit does not dictate the type of storm water control to be used to comply with the requirements of this Section, nor does it recommend or endorse specific products or vendors. The choice of the specific type of storm water control to use to comply with the requirements of this Section is up to the operator.
[16] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practices and must be explained in your SWPPP. The explanation in the SWPPP can utilize manufacturer specifications to help explain the departures. You must also comply with any additional design and installation requirements specified for the effluent limits in Sections 2.2., 2.3, and 2.4.
[17] Note that the requirement to install storm water controls prior to each phase of construction activities for the site does not apply to the earth disturbance associated with the actual installation of these controls. Operators should take all reasonable actions to minimize the discharges of pollutants during the installation of storm water controls.
[18] Any departures from such maintenance recommendations made by the manufacturer must reflect good engineering practices and must be explained in your SWPPP.

B. If at any time you find that a storm water control needs routine maintenance (i.e., a repair or replacement that can be completed by the end of the next business day), you must immediately initiate the needed maintenance work, and complete such work within 24 hours of initiating the maintenance. Where you must repeatedly (i.e., three or more times) make the same maintenance to the same control, or you find the storm water control was not installed or designed correctly in accordance with this section, you must complete corrective actions in accordance with Section 5.

C. If at any time you find that a storm water control needs repair or replacement that will take more than 24 hours to complete, you must comply with the corrective action requirements in Section 5.

2.2 Erosion and Sediment Control Requirements

You must implement erosion and sediment controls in accordance with the following requirements to minimize the discharge of pollutants in storm water from construction activities.

1. Provide and maintain natural buffers and/or equivalent erosion and sediment controls when a water of the U.S. is located within 50 feet of the site's earth disturbances.

A. Compliance alternatives. For any disturbance to waters of the U.S. located within 50 feet of your site's earth disturbances, you must comply with one of the following alternatives:

i. Provide and maintain a 50 foot undisturbed natural buffer; or

ii. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that, in combination, achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or

iii. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50 foot undisturbed natural buffer.

B. Exceptions. See Appendix D, Section D.2 for exceptions to the compliance alternatives.

2. Direct storm water to vegetated areas and maximize storm water infiltration and filtering to reduce pollutant discharges, unless infeasible.

3. Install sediment controls along any perimeter areas of the site that are downslope from any exposed soil or other disturbed areas.[19]

A. The perimeter control must be installed upgradient of any natural buffers established under Section 2.2.1 unless the control is being implemented pursuant to Section 2.2.1.A.

B. To prevent storm water from circumventing the edge of the perimeter control, install the perimeter control on the contour of the slope and extend both ends of the control up slope forming a crescent rather than a straight line.

C. After installation, to ensure that perimeter controls continue to work effectively:

[19] Examples of perimeter controls include filter berms, different types of silt fences such as wire-backed, super silt fence, or multi-layer geotextile silt fence, compost filter socks, gravel barriers, and temporary diversion dikes.

i. Remove sediment before it has accumulated to one-half of the above ground height of any perimeter control, and

ii. After a storm event, if there is evidence of storm water circumventing or undercutting the perimeter control, extend controls and/or repair undercut areas to fix the problem.

D. Exception. For areas at linear construction sites as defined in Appendix A, where perimeter controls are infeasible, implement other practices as necessary to minimize pollutant discharges to perimeter areas of the site.

4. Minimize sediment track out

A. Restrict vehicle use to properly designated exit points;

B. Use appropriate stabilization techniques[20] at all points that exit onto paved roads.

Exception: Stabilization is not required for exit points at linear utility construction sites that are used only episodically and for very short durations over the life of the project, provided other exit point controls[21] are implemented to minimize sediment track out.

C. Implement additional track out controls[22] as necessary to ensure that sediment removal occurs prior to vehicle exit, and

D. Where sediment has been tracked out from your site onto paved roads, sidewalks, or other paved areas outside of your site, remove the deposited sediment by the end of the same business day in which the track out occurs. Remove the track out by sweeping, shoveling, or vacuuming these surfaces, or by using other similarly effective means of sediment removal. You are prohibited from hosing or sweeping tracked out sediment[23] into any storm water conveyance, storm drain inlet, or water of the U.S.

5. Manage stockpiles or land clearing debris piles composed, in whole or in part, of sediment and/or soil.[24]

A. Locate the piles outside of any natural buffers established under Section 2.2.1 and away from any storm water conveyances, drain inlets, and areas where storm water flow is concentrated.

B. Install a sediment barrier along all downgradient perimeter areas of sediment or soil stockpiles or land clearing debris piles.[25]

[20] Examples of appropriate stabilization techniques include the use of aggregate stone with an underlying geotextile or non-woven filter fabric, and turf mats.
[21] Examples of other exit point controls include preventing the use of exit points during wet periods; minimizing exit point use by keeping vehicles onsite to the extent possible; limiting exit point size to the width needed for vehicle and equipment usage; using scarifying and compaction techniques on the soil; and avoiding establishing exit points in environmentally sensitive areas (e.g. karst areas, steep slopes).
[22] Examples of additional track-out controls include the use of wheel washing, rumble strips, and rattle plates.
[23] Fine grains that remain visible (e.g. staining) on the surfaces of off-site streets, other paved areas, and sidewalks after you have implemented sediment removal practices are not a violation of Section 2.2.4.
[24] The requirements in Section 2.2.5 do not apply to the storage of rock, such as rip rap, landscape rock, pipe bedding gravel, and boulders. Refer to Section 2.2.3.A for the requirements that apply to these types of materials.
[25] Examples of sediment barriers include berms, dikes, fiber rolls, silt fences, sandbags, gravel bags, or straw bale.

C. For piles that will be unused for 14 or more days, provide cover[26] or appropriate temporary stabilization.

D. You are prohibited from hosing down or sweeping soil or sediment accumulated on pavement or other impervious surfaces into any storm water conveyance, storm drain inlet, or water of the U.S.

6. **Minimize dust.** On areas of exposed soil, minimize dust through the appropriate application of water or other dust suppression techniques to control the generation of pollutants that could be discharged in storm water from the site.

7. **Minimize steep slope disturbances.** Minimize the disturbance of steep slopes (as defined in Appendix A).

8. **Preserve native topsoil, unless infeasible.**[27]

9. **Minimize soil compaction.**[28] In areas of your site where final vegetative stabilization will occur or where infiltration practices will be installed:

   A. Restrict vehicle and equipment use in these locations to avoid soil compaction; and

   B. Before seeding or planting areas of exposed soil that have been compacted, use techniques that rehabilitate and condition the soils as necessary to support vegetative growth.

10. **Protect storm drain inlets.**

    A. Install inlet protection measures that remove sediment from discharges prior to entry into any storm drain inlet that carries storm water from your site to a water of the U.S., provided you have authority to access the storm drain inlet;[29] and

    B. Clean, or remove and replace, the protection measures as sediment accumulates, the filter becomes clogged, and/or performance is compromised. Where there is evidence of sediment accumulation adjacent to the inlet protection measure, remove the deposited sediment by the end of the same business day in which it is found or by the end of the following business day if removal by the same business day is not feasible.

11. **Control storm water discharges, including both peak flow rates and total storm water volume, to minimize channel and streambank erosion and scour in the immediate vicinity of discharge points.**[30]

[26] Examples of cover include tarps, blown straw, and hydroseeding.

[27] Stockpiling topsoil at off-site locations, or transferring topsoil to other locations is an example of practice that is consistent with the requirements in Section 2.2.8. Preserving native topsoil is not required where the intended function of a specific area of the site dictates that the topsoil be disturbed or removed. For example, some sites may be designed to be highly impervious after construction, and therefore little or no vegetation is intended to remain, or may not have space to stockpile native topsoil onsite for later use, in which case it may not be feasible to preserve topsoil.

[28] Minimizing soil compaction is not required where the intended function of a specific area of the site dictates that it be compacted.

[29] Inlet protection measures can be removed in the event of flood conditions or to prevent erosion.

[30] Examples of control measures that can be used to comply with this requirement include the use of erosion controls and/or velocity dissipation devices (e.g. check dams, sediment traps), within and along the length of a storm water conveyance and at the outfall to slow down storm water.

12. If you install a sediment basin or similar impoundment:

A. Situate the basin or impoundment outside of any water of the U.S. and any natural buffers established under Section 2.2.1;

B. Design the basin or impoundment to avoid collecting water from wetlands;

C. Design the basin or impoundment to provide storage for either the calculated volume of storm water from a 2-year, 24-hour storm or 3,600 cubic feet per acre drained;

D. Utilize outlet structures that withdraw water from the surface of the sediment basin or similar impoundment, unless infeasible;[31]

E. Use erosion controls and velocity dissipation devices to prevent erosion at inlets and outlets; and

F. Remove accumulated sediment to maintain at least one-half of the design capacity and conduct all other appropriate maintenance to ensure the basin or impoundment remains in effective operating condition.

13. If using treatment chemicals (e.g., polymers, flocculants, coagulants), including pre-approved cationic chemicals as specified in Section 1.1.8:

A. Use conventional erosion and sediment controls before and after the application of treatment chemicals. Chemicals may only be applied where treated storm water is directed to a sediment control before discharge;

B. Select appropriate treatment chemicals. Chemicals must be appropriately suited to the types of soils likely to be exposed during construction and present in the discharges being treated;

C. Minimize discharge risk from stored chemicals. Store all treatment chemicals in leak-proof containers that are kept under storm resistance cover and surrounded by secondary containment structures, or provide equivalent measures designed and maintained to minimize the potential discharge of treatment chemicals in storm water or by any other means (e.g., storing chemicals in a covered area, having a spill kit available onsite and ensuring personnel are available to respond expeditiously in the event of a leak or spill);

D. Comply with state/local requirements. Comply with applicable state and local requirements regarding the use of treatment chemicals;

E. Use chemicals in accordance with good engineering practices and specifications of the chemical manufacturer/supplier. Use treatment chemicals and chemical treatment systems in accordance with good engineering practices, and with dosing specifications and sediment removal design specifications provided by the manufacturer/supplier of the applicable chemicals, or document in your SWPPP specific departures from these specifications and how they reflect good engineering practice;

[31] The circumstances in which it is infeasible to design outlet structures in this manner are rare. Exceptions may include areas with extended cold weather, where using surface outlets may not be feasible during certain time periods (although they must be used during other periods). If you determine that it is infeasible to meet this requirement, you must provide documentation in your SWPPP to support your determination, including the specific conditions or time periods when this exception will apply.

F. Ensure proper training. Ensure that all persons who handle and use treatment chemicals at the construction site are provided with appropriate, product-specific training prior to beginning application of treatment chemicals. Among other things, the training must cover proper dosing requirements; and

G. Perform additional measures specified by DEQ for the authorized use of cationic chemicals. If you have been authorized to use cationic chemicals at your site pursuant to Section 1.1.8, you must perform all additional measures as conditioned by your authorization to ensure that the use of such chemicals will not cause an exceedance of WQS.

14. Stabilize exposed portions of the site. Implement and maintain stabilization measures that minimize erosion from exposed portions of the site in accordance with Sections 2.2.14.A and 2.2.14.B.

A. Stabilization deadlines.[32]

Table 2. Site Stabilization Deadlines

Total amount of land disturbance occurring at any one time[33]	**Deadline**
Five acres or less Note: this includes sites disturbing more than five acres total over the course of a project, but that limit disturbance at any specific time to five acres or less	• Initiate the installation of stabilization measures immediately[34] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[35] and

[32] DEQ may determine, based on an inspection carried out under Section 4.8 and corrective actions required under Section 5.3, that the level of sediment discharge on the site requires a faster schedule for completing stabilization. For instance, if sediment discharges from an area of exposed soil that is required to be stabilized are compromising the performance of existing storm water controls, DEQ may require stabilization to correct this problem.

[33] Limiting disturbances to five acres or less at any one time means that at no time during the project do the cumulative earth disturbances exceed five acres. The following examples would qualify as limiting disturbances at any one time to five acres or less:

1. The total area of disturbance for a project is five acres or less
2. The total area of disturbance for a project will exceed five acres, but the operator ensures that no more than five acres will be disturbed at any one time through implementation of stabilization measures. Site stabilization can be used to consider areas no longer disturbed, so that the five acre cap is not exceeded to require 14-day stabilization deadlines. For instance, if an operator completes stabilization of two acres of land on a five acre disturbance, then two additional acres could be disturbed while still qualifying for longer than 14 day stabilization deadlines.

[34] The following are examples of activities that would constitute the immediate initiation of stabilization;

1. Prepping the soil for vegetative or non-vegetative stabilization as long as seeding, planting, and/or installation of non-vegetative stabilization products takes place as soon as practicable, but no later than one calendar day of completing soil preparation;
2. Applying mulch or other non-vegetative product to the exposed area;
3. Seeding or planting the exposed area;
4. Starting any of the activities in 1-3 on a portion of the entire area that will be stabilized; and
5. Finalizing arrangements to have stabilization product fully installed in compliance with the deadlines for completing stabilization.

[35] The requirement to initiate stabilization immediately is triggered as soon as you know that construction work on a portion of the site is temporarily ceased and will not resume for 14 or more days or as soon as you know that

	• Complete the installation of stabilization measures as soon as practicable, but no later than 14 calendar days after stabilization has been initiated.[36]
More than five acres	• Initiate the installation of stabilization measures immediately[37] in any areas of exposed soil where construction activities have permanently ceased or will be temporarily inactive for 14 or more calendar days;[38] and • Complete the installation of stabilization measures as soon as practicable, but no later than seven calendar days after stabilization has been initiated.[39]

B. Stabilization Exceptions.

i. Arid, semi-arid, and drought stricken areas (as defined in Appendix A). If it is the seasonally dry period or a period in which drought is occurring, and vegetative stabilization measures are being used:

a. Immediately initiate and, within 14 calendar days of temporary or permanent cessation of work in any portion of your site, complete the installation of temporary non-vegetative stabilization measures to the extent necessary to prevent erosion;

b. As soon as practicable, given conditions or circumstances on the site, complete all activities necessary to seed or plant the area to be stabilized; and

c. If construction is occurring during the seasonally dry period, indicate the beginning and ending dates of the seasonally dry period and your site conditions in your SWPPP. Also include the schedule you will follow for initiating and completing vegetative stabilization.

ii. Unforeseen circumstances. Operators that are affected by unforeseen circumstances[40] that delay the initiation and/or completion of vegetative stabilization:

construction work is permanently ceased. In the context of this provision, "immediately" means as soon as practicable, but no later than the end of the next business day, following the day when the construction activities have temporarily or permanently ceased.

[36] If vegetative stabilization measures are being implemented, stabilization is considered "installed" when all activities necessary to seed or plant the area are completed. If non-vegetative stabilization measures are being implemented, stabilization is considered "installed" when all such measures are implemented or applied.

[37] See note 30

[38] See note 31

[39] See note 32.

[40] Examples include problems with the supply of seed stock or with the availability of specialized equipment and unsuitability of soil conditions due to excessive precipitation and/or flooding.

a. Immediately initiate and, within 14 calendar days, complete the installation of temporary non-vegetative stabilization measures to prevent erosion;

b. Complete all soil conditioning, seeding, watering or irrigation installation, mulching, and other required activities related to the planting and initial establishment of vegetation as soon as conditions or circumstances allow it on your site; and

c. Document in the SWPPP the circumstances that prevent you from meeting the deadlines in Section 2.2.14.A and the schedule you will follow for initiating and completing stabilization.

iii. Discharges to a sediment or nutrient impaired water or to surface water that is identified by Idaho as Tier II or Tier III for antidegradation purposes. Complete stabilization as soon as practicable, but no later than seven calendar days after stabilization has been initiated.

C. Final Stabilization Criteria (for any areas not covered by permanent structures):

i. Establish uniform, perennial vegetation (i.e., evenly distributed, without large bare areas) that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas; and/or

ii. Implement permanent non-vegetative stabilization measures[41] to provide effective cover.

iii. Exceptions:

a. **Arid, semi-arid, and drought-stricken areas** (as defined in appendix A). Final stabilization is met if the area has been seeded or planted to establish vegetation that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas within three years and, to the extent necessary to prevent erosion on the seeded or planted area, non-vegetative erosion controls have been applied that provide cover for at least three years without active maintenance.

b. **Disturbed areas on agricultural land that are restored to their preconstruction agricultural use.** Section 2.2.14.C final stabilization criteria do not apply.

c. **Areas that need to remain disturbed.** In limited circumstances, stabilization may not be required if the intended function of a specific area of the site necessitates that it remain disturbed, and only the minimum area needed remains disturbed (e.g., dirt access roads, utility pole pads, areas being used for storage of vehicles, equipment, materials).

[41] Examples of permanent non-vegetative stabilization measures include riprap, gravel, gabions, and geotextiles.

2.3 Pollution Prevention Requirements[42]

You must implement pollution prevention controls in accordance with the following requirements to minimize the discharge of pollutants in storm water and to prevent the discharge of pollutants from spilled or leaked materials from construction activities.

1. For equipment and vehicle fueling and maintenance:

A. Provide an effective means of eliminating the discharge of spilled or leaked chemicals, including fuels and oils, from these activities;[43]

B. If applicable, comply with the Oil Pollution Prevention requirements in 40 CFR part 112, Clean Water Act Section 311, and IDAPA 58.01.02.851;

C. Ensure adequate supplies are available at all times to handle spills, leaks, and disposal of used liquids;

D. Use drip pans and absorbents under or around leaky vehicles;

E. Dispose of or recycle oil and oily wastes in accordance with other federal, state, tribal, or local requirements; and

F. Clean up spills or contaminated surfaces immediately, using dry clean up measures (do not clean contaminated surfaces by hosing the area down), and eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge.

2. For equipment and vehicle washing:

A. Provide an effective means of minimizing the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other types of wash waters;[44]

B. Ensure there is no discharge of soaps, solvents, or detergents in equipment and vehicle wash water; and

C. For storage of soaps, detergents or solvents, provide either cover (plastic sheeting, temporary roofs) to minimize the exposure of these detergents to precipitation and to storm water or a similarly effective means designed to minimize the discharge of pollutants from these areas.

3. For storage, handling, and disposal of building products, materials, and wastes:

[42] Under this permit, you are not required to minimize exposure for any products or materials where the exposure to precipitation and to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended for outdoor use).

[43] Examples of effective means include:

- Locating activities away from waters of the U.S. and storm water inlets or conveyances so that storm water coming into contact with these activities and cannot reach waters of the U.S.;
- Providing secondary containment (e.g. spill berms, dikes, spill containment pallets) and cover where appropriate; and
- Having a spill kit available onsite and ensuring personnel are available to respond expeditiously in the event of a leak or spill.

[44] Examples of effective means include locating activities away from waters of the U.S. and storm water inlets or conveyances and directing wash waters to a sediment basin or sediment trap, using filtration devices, such as filter bags or sand filters, or using other similarly effective controls.

A. For building materials and building product,[45] provide either cover (plastic sheeting, temporary roofs) to minimize the exposure of these detergents to precipitation and to storm water or a similarly effective means designed to minimize the discharge of pollutants from these areas.

   Minimizing exposure is not required in cases where the exposure to precipitation and to storm water will not result in a discharge of pollutants, or where exposure of a specific material or product poses little risk of storm water contamination (such as final products and materials intended for outdoor use).

B. For pesticides, herbicides, insecticides, fertilizers, and landscape materials:

   i. In storage areas, provide either cover (plastic sheeting, temporary roofs) to minimize the exposure of these detergents to precipitation and to storm water or a similarly effective means designed to minimize the discharge of pollutants from these areas.

   ii. Comply with all application and disposal requirements included on the registered pesticide, herbicide, insecticide, and fertilizer label.

C. For diesel fuel, oil, hydraulic fluids, other petroleum products, and other chemicals:

   i. Store chemicals in water-tight containers;

   ii. Store containers a minimum of 50 feet from waters of the U.S., drainage system, and storm drain inlets;

   iii. If stored outside, use a spill containment pallet or similar device to capture small leaks or spills; and

   iv. Have a spill kit available onsite that is in good working condition (i.e., not damaged, expired, or used up) and ensure personnel are available to respond expeditiously in the event of a leak or spill.

   v. Clean up spills immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a furtherance of an ongoing discharge.

D. For hazardous or toxic wastes:[46]

   i. Separate hazardous or toxic waste from construction and domestic waste;

   ii. Store waste in sealed containers that are constructed of suitable materials to prevent leakage and corrosion and labeled in accordance with applicable Resources Conservation and Recovery Act (RCRA) requirements and all other applicable federal, state, tribal, or local requirements;

[45] Examples of building materials and building products typically present at construction sites include asphalt sealants, copper flashing, roofing materials, adhesives, concrete admixtures, and gravel and mulch stockpiles.
[46] Examples of hazardous or toxic waste that may be present at construction sites include paints, caulks, sealants, fluorescent light ballasts, solvents, petroleum-based products, wood preservatives, additives, curing compounds, and acids.

iii. Store all outside containers within appropriately-sized secondary containment (e.g., spill berms, dikes, spill containment pallets) to prevent spills from being discharged, or provide a similarly effective means designed to prevent the discharge of pollutants from these areas (e.g., storing chemicals in a covered area, having a spill kit available onsite);

iv. Dispose of hazardous or toxic waste in accordance with the manufacturer's recommended method of disposal and in compliance with federal state, tribal and local requirements;

v. Clean up spill immediately, using dry clean-up methods where possible, and dispose of used materials properly. You are prohibited from hosing the area down to clean surfaces or spills. Eliminate the source of the spill to prevent a discharge or a continuation of an ongoing discharge; and

vi. Follow all other federal, state, tribal, and local requirements regarding hazardous or toxic waste.

vii. All spills of hazardous material, deleterious material or petroleum products which may impact waters (ground and surface) of the State of Idaho shall be immediately reported. Call 911 if immediate assistance is required to control, contain or clean up the spill. If no assistance is needed in cleaning up the spill, contact the appropriate DEQ regional office in the table below during normal working hours or Idaho State Communications Center after normal working hours. If the spilled volume is above federal reportable quantities, contact the National Response Center.

    a. For Immediate Assistance: Call 911

    b. National Response Center: (800) 424-8802

    c. Idaho State Communications Center: (208) 632-8000

Table 3 Regional Office Contact Numbers

Regional Office	Toll Free Number	Phone Number
Boise	888-800-3480	208-373-0550
Coeur d'Alene	877-370-0017	208-769-1422
Idaho Falls	800-232-4635	208-528-2650
Lewiston	877-541-3304	208-799-4370
Pocatello	888-655-6160	208-236-6160
Twin Falls	800-270-1663	208-736-2190

E. For construction and domestic wastes:[47]

i. Provide waste containers (e.g., dumpster, trash receptacle) of sufficient size and number to contain construction and domestic wastes;

ii. For waste containers that have lids, keep waste container lids closed when not in use, and close lids at the end of the business day and during storm events. For waste containers that do not have lids, provide either cover (plastic sheeting, temporary roofs) to minimize the exposure of these detergents to precipitation and to storm water or a similarly effective means designed to minimize the discharge of pollutants from these areas;

iii. On business days, clean up and dispose of waste in designated waste containers; and

iv. Clean up immediately if containers overflow.

F. For sanitary waste, position portable toilets so that they are secure and will not be tipped or knocked over (e.g., secure with stakes that tie to the portable toilets and go into the ground), and so that they are located away from waters of the U.S. and storm drain inlets or conveyances.

4. For washing applicators and containers used for stucco, paint, concrete, form release oils, curing compounds, or other materials:

A. Direct wash water into a leak-proof container or leak-proof and lined pit designed so that no overflows can occur due to inadequate sizing or precipitation;

B. Handle washout or cleanout wastes as follows;

i. Do not dump liquid wastes in storm sewers or waters of the U.S.;

ii. Dispose of liquid wastes in accordance with applicable requirements in Section 2.3.3; and

iii. Remove and dispose of hardened concrete waste consistent with your handling of other construction wastes in Section 2.3.3; and

C. Locate any washout or cleanout activities as far away as possible from waters of the U.S. and storm water inlets or conveyances, and, to the extent feasible, designate areas to be used for these activities and conduct such activities only in these areas.

5. For the application of fertilizers:

A. Apply at a rate and in amounts consistent with manufacturer's specifications, or document in the SWPPP departures from the manufacturer's specifications where appropriate in accordance with Section 7.2.6.B.ix;

[47] Examples of construction and domestic wastes include packaging materials, scrap construction materials, masonry products, timber, pipe and electrical cuttings, plastics, Styrofoam, concrete, demolition debris, and other trash or building materials.

B. Apply at the appropriate time of year for your location, and preferably timed to coincide as closely as possible to the period of maximum vegetation uptake and growth;

C. Avoid applying before heavy rains that could cause excess nutrients to be discharges;

D. Never apply to frozen ground;

E. Never apply to storm water conveyance channels; and

F. Follow all other federal, state, tribal, and local requirements regarding fertilizer application.

6. Emergency Spill Notification Requirements

Discharges of toxic or hazardous substances from a spill or other release are prohibited, consistent with Section 1.3.5. Where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR 110, 40 CFR 117, or 40 CFR 302 occurs during a 24-hour period, you must notify the National Response Center (NRC) at (800) 424-8802 and the Idaho State Comm Center at (208) 632-8000 as soon as you have knowledge of the release. You must also, within seven calendar days of knowledge of the release, provide a description of the release, the circumstances leading to the release, and the date of the release to DEQ through the IPDES E-Permitting System. State, tribal, or local requirements may necessitate additional reporting of spills or discharges to local emergency response, public health, or drinking water supply agencies.

2.4 Construction Dewatering Requirements

Comply with the following requirements to minimize the discharge of pollutants in ground water or accumulated storm water that is removed from excavations, trenches, foundations, vaults, or other similar points of accumulation, in accordance with Section 1.2.2.

1. Route dewatering water through a sediment control (e.g., sediment trap or basin, pumped water filter bag) designed to minimize discharges with visual turbidity;[48]
2. Do not discharge visible floating solids or foam;
3. Use an oil-water separator or suitable filtration device (such as a cartridge filter) that is designed to remove oil, grease, or other products if dewatering water is found to or expected to contain these materials. The discharge must not cause the formation of a visible sheen or visible hydrocarbon deposits on the bottom or shoreline of the receiving water;
4. To the extent feasible, use well vegetated, upland areas of the site to infiltrate dewatering water before discharge. You are prohibited from using waters of the U.S. as part of the treatment area;
5. To minimize sediment discharges from causing erosion:

[48] For the purposes of this permit, visual turbidity refers to a sediment plume or other cloudiness in the water caused by sediment that can be identified by an observer.

A. Use stable, erosion resistant surfaces (e.g., well-vegetated grassy areas, clean filter stone, geotextiles underlayment) for the discharge from dewatering controls;

B. Do not place dewatering controls, such as pumped water filter bags, on steep slopes (as defined in Appendix A); and

C. At all points where dewatering water is discharged, comply with the velocity dissipation requirements of Section 2.2.11. The discharge must not cause re-suspension of sediments upon discharge to the receiving water.

6. For backwash water, either haul it away for disposal or return it to the beginning of the treatment process;

7. Replace and clean the filter media used in dewatering devices when the pressure differential equals or exceeds the manufacturer's specifications; and

8. Comply with dewatering-specific monitoring requirements in Section 3.3 and the specific inspection requirements in Section 4.

3. Water Quality-Based Effluent Limits

All Operators must control discharges as necessary to meet applicable numeric and narrative Idaho WQS for any discharges authorized under this permit, with compliance required upon beginning such discharge.

3.1 General Effluent Limits to Meet Applicable WQS

If at any time an Operator becomes aware (e.g., through self-monitoring or by notification from the state), or DEQ determines, that the Operator's discharge causes or contributes to an excursion of any applicable water quality standard, the Operator must take corrective action as required in Section 5 up to and including the ceasing of the discharge, if necessary.

In the absence of information demonstrating otherwise, DEQ expects that compliance with the conditions in this permit will result in storm water discharges being controlled as necessary to meet applicable WQS.

If you were required to install and maintain storm water controls specifically to meet the assumptions and requirements of an EPA approved or established TMDL (for any parameter) or to otherwise control your discharge to meet WQS during your coverage under a previous permit, you must continue to implement such controls as part of your coverage under this permit.

3.2 Water Quality Based Conditions for All Sites

For any portion of the site that discharges to a sediment or nutrient-impaired water or to a water that is identified by Idaho as Tier II or Tier III for antidegradation purposes you must comply with the stabilization deadline specified in Section 2.2.14.B.iii.

If you discharge to a water that is impaired for a parameter other than a sediment related parameter or nutrients, DEQ will inform you if any additional controls are necessary for your

discharge to be controlled as necessary to meet WQS, including for it to be consistent with the assumptions of any available wasteload allocation in any applicable TMDL, or if coverage under an individual permit is necessary.

In addition, on a case by case basis, DEQ may notify operators of new sites or operators of existing sites with increased discharges that additional analyses, storm water controls, and/or other measures are necessary to comply with the applicable antidegradation requirements, or notify you that an individual permit application is necessary.

If you discharge to a water that is impaired for polychlorinated biphenyls (PCBs) and are engaging in demolition of any structure with at least 10,000 square feet of floor space built or renovated before January 1, 1980, you must:

A. Implement controls[49] to minimize the exposure of PCB containing building materials, including paint, caulk, and pre-1980 fluorescent lighting fixtures, to precipitation and to storm water; and

B. Ensure that disposal of such materials is performed in compliance with applicable state, federal, and local laws.

3.3 Water Quality Based Conditions for Sites Discharging from Construction Dewatering Activities

You must take at least one turbidity sample from the dewatering discharge after any treatment process on each day of discharge from dewatering activities. The following two criteria must be met;

- The daily sample must be under 50 NTU.
- The running 10 calendar day average of the daily results must be under 25 NTU.

If either of these criteria is not met, you must stop the dewatering then implement corrective actions to address the cause of the exceedance before resuming dewatering operations.

The turbidity measurements must be taken in the field using a turbidimeter. The turbidimeter must be calibrated properly and regularly.

An example monitoring report is available in Appendix I. Records of monitoring information must include:

a. All calibration and maintenance records;
b. All original strip chart recordings for continuous monitoring instrumentation or other forms of data approved by the Department;
c. Copies of all reports required by the permit;
d. Records of all data used to complete the Notice of Intent for the permit;
e. The date, exact place, and time of sampling or measurement;

[49] Examples of controls to minimize exposure of PCBs to precipitation and storm water include separating work areas from non-work areas and selecting appropriate personal protective equipment and tools, construction a containment area so that all dust or debris generated by the work remains within the protected area, and using tools that minimize dust and heat (<212°F). For additional information refer to Section IV.2.3.3 of the CGP Fact Sheet.

f. The name of any individuals who performed the sampling or measurements;
g. The dates any analyses were performed;
h. The name of any individuals who performed the analyses;
i. The analytical techniques or methods used;
j. The results of the analysis

Copies of daily logs for turbidity monitoring must be available to DEQ upon request. The monitoring log must describe all exceedances and subsequent actions taken, including the effectiveness of the action. Include the date the plume was identified, the calibration records of the turbidimeter, the dates on which pollutant generating activity ceased, and the dates on which pollutant generating activities resumed, as applicable. Keep the monitoring log in your SWPPP.

3.4 Water Quality Based Conditions for Sites discharging due to Storm Events

Turbidity Monitoring

All permittees must conduct turbidity monitoring during construction activities when there is a direct discharge of pollutants from an unstabilized portion of the site to a water of the U.S. during normal operating hours.

A properly and regularly calibrated turbidimeter is required for measurements analyzed in the field, but grab samples may be collected and taken to a laboratory for analysis. If the permittee can demonstrate that there will be no direct discharge from the construction site, then turbidity monitoring is not required. When monitoring is required, at least one sample must be taken at an undisturbed area immediately upstream of the project area to establish background turbidity levels for the monitoring event. Background turbidity, location, date and time must be recorded prior to monitoring downstream of the project area. At least one sample per day must also be taken immediately downstream from each point of discharge and within any visible plume. The turbidity, location, date and time must be recorded in a log. The downstream samples must be taken immediately following the upstream samples in order to obtain meaningful and representative results. Sampling from less than every discharge location is allowed if the discharge locations sampled are representative of the site's total discharges.

Results from the discharge location sampling must be compared to the background levels to determine whether project activities are causing an exceedance of Idaho WQS. If the downstream turbidity is 50 NTUs or more above the background turbidity, then the discharge is causing an exceedance of WQS. Any turbidity exceedance must be reported to the appropriate DEQ regional office within 24 hours through the 24-hour IPDES hotline at 1-833-IPDES24 (1-833-473-3724). The following steps should be followed to ensure compliance with the turbidity standard:

1. Quantify the discharge by collecting turbidity measurements from the discharge point and the upstream monitoring point, and compare to Idaho's instantaneous numeric turbidity criterion (50 NTU over background).

2. If the discharge turbidity is less than 50 NTU instantaneously over the background turbidity; continue monitoring at least once per day until the discharge ceases. If turbidity exceeds background turbidity by more than 50 NTU instantaneously, then stop pollutant generating activities, conduct corrective action and proceed to step 3.
3. Take immediate action to address the cause of the exceedance.[50] That may include inspecting the condition of project BMPs. If the BMPs are functioning as intended but the turbidity is above the WQS, then the permittee must conduct corrective action to modify or improve the BMPs to correct the exceedance.
4. Notify the appropriate DEQ regional office within 24 hours through the 24-hour IPDES hotline at 1-833-IPDES24 (1-833-473-3724).
5. Continue monitoring each day until either 1) the discharge ceases or 2) the discharge meets WQS (no more than 50 NTU over background instantaneously or 25 NTU over background for more than 10 consecutive days).
6. Pollutant generating activities can resume at the site when one of the two conditions in Step 5 is met.

   An example monitoring report is available in Appendix I. Records of monitoring information must include:

   a. All calibration and maintenance records;
   b. All original strip chart recordings for continuous monitoring instrumentation or other forms of data approved by the Department;
   c. Copies of all reports required by the permit;
   d. Records of all data used to complete the Notice of Intent for the permit;
   e. The date, exact place, and time of sampling or measurement;
   f. The name of any individuals who performed the sampling or measurements;
   g. The dates any analyses were performed;
   h. The name of any individuals who performed the analyses;
   i. The analytical techniques or methods used; and
   j. The results of the analysis

   Copies of daily logs for turbidity monitoring must be available to DEQ upon request. The monitoring log must describe all exceedances and subsequent actions taken, including the effectiveness of the action. Include the date the plume was identified, the calibration records of the turbidimeter, the dates on which pollutant generating activity ceased, and the dates on which pollutant generating activities resumed, as applicable. Keep the monitoring log in your SWPPP.

pH Monitoring

All permittees must conduct pH monitoring when there is a direct discharge from the site to a receiving water from a storm event of 0.25 inches or greater.

[50] The cause may be uncovered stockpiles, exposed disturbed land, failing or damaged sediment control BMPs, etc.

pH monitoring must be conducted in the field with a properly calibrated and maintained pH meter.

Permittees must monitor for pH once per day per discharge location. Permittees may monitor from fewer locations if the locations that are monitored are representative of the overall discharge.

If the results of the pH monitoring are not within 6.5 – 9.0 s.u. then the permittee must identify the source of the high or low pH and conduct corrective action to return the pH to within 6.5 – 9.0 s.u. Notify the appropriate DEQ regional office within 24 hours through the 24-hour IPDES hotline at 1-833-IPDES24 (1-833-473-3724).

Continue monitoring each day until either 1) the discharge ceases or 2) the discharge meets WQS (pH within 6.5 – 9.0 s.u.).

An example monitoring report is available in Appendix I. Records of monitoring information shall include:

a. All calibration and maintenance records;
b. All original strip chart recordings for continuous monitoring instrumentation or other forms of data approved by the Department;
c. Copies of all reports required by the permit;
d. Records of all data used to complete the Notice of Intent for the permit;
e. The date, exact place, and time of sampling or measurement;
f. The name of any individuals who performed the sampling or measurements;
g. The dates any analyses were performed;
h. The name of any individuals who performed the analyses;
i. The analytical techniques or methods used; and
j. The results of the analysis

4. Site Inspection Requirements

4.1 Visual Monitoring Requirements for Applicators

The person inspecting your site may be a person on your staff or a third party you hire to conduct such inspections. You are responsible for ensuring that any person conducting inspections pursuant to this section has received the minimum training required in Section 6.3.

4.2 Frequency of Inspections[51]

At a minimum, you must conduct a site inspection in accordance with the schedule below, unless you are subject to the Section 4.3 increase in inspection frequency or qualify for a Section 4.4 reduction in the inspection frequency:

[51] Inspections are only required during the site's normal working hours.

1. At least once every seven calendar days, and once each day that there is a discharge directly from your site to a water of the U.S. from a storm event of 0.25 inches or greater of rain[52] or equivalent snowfall amount (3.25 inches); or

   A. To determine whether 0.25 inches or greater of rain has occurred at your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Section 4.7.1d.

   B. To determine whether 3.25 inches[53] or greater of snow accumulation has occurred at your site, you must either take measurements of snowfall at your site,[54] or rely on similar information from a local weather forecasting station.

4.3 Increase in Inspection Frequency for Sites Discharging Dewatering Water

The increased inspection frequencies established in this section take the place of Section 4.2 inspection frequencies for the portion of the site affected.

For sites discharging dewatering water, you must conduct an inspection once per day on which the discharge occurs. The Section 4.2 inspection frequency still applies to all other portions of the site, unless the site is affected by the reduced frequency in Section 4.4.

4.4 Reductions in Inspection Frequency

1. Stabilized Areas.

   A. You may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, then once per month in any area of your site where the stabilization steps in Section 2.2.14.A have been completed. If construction activity resumes in this portion of the site at a later date, the inspection frequency immediately increases to that required in Sections 4.2 and 4.3, as applicable. You must document the beginning and ending dates of this period in your SWPPP.

   B. *Exception*. For "Linear Construction Sites" (as defined in Appendix A) where disturbed portions have undergone final stabilization at the same time active construction continues

[52] "Within 24 hours of the occurrence of a storm event" means that you must conduct an inspection with 24 hours once a storm event has produced 0.25 inches within a 24-hour period, even if the storm event is still continuing. If you have elected to inspect bi-weekly in accordance with Section 4.2.2 and there is a storm event at your site that continues for multiple days, and each day of the storm produces 0.25 inches or more of rain, you must conduct an inspection within 24 hours of the first day of the storm and within 24 hours after the end of the storm. For example, if 0.3 inches of rain falls on Day 1, 0.25 inches of rain falls on day 2, and 0.1 inches of rain fall on Day 3, you would be required to conduct a first inspection with 24 hours of the Day 1 rainfall and a second inspection within 24 hours of the Day 2 rainfall, but a third inspection would not be required within 24 hours of the Day 3 rainfall.

[53] This is the amount of snow that is equivalent to 0.25 inches of rain, based on information from the National Oceanic and Atmospheric Administration (NOAA) indicating that 13 inches of snow is, on average, equivalent to 1 inch of rain. See https://www.nssl.noaa.gov/education/svwrx101/winter/faq.

[54] For snowfall measurements, DEQ recommends use of NOAA's National Weather Service guidelines at https://www.weather.gov/jkl/snow_measurement. These guidelines recommend use of a "snowboard" (a piece of wood about 16 inches square) that is placed in an unobstructed part of the site on a hard surface.

on others, you may reduce the frequency of inspections to twice per month for the first month, no more than 14 calendar days apart, in any area of your site where the stabilization steps in Section 2.2.14.A have been completed. After the first month, inspect once more within 24 hours of the occurrence of a storm event of 0.25 inches or greater. If there are no issues or evidence of stabilization problems, you may suspend further inspections. If "wash-out" of stabilization materials and/or sediment is observed, following re-stabilization, inspections must resume at the inspection frequency in Section 4.4.1.A. Inspections must continue until final stabilization is visually confirmed following a storm event of 0.25 inches or greater.

2. Arid, Semi-Arid, or Drought Stricken Areas (As defined in Appendix A). If it is the seasonally dry period (as defined in Appendix A) or a period in which drought is occurring, you may reduce the frequency of inspections to once per month and within 24 hours of the occurrence of a storm event of 0.25 inches or greater. You must document that you are using this reduced schedule and the beginning and end dates of the seasonally dry period in your SWPPP. To determine if a storm event of 0.25 inches or greater has occurred on your site, you must either keep a properly maintained rain gauge on your site, or obtain the storm event information from a weather station that is representative of your location. For any day of rainfall during normal business hours that measures 0.25 inches or greater, you must record the total rainfall measured for that day in accordance with Section 4.7.1.D.

3. Frozen Conditions.

   A. If you are suspending construction activities due to frozen conditions, you may temporarily suspend inspections on your site until thawing conditions (as defined in Appendix A) begin to occur if:

      i. Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must immediately resume your regular inspection frequency as described in Sections 4.2 and 4.3 as applicable;

      ii. Land disturbances have been suspended; and

      iii. All disturbed areas of the site have been stabilized in accordance with Section 2.2.14.A.

   B. If you are still conducting construction activities during frozen conditions, you may reduce your inspection frequency to once per month if:

      i. Discharges are unlikely due to continuous frozen conditions that are likely to continue at your site for at least three months based on historic seasonal averages. If unexpected weather conditions (such as above freezing temperatures or rain events) make discharges likely, you must resume your regular inspection frequency as described in Sections 4.2 and 4.3 as applicable; and

      ii. Except for areas in which you are actively conducting construction activities, disturbed areas of the site have been stabilized in accordance with Section 2.2.14.A.

4.5 Areas That Must be Inspected

During your site inspection, you must inspect the following areas of your site at a minimum:

1. All areas that have been cleared, graded, or excavated and not yet stabilized consistent with Section 2.2.14A;
2. All storm water controls, including pollution prevention controls, installed at the site to comply with this permit;[55]
3. Material, waste, borrow, and equipment storage and maintenance areas that are covered by this permit;
4. All areas where storm water typically flows within the site, including drainageways designed to divert, convey, and/or treat storm water;
5. All areas where construction dewatering is taking place, including storm water controls to treat the dewatering discharge and any channelized flow of water to and from those controls;
6. All points of discharge from the site; and
7. All locations where stabilization measures have been implemented.

You are not required to inspect areas that, at the time of the inspection, are considered unsafe to your inspection personnel.

4.6 Requirements for Inspections

1. During each site inspection, you must at a minimum;
   A. Check whether all storm water controls (i.e., erosion and sediment controls and pollution prevention controls) are properly installed, operational, and are working as intended to minimize pollutant discharges;
   B. Check for the presence of conditions that could lead to spills, leaks, or other accumulations of pollutants on the site;
   C. Identify any locations where new or modified storm water controls are necessary to meet the requirements of Sections 2 and/or 3;
   D. Check for signs of visible erosion and sedimentation (i.e., sediment deposits) that have occurred and are attributable to your discharge at points of discharge and, if applicable, on the banks of any waters of the U.S. flowing within or immediately adjacent to the site. Check also for signs of sedimentation at points downstream from the point of discharge that could be attributable to your discharge; and
   E. Identify any incidents of noncompliance observed.
2. If a discharge is occurring during your inspection:
   A. Identify all discharge points at the site;

[55] This includes the requirement to inspect for sediment that has been tracked our from the site onto paved roads, sidewalks, or other paved areas consistent with Section 2.2.4

B. Observe and document the visual quality of the discharge[56], and take note of the characteristics of the storm water discharge, including color; odor; floating, settled or suspended solids; foam; oil sheen; and other indicators of storm water pollutants; and

C. Record any monitoring results collected in accordance with Section 3.3 or Section 3.4 in a monitoring log.

3. For dewatering inspections conducted pursuant to Section 4.5.5, record the following:

A. Approximate times that the dewatering discharge began and ended on the day of inspection;

B. Estimates of the rate (in gallons per day) of discharge on the day of inspection;

C. Whether or not a sediment plume, or a visible sheen or visible hydrocarbon deposits on the bottom or shoreline of the receiving water, was observed (note: if either are observed, corrective action is required pursuant to Section 5.1.5); and

D. Photographs of (1) dewatering water prior to treatment by a storm water control and the final discharge after treatment, (2) the storm water control; and (3) the point of discharge to any waters of the U.S. flowing through or immediately adjacent to the site.

E. Record any monitoring results in accordance with Section 3.3 in a monitoring log.

4. Based on the results of your inspection:

A. Complete any necessary maintenance repairs or replacements under Section 2.1.4 or under Section 5, whichever applies; and

B. Modify your SWPPP site map in accordance with Section 7.4.1 to reflect changes to your storm water controls that are no longer accurately reflected on the current site map.

4.7 Inspection Report

1. You must complete an inspection report within 24 hours of completing any site inspection. Each inspection report must include the following:

A. The inspection date;

B. Names and titles of personnel conducting the inspection;

C. A summary of your inspection findings, covering at a minimum the observations made in accordance with Section 4.6, including any necessary routine maintenance pursuant to Section 2.1.4.B or corrective action pursuant to Section 5.1;

D. If you conducted an inspection because of rainfall measuring 0.25 inches or greater, you must include the applicable rain gauge or weather station readings that triggered the inspection; and

[56] This documentation may be in the form of photographs of the discharge or may be a written description of the discharge.

E. If you determined that it is unsafe to inspect a portion of your site, you must describe the reason you found it to be unsafe and specify the locations to which this condition applies.

2. Each inspection report must be signed in accordance with Section 9.1.11.

3. You must keep a copy of all inspection reports at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by DEQ.[57]

4. You must retain all inspection reports completed for this Section for at least three years from the date that your permit coverage expires or is terminated.

4.8 Inspection by DEQ

You must allow DEQ, or an authorized representative of DEQ, to conduct the following activities at reasonable times. To the extent that you are utilizing shared controls that are not onsite to comply with this permit, you must make arrangements for DEQ to have access at all reasonable times to those areas where the shared controls are located.

Pursuant to Idaho Code §39-108, the permittee shall allow DEQ's compliance, inspection, and enforcement (CIE) personnel, or authorized representative (including an authorized contractor acting as a representative of DEQ), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter onto all areas of the site, including any construction support activity areas covered by this permit, any off-site areas where shared controls are utilized to comply with this permit, discharge locations, adjoining waterbodies, and locations where records are kept under the conditions of this permit;

2. Access and copy and records that must be kept under the conditions of this permit;

3. Inspect your construction site, including any construction support activity areas covered by this permit (see Section 1.2.1.C), any storm water controls installed and maintained at the site, and any off-site shared controls utilized to comply with this permit; and

4. Sample or monitor for the purpose of ensuring compliance.

[57] Inspection reports may be prepared, signed, and kept electronically, rather than in paper form, if the records are:
- In a format that can be read in a similar manner as a paper record;
- Legally dependable with no less evidentiary value than their paper equivalent;
- Immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

For additional guidance on the proper practices to follow for the electronic retention of inspection report records, refer to the Fact Sheet discussion related to Section 4.7.3.

5. Corrective Actions

5.1 Conditions Triggering Corrective Action

You must take corrective action to address any of the following conditions identified at your site:

1. A storm water control needs repair or replacement that will take more than 24 hours to complete. Pursuant to Section 2.1.4.C, however, where you find it necessary to repeatedly (i.e., 3 or more times) conduct the same routine maintenance fixes (repairs or replacements that take less than 24 hours) to the same control, or you find that the control was not installed or designed correctly in accordance with Section 2.1, you are also required to take corrective action in accordance with this Section; or
2. A storm water control necessary to comply with the requirements of this permit was never installed, or was installed incorrectly; or
3. Your discharges are not meeting applicable WQS; or
4. A prohibited discharge has occurred (See Section 1.3); or
5. You observe a sediment plume or a visible sheen or visible hydrocarbon deposits on the bottom or shoreline of the receiving water during discharge from site dewatering activities (See Section 4.6.3.D), or you are informed by DEQ, EPA, or local authorities of such conditions. Note that where you observe any of these conditions you are required to take immediate action to address the condition consistent with Section 5.2.1 (in addition to taking other steps required in Section 5.2 to correct the problem), including immediately suspending the discharge and taking steps to ensure that the controls being used are operating effectively.
6. Your turbidity monitoring shows that your discharge exceeds WQS (discharge turbidity 50 or more NTU above background turbidity instantaneously, or 25 NTU above background turbidity for more than 10 consecutive days).
7. Your pH monitoring indicates that your discharge is outside the range of the WQS for pH (6.5 – 9.0 su).

5.2 Corrective Action Deadlines

For any corrective action triggering conditions in Section 5.1, you must:

1. Immediately take all reasonable steps to address the condition, including cleaning up any contaminated surfaces so the material will not discharge in subsequent storm events;
2. When the problem does not require a new or replacement control or significant repair, the corrective action must be completed by the close of the next business day;
3. When the problem requires a new or replacement control or significant repair, install the new or modified control and make it operational, or complete the repair, by no later than seven calendar days from the time of discovery. If it is infeasible to complete installation or repair within seven calendar days, you must document in your records why it is infeasible to complete the installation or repair within the 7-day timeframe and document your schedule

for installing the storm water controls and making it operational as soon as feasible after the 7-day timeframe. Where these actions result in changes to any of the storm water controls or procedures documented in your SWPPP, you must modify your SWPPP accordingly within seven calendar days of completing this work.

5.3 Corrective Action Required by DEQ

You must comply with any corrective actions required by DEQ as a result of permit violations found during an inspection carried out under Section 4.8.

5.4 Corrective Action Log

1. For each corrective action taken in accordance with this Section, you must record the following in a corrective action log:

   A. Within 24 hours of identifying the corrective action condition, document the specific condition and the date and time it was identified.

   B. Within 24 hours of completing the corrective action (in accordance with the deadlines in Section 5.2), document the actions taken to address the condition, including whether any SWPPP modifications are required.

2. Each entry to the corrective action log must be signed in accordance with Section 9.1.11.

3. You must keep a copy of the corrective action log at the site or at an easily accessible location, so that it can be made immediately available at the time of an on-site inspection or upon request by DEQ.[58]

4. You must retain the corrective action log for at least three years from the date that your permit coverage expires or is terminated.

6. Storm Water Team Formation and Staff Training Requirements

6.1 Storm Water Team

Each operator, or group of operators, must assemble a "storm water team" that will be responsible for carrying out activities necessary to comply with this permit. The storm water team must include the following people:

1. Personnel who are responsible for the design, installation, maintenance, and/or repair of storm water controls (including pollution prevention controls);

[58] The corrective action log may be prepared, signed, and kept electronically, rather than in paper form, if the records are:

- In a format that can be read in a similar manner as a paper record;
- Legally dependable with no less evidentiary value than their paper equivalent;
- Immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

For additional guidance on the proper practices to follow for the electronic retention of inspection report records, refer to the Fact sheet discussion related to Section 4.7.3.

2. Personnel responsible for the application and storage of treatment chemicals (if applicable);
3. Personnel who are responsible for conducting inspections as required in Section 4.1; and
4. Personnel who are responsible for taking corrective actions as required in Section 5.

Members of the storm water team must be identified in the SWPPP pursuant to Section 7.2.2.

6.2 General Training Requirements for Storm Water Team Members

Prior to the commencement of construction activities, you must ensure that all persons[59] assigned to the storm water team understand the requirements of this permit and their specific responsibilities with respect to those requirements, including the following related to the scope of their job duties:

1. The permit deadlines associated with installation, maintenance, removal of storm water controls and stabilization;
2. The location of all storm water controls on the site required by this permit and how they are to be maintained;
3. The proper procedures to follow with respect to the permit's pollution prevention requirements; and
4. When and how to conduct inspections, record applicable findings, and take corrective actions. Specific training requirements for person conducting site inspections are included in Section 6.3.

You are responsible for ensuring that all activities on the site comply with the requirements of this permit. You are not required to provide or document formal training for subcontractors or other outside service providers (unless the subcontractors or outside service providers are responsible for conducting the inspections required in Section 4, in which case you must provide such documentation consistent with Section 7.2.2), but you must ensure that such personnel understand any requirements of this permit that may be affected by the work they are subcontracted to perform.

6.3 Training Requirements for Persons Conducting Inspections

Any personnel conducting site inspections pursuant to Section 4 on your site must, at a minimum, either:

1. Have completed the EPA construction inspection course developed for the EPA CGP and have passed the exam; or
2. Hold a current valid construction inspection certification or license from a program that must, at a minimum, cover the following:

[59] If the person requiring training is a new employee who starts after you commence construction activities, you must ensure that this person has the proper understanding as required above prior to assuming particular responsibilities related to compliance with this permit. For emergency-related projects, the requirement to train personnel prior to commencement of construction activities does not apply, however, such personnel must have the required training prior to NOI submission.

A. Principles and practices of erosion and sediment control and pollution prevention practices at construction sites;

B. Proper design, installation, and maintenance of erosion and sediment controls and pollution prevention practices used at construction sites; and

C. Performance of inspections, including the proper completion of required reports and documentation, consistent with the requirements of Section 4.

3. A member of the storm water team may also conduct inspections if they are working under the supervision of a person who has the qualifications described above.

6.4 Storm Water Team's Access to Permit Documents

Each member of the storm water team must have easy access to an electronic or paper copy of applicable portions of this permit, the most updated copy of the SWPPP, and other relevant documents or information that must be kept with the SWPPP.

7. Storm Water Pollution Prevention Plan (SWPPP)

7.1 General Requirements

All operators associated with a construction site under this permit must develop a SWPPP consistent with the requirements in Section 7 prior to their NOI submittal.[60, 61] The SWPPP must be kept up to date throughout coverage under this permit. If a SWPPP was prepared under a previous version of this permit, the operator must review and update the SWPPP to ensure that this permit's requirements are addressed prior to submitting an NOI for coverage under this permit.

7.2 SWPPP Contents

At a minimum, the SWPPP must include the information as specified in this Section and as specified in other parts of this permit.

1. All site operators. Include a list of all other operators who will be engaged in construction activities at the site, and the areas of the site over which each operator has control.

[60] The SWPPP does not establish the effluent limits and/or other permit terms and conditions that apply to your site's discharges; these limits, terms, and conditions are established in this permit.

[61] Where there are multiple operators associated with the same site, they may develop a group SWPPP instead of multiple individual SWPPPs. Regardless of whether there is a group SWPPP or multiple individual SWPPPs, each operator is responsible for compliance with the permit's terms and conditions. In other words, if Operator A relies upon Operator B to satisfy its permit obligations, Operator A does not have to duplicate those permit related functions if Operator B is implementing them for both operators to be in compliance with the permit. However, Operator A remains responsible for permit compliance if Operator B fails to implement any measures necessary for Operator A to comply with the permit. In addition, all operators must ensure, either directly or through coordination with other operators, that their activities do not compromise any other operators' controls and/or shared controls.

2. Storm water team. Identify the personnel (by name and position) that you have made part of the storm water team pursuant to Section 6.1, as well as their individual responsibilities, including which members are responsible for conducting inspections.

   Include documentation that each member of the storm water team has received the training required by Section 6. If personnel on your team elect to complete the EPA inspector training program pursuant to Section 6.3.1, you must include copies of the certificate showing that the relevant personnel have completed the training and passed the exam.

3. Nature of Construction Activities.[62] Include the following:

   A. A description of the nature of your construction activities, including the age or dates of past renovations for structures that are undergoing demolition;

   B. The size of the property (in acres or length in miles if a linear construction site);

   C. The total area expected to be disturbed by the construction activities (to the nearest quarter acre or nearest quarter mile if a linear construction site);

   D. A description of any on-site and off-site construction support activity areas covered by this permit (see Section 1.2.1.C);

   E. The maximum area expected to be disturbed at any one time, including on-site and off-site construction support activity areas;

   F. A description and projected schedule for the following:

      i. Commencement of construction activities in each portion of the site, including clearing and grubbing, mass grading, demolition activities, site preparation (i.e., excavating, cutting, filling), final grading, and creation of soil and vegetation stockpiles requiring stabilization;

      ii. Temporary or permanent cessation of construction activities in each portion of the site;

      iii. Temporary or final stabilization of exposed areas for each portion of the site; and

      iv. Removal of temporary storm water controls and construction equipment or vehicles, and the cessation of construction related pollutant generating activities;

   G. A list and description of all pollutant generating activities[63] on the site. For each pollutant generating activity, include an inventory of pollutants or pollutant constituents (e.g., sediment, fertilizers, pesticides, paint, caulks, sealants, fluorescent light ballasts, contaminated substrates, solvents, fuels) associated with that activity, which could be discharged in storm water from your construction site. You must take into account where potential spills and leaks could occur that contribute pollutants to storm water discharges,

[62] If plans change due to unforeseen circumstances or for other reasons, the requirement to describe the sequence and estimated dates of construction activities is not meant to "lock in" the operator to meeting these dates. When departures from initial projections are necessary, this should be documented in the SWPPP itself, or in associated records, as appropriate.

[63] Examples of pollutant-generating activities include paving operations; concrete, paint, and stucco washout and waste disposal; solid waste storage and disposal; and dewatering operations.

and any known hazardous or toxic substances, such as PCBs and asbestos, that will be disturbed or removed during construction; and

H. Business days and hours for the project;

I. If you are conducting construction activities in response to a public emergency (See Section 1.4), a description of the cause of the public emergency (e.g., mud slides, earthquake, extreme flooding conditions, widespread disruption in essential public services), information substantiating its occurrence (e.g., state disaster declaration or similar state or local declaration), and a description of the construction necessary to reestablish the affected public services.

4. Site Map. Include a legible map, or series of maps, showing the following features of the site:

A. Boundaries of the property;

B. Locations where construction activities will occur, including:

i. Locations where construction activities will occur (note any phasing), including any demolition activities;

ii. Approximate slopes before and after major grading activities (note any steep slopes [as defined in Appendix A]);

iii. Locations where sediment, soil, or other construction materials will be stockpiled;

iv. Any water of the U.S. crossings;

v. Designated points where vehicles will exit onto paved roads;

vi. Locations of structures and other impervious surfaces upon completion of construction; and

vii. Locations of onsite and offsite construction support activities covered by this permit (See Section 1.2.1.C);

C. Locations of any waters of the U.S. within the site and all waters of the U.S. located within one mile downstream of the site's discharge points. Also identify if any are listed as impaired or are identified as Tier II or Tier III water;

D. Any areas of federally listed critical habitat within the site and upstream and downstream from the storm water discharge point into a stream segment that may be affected by these discharges;

E. Type and extent of pre-construction cover on the site (e.g., vegetative cover, forest, pasture, pavement, structures);

F. Drainage patterns of storm water and authorized non-storm water before and after major grading activities;

G. Storm water and authorized non-storm water discharge locations including:

i. Locations where storm water and/or authorized non-storm water will be discharged to storm drain inlets;[64] and

ii. Locations where storm water or authorized non-storm water will be discharged directly to waters of the U.S. (i.e., not via a storm drain inlet);

H. Locations of all potential pollutant generating activities identified in Section 7.2.3.G;

I. Locations of storm water controls, including natural buffer areas and any shared controls utilized to comply with this permit; and

J. Locations where polymers, flocculants, or other treatment chemicals will be used and stored.

5. Non-Storm water Discharges. Identify all authorized non-storm water discharges in Section 1.2.2 that will or may occur.

6. Description of Storm water Controls.

A. For each of the Section 2.2 erosion and sediment control effluent limits, Section 2.3 pollution prevention effluent limits, and Section 2.4 construction dewatering effluent limits, as applicable to your site, you must include the following:

i. A description of the specific controls to be implemented to meet the effluent limit;

ii. Any applicable storm water control design specifications (including references to any manufacturer specifications and/or erosion and sediment control manuals/ordinances relied upon);[65]

iii. Routine storm water control maintenance specifications; and

iv. The projected schedule for storm water control installation/implementation.

B. You must also include any of the following additional information as applicable.

i. Natural buffers and/or equivalent sediment controls (See Section 2.2.1 and Appendix D). You must include the following:

a. The compliance alternative to be implemented;

b. If complying with alternative 2, the width of natural buffer retained;

c. If complying with alternative 2 or 3, the erosion and sediment controls used to achieve an equivalent sediment reduction, and any information you relied upon to demonstrate the equivalency;

d. If complying with alternative 3, a description of why it is infeasible to provide and maintain an undisturbed natural buffer of any size;

[64] The requirement to show storm drain inlets in the immediate vicinity of the site on your site map only applies to those inlets that are easily identifiable from your site or from a publicly accessible area immediately adjacent to your site.

[65] Design specifications may be found in manufacturer specifications and/or in applicable erosion and sediment control manuals or ordinances. Any departures from such specifications must reflect good engineering practice and must be explained in the SWPPP.

e. For "Linear Construction Sites" where it is infeasible to implement compliance alternative 1, 2, or 3, a rationale for this determination, and a description of any buffer width retained and/or supplemental erosion and sediment controls installed; and

f. A description of any disturbances exempt under Section 2.2.1 that occur within 50 feet of a water of the U.S.

ii. Perimeter controls for a "Linear Construction Site" (See Section 2.2.3.D). For areas where perimeter controls are not feasible, include documentation to support this determination and a description of the other practices that will be implemented to minimize discharges of pollutants in storm water associated with construction activities.

Note: Routine maintenance specifications for perimeter controls documented in in the SWPPP must include the Section 2.2.3.A requirements that sediment be removed before it has accumulated to one half of the above ground height of any perimeter control.

iii. Sediment Track Out Controls (See Sections 2.2.4.B and 2.2.4.C). Document the specific stabilization techniques and/or controls that will be implemented to remove sediment prior to vehicle exit.

iv. Sediment Basins (see Section 2.2.12). In circumstances where it is infeasible to utilize outlet structures that withdraw water from the surface, include documentation to support this determination, including the specific conditions or time periods when this exception will apply.

v. Treatment Chemicals (see Section 2.2.13), you must include the following:

a. A listing of the soil types that are expected to be exposed during construction in areas of the project that will drain to chemical treatment systems. Also include a listing of soil types expected to be found in fill material to be used in these same areas, to the extent you have this information prior to construction;

b. A listing of all treatment chemicals to be used at the site and why the selection of these chemicals is suited to the soil characteristics of your site;

c. If DEQ authorized you to use cationic treatment chemicals for sediment control, include the specific controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a discharge that does not meet WQS;

d. The dosage of all treatment chemicals to be used at the site or the methodology to be used to determine dosage;

e. Information from any applicable Safety Data Sheets (SDS);

f. Schematic drawings of any chemically enhanced storm water controls or chemical treatment systems to be used for application of the treatment chemicals;

g. A description of how chemicals will be stored consistent with Section 2.2.13.C;

h. References to applicable state or local requirements affecting the use of treatment chemicals, and copies of applicable manufacturer's specifications regarding the use of your specific treatment chemicals and/or chemical treatment systems; and

i. A description of the training that personnel who handle and apply chemicals have received prior to permit coverage, or will receive prior to use of the treatment chemicals at your site.

vi. Stabilization Measures (See Section 2.2.14). You must include the following:

a. The specific vegetative and/or non-vegetative practices that will be used;

b. The stabilization deadline that will be met in accordance with Section 2.2.14.A.i-iii;

c. If complying with the deadlines for sites in arid, semi-arid, or drought stricken areas, the beginning and ending dates of the seasonally dry period (as defined in Appendix A) and the schedule you will follow for initiating and completing vegetative stabilization; and

d. If complying with deadlines for sites affected by unforeseen circumstances that delay the initiation and/or completion of vegetative stabilization, document the circumstances and the schedule for initiating and completing stabilization.

vii. Spill Prevention and Response Procedures (See Section 1.3.5 and Section 2.3). You must include the following:

a. Procedures for expeditiously stopping, containing, and cleaning up spills, leaks, and other releases. Identify the name or position of the employees responsible for detection and response of spills or leaks; and

b. Procedures for notification of appropriate facility personnel, emergency response agencies, and regulatory agencies where a leak, spill, or other release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity consistent with Section 2.3.6 and established under either 40 CFR 110, 117, or 302, occurs during a 24-hour period. Contact information must be in locations that are readily accessible and available to all employees.

You may also reference the existence of Spill Prevention, Control, and Countermeasures (SPCC) plans developed for the construction activity under Section 311 of the CWA, or spill control programs otherwise

required by an NPDES permit for the construction activity, provided that you keep a copy of that other plan onsite.[66]

viii. Waste Management Procedures (See Section 2.3.3). Describe the procedures you will follow for handling, storing, and disposing of all wastes generated at your site consistent with all applicable federal, state, tribal, and local requirements, including clearing and demolition debris, sediment removed from the site, construction and domestic waste, hazardous or toxic waste, and sanitary waste.

ix. Application of Fertilizers (See Section 2.3.5). Document any departures from the manufacturer's specifications where appropriate.

7. Procedures for Inspection, Maintenance, and Corrective Action.

   Describe the procedures you will follow for maintaining your storm water controls, conducting site inspections, and, where necessary, taking corrective actions, in accordance with Section 2.1.4, Section 3.3, and Section 5 of this permit. Also include:

   A. The inspection schedule you will follow, which is based on whether your site is subject to Section 4.2 or Section 4.3, or whether your site qualifies for any of the reduced inspection frequencies in Section 4.4;

   B. The location of the rain gauge or the address of the weather station you will be using to obtain rainfall data;

   C. If you will be reducing your inspection frequency in accordance with Section 4.4.1.B, the beginning and ending dates of the seasonally defined arid period for your area or the valid period of drought;

   D. If you will be reducing your inspection frequency in accordance with Section 4.4.3, the beginning and ending dates of frozen conditions on your site; and

   E. Any maintenance or inspection checklists or other forms that will be used.

   F. If you are unable to conduct an inspection due to safety concerns, document the safety concerns in the inspection report.

8. Compliance with Other Requirements.

   A. Threatened and Endangered Species Protection. Include documentation required in Appendix C supporting your eligibility with regard to the protection of threatened and endangered species and designated critical habitat.

   B. Safe Drinking Water Act Underground Injection Control (UIC) Requirements for Certain Subsurface Storm water Controls. If you are using any of the following storm water controls at your site, document any contact you have had with EPA or the applicable state agency[67] responsible for implementing the requirements for underground injection wells

[66] Even if you already have an SPCC or other spill prevention plan in existence, your plans will only be considered adequate if they meet all of the requirements of this Section, either as part of your existing plan or supplemented as part of the SWPPP.

[67] For state UIC program contacts, refer to the following EPA website: https://www.epa.gov/uic.

in the safe drinking water Act and EPA's implementing regulations at 40 CFR 144-147. Such controls would generally be considered Class V UIC wells:

i. Infiltration trenches (if storm water is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system);

ii. Commercially manufactured pre-cast or pre-built proprietary subsurface detention vaults, chambers, or other devices designed to capture and infiltrate storm water flow; and

iii. Drywells, seepage pits, or improved sinkholes (if storm water is directed to any bored, drilled, driven shaft or dug hole that is deeper than its widest surface dimension, or has a subsurface fluid distribution system).

9. SWPPP Certification. You must sign and date your SWPPP in accordance with Section 9.1.11.

10. Post Authorization Additions to the SWPPP. Once you are authorized for coverage under this permit, you must include the following documents as part of your SWPPP:

A. A copy of your NOI submitted to DEQ along with any correspondence exchanged between you and DEQ related to coverage under this permit;

B. A copy of the Authorization Letter you receive from DEQ assigning your IPDES ID (i.e., permit tracking number);

C. A copy of this permit (an electronic copy easily available to the storm water team is also acceptable).

7.3 SWPPP Availability

You must keep a current copy of your SWPPP at the site or at an easily accessible location so it can be made available at the time of an on-site inspection or upon request by DEQ, EPA, or a local agency approving storm water management plans; the operator of a storm sewer system receiving discharges from the site; or representatives of the U.S. Fish and Wildlife Service (USFWS) or the National Marine Fisheries Service (NMFS).[68]

If an on-site location is unavailable to keep the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance of your construction site.

[68] The SWPPP may be prepared, signed, and kept electronically, rather than in paper form, if the records are:
- In a format that can be read in a similar manner as a paper record;
- Legally dependable with no less evidentiary value than their paper equivalent;
- Immediately accessible to the inspector during an inspection to the same extent as a paper copy stored at the site would be, if the records were stored in paper form.

For additional guidance on the proper practices to follow for the electronic retention of inspection report records, refer to the Fact Sheet discussion related to Section 4.7.3.

7.4 SWPPP Modifications

1. You must modify your SWPPP, including the site maps, within seven days of any of the following conditions:

   A. Whenever new operators become active in construction activities on your site, or you make changes to your construction plans, storm water controls, or other activities at your site that are no longer accurately reflected in your SWPPP. This includes changes made in response to corrective actions triggered under Section 5. You do not need to modify your SWPPP if the estimated dates in Section 7.2.3.F change during the course of construction;

   B. To reflect areas on your site map where operational control has been transferred (and the date of transfer) since initiating permit coverage;

   C. If inspections or investigations by DEQ or its authorized representatives determine that SWPPP modifications are necessary for compliance with this permit;

   D. Where DEQ determines it is necessary to install and/or implement additional controls at your site in order to meet the requirements of this permit, the following must be included in your SWPPP:

      i. A copy of any correspondence describing such measures and requirements; and

      ii. A description of the controls that will be used to meet such requirements;

   E. To reflect any revisions to applicable federal, state, tribal, or local requirements that affect the storm water controls implemented at the site; and

   F. If applicable, if a change in chemical treatment systems or chemically enhanced storm water control is made, including use of a different treatment chemical, different dosage rate, or different area of application.

2. You must maintain records showing the dates of all SWPPP modifications. The records must include the name of the person authorizing each change (see Section 7.2.9) and a brief summary of all changes.

3. All modifications to the SWPPP consistent with Section 7.4 must be authorized by a person identified in Section 9.1.11.B.

4. Upon determining that that a modification to your SWPPP is required, if there are multiple operators covered under this permit, you must immediately notify any operators who may be impacted by the change to the SWPPP.

8. Terminating Coverage

Until you terminate coverage under this permit, you must comply with all conditions and effluent limitations in the permit. To terminate permit coverage, you must submit to DEQ a complete and accurate Notice of Termination (NOT), which certifies that you have met the requirements for terminating in Section 8.

8.1 Minimum Information Required in NOT

1. IPDES ID (i.e., permit tracking number) provided by DEQ when you received coverage under this permit;
2. Basis for submission of the NOT (See Section 8.2);
3. Operator contact information;
4. Name of site and address (or a description of location if no street address is available);
5. Monitoring Report; and
6. NOT Certification.

8.2 Conditions for Terminating CGP Coverage

1. You must terminate CGP coverage only if one or more of the conditions in Sections 8.2 have occurred. Until your termination is effective per Section 8.5, you must continue to comply with the conditions of this permit.
2. You have completed all construction activities at your site and, if applicable, construction support activities covered by this permit (See Section 1.2.1.C), and you have met all of the following requirements:
   A. For any areas that (1) were disturbed during construction, (2) are not covered by permanent structures, and (3) over which you had control during the construction activities, you have met the requirements for final vegetative or non-vegetative stabilization in Section 2.2.14.C. To document that you have met these stabilization requirements, you must take photographs that clearly show your compliance with the Section 2.2.14 stabilization requirements and that are representative of the stabilized areas of your site, and submit them with your NOT;
   B. You have removed and properly disposed of all construction materials, waste and waste handling devices, and have removed all equipment and vehicles that were used during construction, unless intended for long term use following your termination of permit coverage;
   C. You have removed all storm water controls that were installed and maintained during construction, except those that are intended for long-term use following your termination of permit coverage or those that are biodegradable; and
   D. You have removed all potential pollutants and pollutant-generating activities associated with construction, unless needed for long term use following your termination of permit coverage; or
3. You have transferred control of all areas of the site for which you are responsible under this permit or another operator, and that operator has submitted an NOI and obtained coverage under this permit; or
4. You have obtained coverage under an individual or alternative general IPDES permit.

8.3 How to Submit an NOT

You must use the IPDES E-Permitting System to electronically prepare and submit an NOT for the 2022 CGP. To access the IPDES E-Permitting System, go to https://www2.deq.idaho.gov/water/ipdes.

Waivers from electronic reporting may be granted as specified in Section 1.4.2. If DEQ grants you approval to use a paper NOT, and you elect to use it, you must complete the form in Appendix G.

8.4 Deadline for Submitting the NOT

You must submit an NOT within 30 calendar days after any one of the conditions in Section 8.2 occurs.

8.5 Effective Date of Termination of Coverage

Your authorization to discharge under this permit terminates when DEQ sends you notice that your coverage is terminated.

9. Standard Permit Conditions

The following conditions apply to all IPDES permits. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act.

9.1 Duty to Comply

The permittee must comply with all permit requirements. Any permit noncompliance constitutes a violation of this permit, Idaho Law, and the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

The permittee shall comply with effluent standards or prohibitions established under the Clean Water Act Section 307(a) for toxic pollutants and with standards for sewage sludge use or disposal established under the Clean water Act Section 405(d) and IDAPA 58.01.25.380 within the time provided in the regulations that establish these standards or prohibitions, even if the permit has not yet been modified to incorporate the requirement.

9.2 Duty to Reapply

If the permittee intends to continue an activity regulated by this permit after the expiration date, the permittee must submit a Notice of Intent and receive authorization in accordance with the new permit once DEQ issues it.

9.3 Need to Halt or Reduce Activity Not a Defense

The permittee cannot assert as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with this permit.

9.4 Duty to Mitigate

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

9.5 Proper Operation and Maintenance

The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. The permittee must operate backup or auxiliary facilities or similar systems that are installed by the permittee only when the operation is necessary to achieve compliance with the conditions of the permit.

9.6 Permit Actions

This permit may be modified, revoked, and reissued or terminated for cause as specified in IDAPA 58.01.25.201 and 58.01.25.203. The filing of a request by the permittee for a permit modification, revocation, and reissuance, termination, or notification of planned changes or anticipated noncompliance does not stay any permit condition.

9.7 Property Rights

The issuance of, or coverage under, an IPDES permit does not convey any property rights or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local laws or regulations. The issuance of, or coverage under, an IPDES permit does not constitute authorization of the permitted activities by any other state or federal agency or private person or entity, and does not excuse the permit holder from the obligation to obtain any other necessary approvals, authorizations, or permits.

9.8 Duty to Provide Information

The permittee must furnish to DEQ, within a reasonable time, any information that DEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The permittee must also furnish to DEQ, upon request, copies of records this permit requires.

9.9 Inspection and Entry

Pursuant to Idaho Code §39-108, the permittee shall allow DEQ's compliance, inspection, and enforcement (CIE) personnel, or authorized representative (including an authorized contractor acting as a representative of DEQ), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purpose of assuring permit compliance or as otherwise required by the Clean Water Act, any substances or parameters at any location.

9.10 Monitoring and Records

The permittee must comply with the following monitoring and recordkeeping conditions:

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity;

2. The permittee shall retain all monitoring information, for a period of at least three (3) years from the date of termination or expiration of permit coverage. This period may be extended by request of the department;
3. Records of monitoring information shall include:
   a. All calibration and maintenance records;
   b. All original strip chart recordings for continuous monitoring instrumentation or other forms of data approved by the Department;
   c. Copies of all reports required by the permit;
   d. Records of all data used to complete the Notice of Intent for the permit;
   e. The date, exact place, and time of sampling or measurement;
   f. The name of any individuals who performed the sampling or measurements;
   g. The dates any analyses were performed;
   h. The name of any individuals who performed the analyses;
   i. The analytical techniques or methods used;
   j. The results of the analysis.
4. Monitoring must be conducted according to test procedures approved under 40 CFR Part 136 unless another test method is required by 40 CFR Part 401 through 471 or Part 501 through 503.

9.11 Signatory Requirements

1. All NOIs must be signed as follows:
   a. For a corporation, by a responsible corporate officer as specified in IDAPA 58.01.25.090.01.a.
   b. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively as specified in IDAPA 58.01.25.090.01.b.
   c. For a municipality, or other public agency, by either a principal executive officer or ranking elected official as specified in IDAPA 58.01.25.090.01.c.
2. Any report or information required by this permit, including the SWPPP, corrective action log, monitoring and reporting provisions, and any other compliance documentation required by this permit, must be signed by a person described in item 1 or by a duly authorized representative of that person. A person is a duly authorized representative only if the following is true:
   a. The authorization is made in writing by a person described in item 1 above;
   b. The authorization specifies either an individual or position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, 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; and
   c. The written authorization is submitted to DEQ.
3. Changes to authorization. If an authorization is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI

satisfying the requirements of IDAPA 58.01.25.130.04 must be submitted to DEQ before or together with any report, information, or application to be signed by an authorized representative. However, if the only change that is occurring is a change in contact information or a change in the facility's address, the operator need only make a modification to the existing NOI submitted for authorization.

4. Certification. Any person signing a document under this section must make the following certification:

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

5. The permittee must ensure that any electronic submission of any report or information required by this permit, notice of intent, monitoring and reporting provisions, and information requested by DEQ satisfies all of the relevant requirements of 40 CFR 3 (Cross-Media Electronic Reporting) and 40 CFR 127 (NPDES Electronic Reporting Requirements).

9.12 Reporting Requirements

Planned Changes. The permittee must give notice to DEQ as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is only required when:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR 122.29(b); or
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limits in the permit, nor to notification requirements under 40 CFR 122.42(a)(1).

Anticipated Noncompliance. The permittee must give advance notice to DEQ of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.

Transfers. This permit is nontransferable to any person except after notice to DEQ> where a facility wants to change the name of the permittee, the original permittee (the first owner or operators) must submit a Notice of Termination pursuant to Section 8. The new owner or operator must submit a notice of Intent in accordance with Section 1.4 and Table 1. See also requirements in Section 9.1.11.1 and 9.1.11.2.

Monitoring Reports. Monitoring results must be reported at the intervals specified elsewhere in the permit.

Monitoring results must be reported in a report along with the project's Notice of Termination. If you monitor any pollutant more frequently than required by the permit using testing procedures approved under 40 CFR 136, the results of this monitoring must be included in the calculation and reporting of the data submitted in the monitoring report.

Twenty-four hour reporting. In addition to reports required elsewhere in this permit:

1. The permittee must report any noncompliance which may endanger health or the environment directly to the DEQ Regional Office through the 24-hour IPDES hotline at 1-833-IPDES24 (1-833-473-3724). Any information must be provided orally within 24 hours form the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
2. The following shall be included as information which must be reported within 24 hours under this paragraph:
    a. Any unanticipated bypass which exceeds any effluent limit in the permit (40 CFR 122.41(m)(3)(ii))
    b. Any upset which exceeds any effluent limit in the permit
    c. Violation of a maximum daily discharge limit for any numeric effluent limit (40 CFR 122.44(g).)
3. DEQ may waive the written report on a case-by-case basis for reports under Section 9.12 Twenty Four hour reporting if the oral report has been received within 24 hours.

Other noncompliance. The permittee must report all instances of noncompliance not reported under Section 9.12. Monitoring Reports, Compliance Schedules, and Twenty-four hour Reporting, at the time monitoring reports are submitted. The reports must contain the information listed above.

Other Information. Where the permittee becomes aware that it failed to submit any relevant facts in the NOI, or submitted incorrect information in the NOI or in any report to DEQ, it shall promptly submit such facts or correct information.

9.13 Bypass of Treatment Facilities

Bypass is prohibited. DEQ may take enforcement action against a permittee for a bypass unless:

1. The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. Severe property damage means substantial physical damage to property, damage to the treatment facilities that causes them to become inoperable, or substantial and permanent loss of natural resources that can reasonably be expected to occur in the absence of a bypass. “Severe property damage” does not mean economic loss caused by delays in production;
2. 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 backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
3. The permittee submitted a notice of a bypass to DEQ in accordance with Section 9.12. Notices of anticipated bypass must be submitted electronically to DEQ unless a waiver

for paper notices has been granted. Electronic notice of bypass can be submitted using the IPDES E-Permitting System (https://www2.deq.idaho.gov/water/ipdes). Notices of unanticipated bypass must be submitted in accordance with the 24 hour reporting in Section 9.12.

DEQ may approve an anticipated bypass, after considering its adverse effects, if DEQ determines that it will meet the three conditions listed above.

If the permittee knows in advance of the need for a bypass, it shall submit prior notice to the Department, if possible at least 10 days before the date of the bypass.

The permittee shall submit notice of an unanticipated bypass as required in Section 9.12.

Bypasses not exceeding limits are allowed to occur and are not subject to the notification requirements if the bypass does not cause effluent limits to be exceeded and only if it is for essential maintenance to assure efficient operation.

9.14 Upset Terms and Conditions

An upset is an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limits 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.

1. Effect of an upset -- An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limits if the permittee demonstrates, through properly signed, contemporaneous operating logs, or other relevant evidence the following:
   a. An upset occurred and the causes of the upset;
   b. The permitted facility was at the time being properly operated;
   c. The permittee submitted notice of the upset as required under Section 9.12; and
   d. The permittee timely complied with any remedial measures required under Section 9.4.
2. A determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is not a final administrative action subject to judicial review.
3. Burden of proof—In any enforcement proceeding, the permittee seeking to establish the occurrence of an upset has the burden of proof.

9.15 Penalties for Violations of Permit Conditions

If the permittee violates any permit condition, filing or reporting requirement, duty to allow or carry out inspections, entry or monitoring requirements, or any other provision in this permit the permittee is subject to administrative, civil, or criminal enforcement.

Pursuant to Idaho Code §39-175E and §39-108, any person who violates any rule, permit or order related to the IPDES program shall be liable for a civil penalty not more than $10,000 per violation or $5,000 for each day of a continuing violation, whichever is greater.

Pursuant to Idaho Code §39-175E, §39-108 and §39-117, any person who willfully or negligently violates any IPDES standard or limit, permit condition or filing requirement shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $10,000 per violation or for each day of a continuing violation.

Pursuant to Idaho Code §39-175E, §39-108 and §39-117, any person who knowingly makes any false statement, representation or certification in any IPDES form, in any notice or report required by an IPDES permit, or who knowingly renders inaccurate any monitoring device or method required to be maintained shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $5,000 per violation or for each day of a continuing violation.

Pursuant to Idaho Code §18-113, a misdemeanor violation of the IPDES program requirements as set forth in §39-117, is also punishable by imprisonment in a county jail not exceeding 6 months.

In addition to civil penalties as described above, pursuant to Idaho Code §39-175E and §39-108, any person who has been determined to have violated any provision of the rules, permits or orders relating to the IPDES program shall be liable for any expense incurred by the state in enforcing the program requirements, or in enforcing or terminating any nuisance, source of environmental degradation, cause of sickness or health hazard.

9.16 Availability of Reports

In accordance with IDAPA 58.01.21, "Rules Governing the Protection and Disclosure of Records in the Possession of the Department of Environmental Quality," information submitted to DEQ pursuant to this permit may be claimed as confidential by the permittee. In accordance with IDAPA 58.01.25.002, permit applications, Notices of Intent, permits, and effluent data are not considered confidential. Any confidentiality claim must be asserted at the time of submission by stamping the words "trade secret," "proprietary," or "confidential" on each page containing such information. If no claim is made at the time of submission, DEQ may make the information available to the public without further notice to the permittee. If a claim is asserted, the information will be treated in accordance with the procedures in IDAPA 58.01.21.

9.17 Transfers

This permit is not transferable to any person except as specified in IDAPA 58.01.25.202. DEQ may require modification, or revocation and reissuance of this permit, and may incorporate such requirements as may be necessary under IDAPA 58.01.25.202.

9.18 State Laws

Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable state law or regulation under authority preserved by Section 510 of the Clean Water Act. This includes, but is not limited to, IDAPA 58.01.02, 58.01.16, and 58.01.17.

9.19 Retention of Records

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of DEQ at any time.

Appendix A
Definitions, Abbreviations, and Acronyms

A.1. Definitions

Action Area – All areas to be affected directly or indirectly by the action and not merely the immediate area involved in the action. See 50 CFR 402. For the purposes of this permit and for application of the threatened and endangered species protection eligibility requirements, the following areas are included in the definition of action area:

- The areas on the construction site where storm water discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavations, site development, or other ground disturbance activities occur) and the immediate vicinity.
- The areas where storm water discharges flow from the construction site to the point of discharge into receiving waters.
- The areas where storm water from construction activities discharges into receiving waters and the areas in the immediate vicinity of the point of discharge.
- The areas where storm water controls will be constructed and operated, including any areas where storm water flows to and from the storm water controls
- The areas upstream and/or downstream from the storm water discharge into a stream segment that may be affected by these discharges.

Agricultural Land – cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

Antidegradation Policy or Antidegradation Requirements – the WQS regulation that requires states and tribes to establish a three tiered antidegradation program:

- Tier I maintains and protects existing uses and water quality conditions necessary to support such uses. An existing use can be established by demonstrating that fishing, swimming, or other uses have actually occurred since November 28, 1975, or that the water quality is suitable to allow such uses to occur. Where an existing use is established, it must be protected even if it is not listed in the WQS as a designated use. Tier I requirements are applicable to all surface waters.
- Tier II maintains and protects high quality waters – waterbodies where existing conditions are better than necessary to support CWA 101(a)(2) fishable/swimmable uses. Water quality can be lowered in such waters. However, state tier II programs identify procedures that must be followed and questions that must be answered before a reduction in water quality can be allowed. In no case may water quality be lowered to a level which would interfere with existing or designated uses.

- Tier III maintains and protects water quality in outstanding national resource waters (ONRWs). Except for certain temporary changes, water quality cannot be lowered in such waters. ONRWs generally include the highest quality waters of the United States. However, the ONRW classification also offers special protection for waters of exceptional ecological significance, i.e., those which are important, unique, or sensitive ecologically. Decisions regarding which water bodies qualify to be ONRWs are made by states and authorized Indian tribes.

Arid Areas – areas with an average annual rainfall of 0 to 10 inches. For assistance in determining average annual rainfall in specific locations, refer to the NOAA National Mapping webpage (https://www.ncdc.noaa.gov/cag/national/mapping), the PRISM Climate Group's Time Series Values for individual locations (https://prism.oregonstate.edu/explorer/), or EPA's US EPA EnviroAtlas (https://www.epa.gov/enviroatlas).

Bank (e.g., stream bank or river bank) **–** the rising ground bordering the channel of a water of the U.S.

Bluff – a steep headland, promontory, riverbank, or cliff

Borrow Areas – the areas where materials are dug for use as fill, either onsite or offsite.

Business Day – for the purposes of this permit, a business day is a calendar day on which construction activities will take place.

Bypass – the intentional diversion of waste streams from any portion of a treatment facility. (IDAPA 58.01.25)

Cationic Treatment Chemical – polymers, flocculants, or other chemicals that contain an overall positive charge. Among other things, they are used to reduce turbidity in storm water discharges by chemically bonding to the overall negative charge of suspended silts and other soil materials and causing them to bind together and settle out. Common examples of cationic treatment chemicals are chitosan and cationic PAM.

Commencement of Construction Activities – the initial disturbance of soils (or "breaking ground") associated with clearing, grubbing, grading, or excavating activities or other construction related activities (e.g., stockpiling of fill material; placement of raw materials at the site).

Common Plan of Development or Sale – a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under one common plan. The "common plan" of development or sale is broadly defined as any announcement or piece of documentation (including a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

Construction Activities – earth-disturbing activities, such as the clearing, grading, and excavation of land, and other construction related activities (e.g., stockpiling of fill material; placement of raw materials at the site) that could lead to the generation of pollutants. Some of the types of pollutants that are typically found at construction sites are:

- Sediment;
- Nutrients;
- Heavy metals;
- Pesticides and Herbicides;
- Oil and Grease;
- Bacteria and Viruses;
- Trash, Debris, and Solids;
- Treatment Polymers;
- Concrete and related products waste; and
- Any other Toxic Chemicals

Construction and Development Effluent Limitations and New Source Performance Standards (C&D Rule) – As published in 40 CFR 450, the regulation requiring effluent limitations guidelines (ELGs) and new source performance standards (NSPS) for controlling the discharge of pollutants from construction sites.

Construction Site or Site – the land or water area where construction activities will occur and where storm water controls will be installed and maintained. The construction site includes construction support activities, which may be located at a different part of the property from where the primary construction activity will take place, or on a different piece of property altogether.

Construction Support Activity – a construction related activity that specifically supports the construction activity and involves earth disturbance or pollutant generating activities of its own, and can include activities associated with concrete or asphalt batch plants, equipment staging yards, materials storage areas, excavated material disposal areas, and borrow areas.

Construction Waste – a discarded material (such as packaging materials; scrap construction materials; masonry products; timber, steel, pipe, and electrical cuttings; plastics; and Styrofoam).

Conveyance Channel – a temporary or permanent waterway designed and installed to safely convey storm water flow within and out of a construction site.

Critical Habitat – as defined in the Endangered Species Act at 16 U.S.C. 1531 for a threatened or endangered species, (i) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 4 of the Endangered Species Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

CWA – 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.

(IDAPA 58.01.25)**Dewatering –** the act of draining accumulated storm water and/or ground water from building foundations, vaults, and trenches, or other similar points of accumulation.

Discharge – when used without qualification, means the "discharge of a pollutant." [IDAPA 58.01.25.010.27]

Discharge of a Pollutant – Any addition of any pollutant or combination of pollutants to waters of the United States from any point source. 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 (IDAPA 58.01.25.01.28)

Discharge Point – for the purposes of this permit; the location where collected and concentrated storm water flows are discharged from the construction site.

Discharge Related Activity – activities that cause, contribute to, or result in storm water and allowable non-storm water point source discharges, and measures such as the siting, construction, and operations of storm water controls to control, reduce, or prevent pollutants from being discharged.

Discharge to an Impaired Water – for the purposes of this permit, a discharge to an impaired water occurs if the first water of the U.S. to which you discharge is identified by a state, tribe, or EPA pursuant to Section 303(d) of the Clean Water Act as not meeting an applicable water quality standard and (1) requires development of a total maximum daily load (TMDL) (pursuant to section 303(d) of the CWA); or (2) is addressed by an EPA-approved or established TMDL; or (3) is not in either of the above categories but the waterbody is covered by a pollution control program that meets the requirements of 40 CFR 130.7(b)(1). For discharges that enter a storm sewer system prior to discharge, the water of the U.S. to which you discharge is the first water of the U.S. that receives the storm water discharge from the storm sewer system.

Domestic Waste – for the purposes of this permit, typical household trash, garbage or rubbish items generated by construction activities.

Drainageway – an open linear depression, whether constructed or natural, that functions for the collection and drainage of surface water.

Drought-Stricken Area – for the purposes of this permit, an area in which the National Oceanic and Atmospheric Administration's U.S. Seasonal Drought Outlook indicates for the period during which the construction will occur that any of the following conditions are likely: (1) "Drought to persist or intensity," (2) "Drought ongoing, some improvement," (3) "Drought likely to improve, impacts ease," or (4) "Drought development likely". See https://www.cpc.ncep.noaa.gov/products/expert_assessment/sdo_summary.php

Earth Disturbing Activity – actions taken to alter the existing vegetation and/or underlying soil of a site, such as clearing, grubbing, grading, site preparation (e.g., excavating, cutting, and filling), soil compaction, and movement and stockpiling of top soils.

Earth Disturbing Activities Conducted Prior to Active Mining Activities– Consists of two classes of earth disturbing (i.e., clearing, grubbing, grading and excavation) activities:

a. Activities performed for purposes of mine site preparation, including: cutting new rights of way (except when related to access road construction); providing access to a mine site for vehicles and equipment (except when related to access road construction); other earth disturbances associated with site preparation activities on any areas where active mining activities have not yet commenced (e.g., for heap leach pads, waste rock facilities, tailings impoundments, wastewater treatment plants); and

b. Construction of staging areas to prepare for erecting structures such as to house project personnel and equipment, mill buildings, etc., and construction of access roads.

Note: only earth disturbing activities associated with the construction of staging areas and the construction of access roads conducted prior to active mining (see b. above) are considered to be construction and therefore storm water discharges from these activities are eligible for coverage under this permit. See Section 1.2.1.B. The activities in a. above are not considered construction and therefore storm water discharges associated with this activity are not eligible for coverage under this permit.

Effective Operating Condition – for the purposes of this permit, a storm water control is kept in effective operating condition if it has been implemented and maintained in such a manner that it is working as designed to minimize pollutant discharges.

Effluent Limits – for the purposes of this permit, any part of the Section 2 or Section 3 requirements.

Effluent Limitations Guideline (ELG) – A regulation published by the EPA under the Clean Water Act section 304(b) to adopt or revise effluent limitations. (IDAPA 58.01.25)

Eligible – for the purposes of this permit, refers to storm water and allowable non-storm water discharges that are authorized for coverage under this general permit.

Emergency Related Project – a project initiated in response to a public emergency (e.g., mud slides, earthquake, extreme flooding conditions, disruption in essential public services), for which the related work requires immediate authorization to avoid imminent endangerment to human health or the environment, or to reestablish essential public services.

Endangered Species – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this Act would present an overwhelming and overriding risk to man.

Excursion – a measured value that exceeds a specified limit.

Existing Site – a site where construction activities commenced prior to February 17, 2022.

Exit Points – any points of egress from the construction site to be used by vehicles and equipment during construction activities.

Exposed Soils – for the purposes of this permit, soils that as a result of earth disturbing activities are left open to the elements.

Federal Operator – an entity that meets the definition of an Operator in this permit and is either any department, agency or instrumentality of the executive, legislative, and judicial branches of

the Federal government of the United States, or another entity, such as a private contractor, performing construction activity for any such department, agency, or instrumentality.

Final Stabilization – on areas not covered by permanent structures, either (1) uniform, perennial vegetation (e.g., evenly distributed, without large bare areas) has been established, or for arid or semi-arid areas, will be established that provides 70 percent or more of the cover that is provided by vegetation native to local undisturbed areas, and/or (2) permanent non-vegetative stabilization measures (e.g., riprap, gravel, gabions, and geotextiles) have been implemented to provide effective cover for exposed portions of the site.

General Contractor – for the purposes of this permit, the primary individual or company solely accountable to perform a contract. The general contractor typically supervises activities, coordinates the use of subcontractors, and is authorized to direct workers at a site to carry out activities required by the permit. General Contractors typically meet the eligibility requirement 1.1.1.B.

Hazardous Substances or Hazardous or Toxic Waste – for the purposes of this permit, any liquid, solid, or contained gas that contain properties that are dangerous or potentially harmful to human health or the environment. See also 40 CFR 261.2

Impaired Water (or "Water Quality Impaired Water" or "Water Quality Limited Segment") – a water is impaired for purposes of this permit if it has been identified by a state, tribe or EPA pursuant to Section 303(d) of the CWA as not meeting applicable state or tribal WQS (these waters are called "water quality limited water bodies" under IDAPA 58.01.02.010.112). Impaired waters include both waters with approved or established TMDLs, and those for which a TMDL has not yet been approved or established.

Impervious Surface – for the purpose of this permit, any land surface with a low or no capacity for soil infiltration including, but not limited to, pavement, sidewalks, parking areas and driveways, packed gravel or soil, or rooftops.

Indian Country – (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation; (b) all dependent Indian communities within the borders of the United States, whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. [IDAPA 58.01.25.010.43]

Infeasible – for the purposes of this permit, infeasible means not technologically possible or not economically practicable and achievable in light of best industry practices. EPA notes that it does not intend for any permit requirement to conflict with state water rights law.

Install or Installation – when used in connection with storm water controls, to connect or set in position storm water controls to make them operational

IPDES – the state program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under the Clean Water Act sections 307, 402, 318, and 405. (IDAPA 58.01.25)

IPDES E-Permitting System – DEQ's online system for submitting electronic Construction General Permit forms and other submissions required by this permit.

Jar Test – a test designed to simulate full-scale coagulation/flocculation/sedimentation water treatment process by takin into account the possible conditions.

Landward– positioned or located away from a waterbody and toward the land.

Large Construction Activity – defined at 40 CFR 122.26(b)(14)(x) and incorporated here by reference. Large construction activity that includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

Linear Construction Site – includes the construction of roads, bridges, conduits, substructures, pipelines, sewer lines, towers, poles, cables, wires, connectors, switching, regulating and transforming equipment and associated ancillary facilities in a long, narrow area.

Minimize – to reduce and/or eliminate to the extent achievable using storm water controls that are technologically available and economically practicable and achievable in light of best industry practices.

Mining Activity– for the purposes of this permit, includes mining related construction activities defined at 40 CFR 122.26(b)(14)(x) and 122.26(b)(15)(i), and active mining activities defined at 40 CFR 122.26(b)(14)(iii). Both of these sub categories of activities include earth disturbing activities, with the latter also including such activities as: extraction, removal or recovery, and beneficiation of mined material from the earth; removal of overburden and waste rock to expose mineable material; and site reclamation and closure activities.

Mining Operations – for the purposes of this permit, mining operations are grouped into two distinct categories, with distinct effluent limits, and requirements applicable to each: 1) earth disturbing activities conducted prior to active mining activities; and 2) active mining activities, which includes reclamation.

Municipal Separate Storm Sewer System or MS4 – defined at 40 CFR 122.26(b)(8) as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- Designed or used for collecting or conveying storm water;
- Which is not a combined sewer; and

- Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2

National Pollutant Discharge Elimination System– The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under the Clean Water Act sections 307, 402, 318, and 405. (IDAPA 58.01.25)

Native Topsoil– the uppermost layer of naturally occurring soil for a particular area, and is often rich in organic matter, biological activity, and nutrients.

Natural Buffer – for the purposes of this permit, an area of undisturbed natural cover surrounding waters of the U.S. within which construction activities are restricted. Natural cover includes the vegetation, exposes rock, or barren ground that exists prior to commencement of earth disturbing activities.

Natural Vegetation – vegetation that occurs spontaneously without regular management, maintenance, or species introductions or removals, and that generally has a strong component of native species.

New Operator of a Permitted Site – an operator that through transfer of ownership and/or operation replaces the operator of an already permitted construction site that is either a "new site" or an "existing site".

New site – a site where construction activities commenced on or after (INSERT EFFECTIVE DATE)

New Source – for the purposes of this permit, a construction project that commenced construction activities after February 1, 2010.

New Source Performance Standards (NSPS) – for the purposes of this permit, NSPS are technology based standards that apply to construction sites that are new sources under 40 CFR 450.24

Non-Storm water Discharges – discharges that do not originate form storm events. They can include, but are not limited to, discharges of process water, air conditioner condensate, non-contact cooling water, vehicle wash water, sanitary wastes, concrete washout water, paint wash water, irrigation water, or pipe testing water.

Non-Turbid – a discharge that is free from visual turbidity. For the purposes of this permit, visual turbidity refers to a sediment plume or other cloudiness in the water caused by sediment that can be identified by an observer.

Notice of Intent – the form (electronic or paper) required for authorization of coverage under the Construction General Permit.

Notice of Termination – the form (electronic or paper) required for terminating coverage under the Construction General Permit.

Operational – for the purposes of this permit, storm water controls are made "operational" when they have been installed and implemented, are functioning as designed, and are properly maintained.

Operator – for the purpose of this and in the context of storm water discharges associated with construction activity, any party associated with a construction project that meets either of the following two criteria:

A. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications ("plans and specifications" includes the construction drawings, the SWPPP, and any other plans and specifications used on the project); or

B. The party has day-today operational control of those activities at a project that are necessary to ensure compliance with the permit conditions.

Subcontractors are not considered operators for the purposes of this permit.

Ordinary High Water Mark – the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris.

Permitting Authority – for the purposes of this permit, DEQ, or an authorized representative.

Point of Discharge – See "Discharge Point."

Point Source – any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff. (IDAPA 58.01.25.010.65)

Pollutant – 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 (Excerpted from IDAPA 58.01.25). For purposes of this definition, a "biological pesticide" is considered a "biological material," and any "pesticide residue" resulting from use of a "chemical pesticide" is considered a "chemical waste."

Pollution Prevention Controls – storm water controls designed to reduce or eliminate the addition of pollutants to construction site discharges through analysis of pollutant sources, implementation of proper handling/disposal practices, employee education, and other actions.

Polymers – for the purposes of this permit, coagulants and flocculants used to control erosion on soil or to enhance the sediment removal capabilities of sediment traps or basins. Common construction site polymers include Polyacrylamide (PAM), chitosan, alum, polyaluminum chloride, and gypsum.

Prohibited Discharges – discharges that are not allowed under this permit, including:

- Wastewater from washout of concrete;
- Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds and other construction materials;

- Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance;
- Soaps or solvents used in vehicle and equipment washing;
- Toxic or hazardous substances from a spill or other release; and
- Waste, garbage, floatable debris, construction debris, and sanitary waste.

Provisionally Covered Under this Permit – for the purposes of this permit, DEQ provides temporary coverage under this permit for emergency related projects prior to receipt of a complete and accurate NOI. Discharges from earth disturbing activities associated with the emergency related projects are subject to the terms and conditions of the permit during the period of temporary coverage.

Qualified Person – a person knowledgeable in the principles and practice of erosion and sediment controls and pollution prevention, who possesses the appropriate skills and training to assess conditions at the construction site that could impact storm water quality, and the appropriate skills and training to assess the effectiveness of any storm water controls selected and installed to meet the requirements of this permit.

Receiving Water – Those waters of the United States to which there is a discharge of pollutants. (IDAPA 58.01.25)

Run-on – sources of storm water that drain from land located upslope or upstream from the regulated site in question.

Seasonally Dry Period – a month in which the long term average total precipitation is less than or equal to 0.5 inches. Refer to EPA's Climate Lookup Tool and supporting maps for assistance in determining whether a site is operating during a seasonally dry period for the area.

Semi-Arid Areas – areas with an average annual rainfall of 10 to 20 inches. For assistance in determining average annual rainfall in specific locations, refer to the NOAA National Mapping webpage (https://www.ncdc.noaa.gov/cag/national/mapping), the PRISM climate Group's Time Series Values for individual locations (https://prism.oregonstate.edu/explorer/), or EPA's US EPA EnviroAtlas (https://www.epa.gov/enviroatlas).

Shared Control – for the purposes of this permit, a storm water control, such as a sediment basin or pond, used by two or more operators that is installed and maintained for the purpose of minimizing and controlling pollutant discharges from a construction site with multiple operators associated with a common plan of development or sale. Any operators that are contributing storm water from their construction activities to a shared control are considered to rely upon a shared control.

Small Construction Activity – defined at 40 CFR 122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one acre and less than five acres of land or will disturb less than one acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one acre and less than five acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

Small Residential Lot – for the purpose of this permit, a slot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

Snowmelt – the conversion of snow into overland storm water and ground water flow as a result of warmer temperatures.

Spill – for the purpose of this permit, the release of a hazardous or toxic substance from its container or containment.

Stabilization – the use of vegetative and/or non-vegetative cover to prevent erosion and sediment loss in areas exposed through the construction process.

Steep Slopes – where a state, tribe, local government, or industry technical manual (e.g., storm water BMP manual) has defined what is to be considered a steep slope, this permit's definition automatically adopts that definition. Where no such definition exists, steep slopes are automatically defined as those that are 15 percent or greater in grade.

Storm Event – a precipitation event that results in a measurable amount of precipitation.

Storm Sewer – a system of pipes (separate from sanitary sewers) that carries storm water runoff from buildings and land surfaces.

Storm Sewer System – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) designed or used for collecting or conveying storm water.

Storm Water – storm water runoff, snowmelt runoff, and surface runoff and drainage.

Storm Water Control – refers to any best management practice or other method (including narrative effluent limitations) used to prevent or reduce the discharge of pollutants to waters of the United States.

Storm Water Discharge Associated with Construction Activity – as used in this permit, a discharge of pollutants in storm water to waters of the United States from areas where earth disturbing activities (e.g., clearing, grubbing, grading, or excavation) occur, or where construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck chute washdown, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants), are located.

Storm Water Inlet – a structure placed below grade to conduct water used to collect storm water runoff for conveyance purposes.

Storm Water Team – the group of individuals responsible for oversight of the development and modifications of the SWPPP, and oversight of compliance with the permit requirements. The individuals on the Storm water Team must be identified in the SWPPP.

Subcontractor – for the purposes of this permit, an individual or company that takes a portion of a contract from the general contractor or from another subcontractor.

SWPPP (Storm Water Pollution Prevention Plan) – a site-specific, written document that among other things: (1) identifies potential sources of storm water pollution at the construction

site; (2) describes storm water controls to reduce or eliminate pollutants in storm water discharges from the construction site; and (3) identifies procedures the operator will implement to comply with the terms and conditions of this general permit.

Temporary Stabilization – a condition where exposed soils or disturbed areas are provided temporary vegetative and/or non-vegetative protective cover to prevent erosion and sediment loss. Temporary stabilization may include temporary seeding, geotextiles, mulches, and other techniques to reduce or eliminate erosion until either final stabilization can be achieved, or until further construction activities take place to re-disturb this area.

Thawing Conditions – for the purposes of this permit, thawing conditions are expected based on the historical likelihood of two or more days with daytime temperatures greater than 32°F. This date can be determined by looking at historical weather data. Note: the estimation of thawing conditions is for planning purposes only. During construction the permittee will be required to conduct site inspections based upon actual conditions (i.e., if thawing conditions occur sooner than expected, the permittee will be required to conduct inspections at the regular frequency).

Threatened Species – defined in the Endangered Species Act at 16 U.S.C. 1531 as any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Tier II Waters – for antidegradation purposes, pursuant to IDAPA 58.01.02.051, those waters that are characterized as having water quality that exceeds the levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water.

Tier III Waters – for antidegradation purposes, pursuant to IDAPA 58.01.02.051, Tier III waters are identified as having high quality waters constituting an Outstanding National Resource Water (ONRW), such as waters of National Parks and State Parks, wildlife refuges, and waters of exceptional recreational or ecological significance.

Total Maximum Daily Load or TMDL – the sum of the individual wasteload allocations (WLAs) for point sources and load allocations for nonpoint sources and natural background. If receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the Las for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of mass per time, toxicity, or other appropriate measure.

Toxic Waste – see Hazardous Substances.

Treatment Chemicals – polymers, flocculants, or other chemicals used to reduce turbidity in storm water.

Turbidity – a condition of water quality characterized by the presence of suspended solids and/or organic material.

Uncontaminated Discharge – in the context of the authorized non-storm water discharges, a discharge that meets applicable WQS.

Uplands – the dry land area above and landward of the ordinary high water mark.

Upset – 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. (IDAPA 58.01.25)

Water Dependent Structures – structures or facilities that are required to be located directly adjacent to a waterbody or wetland, such as a marina, pier, boat ramp, etc.

Water Quality Standards – A water quality standard defines the water quality goals of a water body, or portion thereof, by designating the use or uses to be made of the water and by setting criteria necessary to protect the uses. Water quality standards also include an antidegradation policy and implementation procedures. States, tribes and EPA adopt water quality standards to protect public health or welfare, enhance the quality of water and serve the purposes of the CWA (See CWA sections 101(a)2 and 303(c)). Where necessary, EPA has the authority to promulgate federal water quality standards.

Waters of the United States – The term "Waters of the United States or waters of the U.S.," as defined in 40 CFR 122.2, revised as of June 22, 2020, by 85 Federal Register 22250-22342 (April 21, 2020), unless said revision is stayed, overturned or invalidated by a court of law or withdrawn by EPA, in which case the Department incorporates by reference the term "Waters of the United States or waters of the U.S." as defined in 40 CFR 122.2, revised as of December 23, 2019. (IDAPA 58.01.25)

Wetlands – means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. [40 CFR 122.2]

A.2. Abbreviations and Acronyms

BMP	Best Management Practice
CBI	Confidential Business Information
CGP	Construction General Permit
CFR	Code of Federal Regulations
CWA	Clean Water Act (or the Federal Water Pollution Control Act, 33 U.S.C. §1251 *et seq.*)
DEQ	Idaho Department of Environmental Quality
ECHO	EPA Enforcement and Compliance History Online
ELG	Effluent Limitations Guideline
EPA	U. S. Environmental Protection Agency
ESA	Endangered Species Act
FR	Federal Register
FWS	U. S. Fish and Wildlife Service
IPDES	Idaho Pollutant Discharge Elimination System
MS4	Municipal Separate Storm Sewer System
MSGP	Multi-Sector General Permit
NEPA	National Environmental Policy Act
NTU	Nephelometric Turbidity Units
NMFS	U. S. National Marine Fisheries Service
NOI	Notice of Intent
NOT	Notice of Termination
NPDES	National Pollutant Discharge Elimination System
NRC	National Response Center
NRCS	National Resources Conservation Service
NSPS	New Source Performance Standards
ONRW	Outstanding National Resource Water
PAM	Polyacrylamide
POTW	Publicly Owned Treatment Works
RUSLE	Revised Universal Soil Loss Equation

SDS	Safety Data Sheet
SPCC	Spill Prevention Control and Countermeasure
SWPPP	Storm water Pollution Prevention Plan
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
UIC	Underground Injection Control
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
USGS	United States Geological Survey
U.S.C.	United States Code
WQS	Water Quality Standard

Appendix B.
Small Construction Waivers and Instructions

These waivers are only available to storm water discharges associated with small construction activities (i.e., 1-5 acres or less than 1 acre but part of a larger common plan of development that is 1-5 acres). As the operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (1) a rainfall erosivity waiver, (2) a TMDL analysis, or (3) an equivalent analysis that determines allocations for small construction sites are not needed. Each operator, otherwise needing permit coverage, must notify DEQ of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

B.1 Rainfall Erosivity Waiver

Under this scenario, the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than five during the period of construction activity. The operator must certify to DEQ that construction activity will occur only when the rainfall erosivity factor is less than five. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the CGP have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The operator must submit a waiver certification to DEQ prior to commencing construction activities.

> *Note: the rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: a Guide to Conservation Planning with the Revised Universal Soil Loss Equation (RUSLE), pages 21-64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.*

EPA has developed an online rainfall erosivity calculator to help small construction sites determine potential eligibility for the rainfall erosivity waiver. You can access the calculator from EPA's website at: https://www.epa.gov/npdes/rainfall-erosivity-factor-calculator-small-construction-sites. The R factor can easily be calculated by using the construction site latitude/longitude or address and estimated start and end dates of construction. This calculator may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver. Use this online calculator or the Construction Rainfall Erosivity Waiver Fact Sheet (https://www.epa.gov/sites/production/files/2015-10/documents/fact3-1.pdf) to assist in determining the R Factor for your small construction site.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you can submit a rainfall erosivity waiver electronically via DEQ's E-Permitting System (https://www2.deq.idaho.gov/water/ipdes), unless you received a waiver from DEQ (See Section 1.4.1 of the CGP).

> *Note: if the R factor is five or greater, you do not qualify for the rainfall erosivity waiver, and must obtain coverage under an IPDES permit (e.g., the CGP), unless you qualify for the Water Quality Waiver as described in B.2 below.*

If your small construction project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five, you must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of your records. The new waiver certification must be submitted prior to the project completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is five or above, you must obtain IPDES permit coverage.

B.2 TMDL Waiver

This waiver is available if the state has established and EPA has approved a TMDL that addresses the pollutants of concern for the impaired water and has determined that controls on storm water discharges from small construction activity are not needed to protect water quality. The pollutants of concern include sediment (such as total suspended solids, turbidity, or siltation) and any other pollutant that has been identified as a cause of impairment of any waterbody that will receive a discharge from the construction activity. Information on TMDLs that have been approved by EPA is available at https://www.epa.gov/tmdl and from Idaho at https://www.deq.idaho.gov/water-quality/surface-water/total-maximum-daily-loads/.

If you are the operator of the construction activity and eligible for a waiver based on compliance with an EPA-established or approved TMDL, you must provide the following information in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operators;
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the waterbodies that would be receiving storm water discharges from your construction project;
5. The name and approval date of the TMDL;
6. A statement, signed and dated by an authorized representative as provided in Section 9.1.11, that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the TMDL.

B.3 Equivalent Analysis Waiver

This waiver is available for discharges to unimpaired waters only. The operator can develop an equivalent analysis that determines allocations for their small construction site for the pollutants of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction operator to develop an equivalent analysis based on existing

in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operators;
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The names of the waterbodies that would be receiving storm water discharges from your construction project;
5. Your equivalent analysis;
6. A statement, signed and dated by an authorized representative as provided in Section 9.1.11, that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the TMDL.

B.4 Waiver Deadlines and Submissions

1. Waiver certifications must be approved prior to commencement of construction activities.
2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until DEQ approves your request. As such, you many not commence construction activities until receipt of approval from DEQ.
3. Late Notifications: operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. DEQ reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of storm water associated with small construction activity, provided you qualify for the waiver. Any discharge of storm water associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act. As mentioned above, DEQ reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. DEQ may notify any operator covered by a waiver that they must obtain IPDES permit coverage. DEQ may notify any operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition DEQ to take action under this provision by submitting written notice along with supporting justification.

Complete and accurate TMDL or equivalent analysis waiver requests must be sent to the DEQ state office.

Appendix C. Eligibility Procedures Relating to Threatened and Endangered Species Protection

In accordance with Section 1.1.5 of the CGP, you must follow the procedures in this appendix to select your eligibility under one of the criteria in Section C.1 of this appendix with respect to the protection of federally listed threatened or endangered species and federally designated "critical habitat" [hereinafter "threatened and endangered species"] under the Endangered Species Act (ESA) from discharges and discharge-related activities authorized under this permit.

If you do not meet one of the ESA Eligibility Criteria, you are not eligible for coverage under this permit.

You must complete your eligibility selection outlined in the Endangered Species Protection section of the Notice of Intent (NOI) in the E-Permitting System and provide all information as required on your NOI that supports the eligibility criterion you qualify per Section 1.1.5 of the permit.

While coordination between you and the U.S. Fish and Wildlife Service (USFWS) and/or the National Marine Fisheries Service (NMFS)(together, the "Services") may not be required in all cases, DEQ encourages you to coordinate with the Services, document that coordination, and do so early in the planning process prior to submitting your NOI.

This appendix is organized as follows:

- **Part C.1:** Threatened and Endangered Species Protection Eligibility Criteria
- **Part C.2:** Procedures for Determining Which Threatened and Endangered Species Protection Criterion Applies

C.1 Threatened and Endangered Species Protection Eligibility Criteria

As required by Section 1.1.5, you must certify in your NOI that you meet one of the eligibility criteria listed below (A-F) in order to be eligible for coverage under this permit. Once you determine the applicable eligibility criterion, you must:

- Specify the basis for your selection of the applicable eligibility criterion, and if required, provide documentation that is the basis for the eligibility criterion you selected your determination with the NOI form; and
- Provide documentation in your SWPPP that is sufficient to support your determination selection that you satisfy the requirements of the applicable criterion.

NOTE: You must use the information from the USFWS IPaC (where available, otherwise from the appropriate USFWS field office) and NOAA Species Mappers (see Part C.2 of this appendix, Step 2) when determining the presence of ESA listed species and critical habitat. Attaching: 1) the species list with the action area used to obtain the list and 2) aerial images of the site to the NOI is helpful to DEQ, USFWS, and NMFS in confirming eligibility. When evaluating the potential effects of your activities, you must consider effects to listed species and critical habitats within the "action area" of your construction activity. Please Note: NMFS's jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.

The definition of "action area," which is contained in Appendix A, is repeated below for convenience.

"Action Area" – all areas to be affected directly or indirectly by the action and not merely the immediate area involved in the action. See 50 CFR part 402. For the purposes of this permit and for application of the Endangered Species Act requirements, the following areas are included in the definition of action area:

- The areas on the construction site where storm water discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity or where grading causes storm water to flow into a small wetland or other habitat that is on the site that contains listed species.)
- The areas where storm water discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where storm water flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as listed amphibians) are found in the ditch, swale, or gully.)
- The areas where storm water from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where storm water from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where storm water controls will be constructed and operated, including any areas where storm water flows to and from the storm water controls. (Example: Where a storm water retention pond would increase thermal discharges to coolwater habitats.)
- The areas upstream and/or downstream from the storm water discharge into a stream segment that may be affected by these discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

Criterion A	**No ESA- listed species and/or designated critical habitat present in action area.** Using the process outlined in this Appendix, you certify that ESA-listed species and designated critical habitats under the jurisdiction of USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of the permit. **Basis statement content:** A basis statement supporting the selection of this criterion must identity the USFWS and NMFS information sources used. Reliance on state resources is not acceptable. Attaching aerial images of the site as wells as the species list showing no listed species of critical habitats to this NOI is helpful to DEQ, USFWS and NMFS in confirming eligibility under this criterion. Please note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.
Criterion B	**Eligibility requirements met by another operator under the 2022 CGP.** The

	construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2022 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of NPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the IPDES ID from the other 2022 CGP operator's notification of authorization under this permit. If your certification is based on another 2022 CGP operator's certification under criterion C, you must provide DEQ with the relevant supporting information required of existing dischargers in criterion C in your NOI form. **Basis statement content:** A basis statement supporting the selection of this criterion must identify the eligibility criterion of the other CGP NOI, the authorization date, and confirmation that the authorization is effective.
Criterion C	**Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat.** ESA-listed species and/or designated critical habitats under the jurisdiction of USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to DEQ that your site's discharges and discharge-related activities are not likely to adversely affect ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any storm water controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in this Appendix; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with this NOI. Attaching: 1) the species list with the action area used to obtain the list; 2) aerial images of the site; and 3) a copy of the SWPPP to the NOI is helpful to EPA, USFWS, and NMFS in confirming eligibility under this criterion. **Basis statement content:** A basis statement supporting the selection of this criterion must identify the information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of USFWS and/or NMFS were

	considered in the evaluation and explain how the conclusion was reached.
Criterion D	**Coordination with USFWS and/or NMFS has successfully concluded.** Coordination between you and USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written concurrence confirmation from USFWS and/or NMFS that your site's discharges and discharge-related activities are consistent with a not likely to adversely affect determination for ESA-listed species and/or critical habitat in your action area. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI. **Basis statement content:** A basis statement supporting the selection of this criterion must identify whether USFWS or NMFS or both agencies participated in coordination, the field/regional offices providing that coordination, and the date that coordination concluded.
Criterion E	**ESA Section 7 consultation has successfully concluded.** Consultation between a Federal Agency and USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, Indicate the result of the consultation: I. biological opinion and/or conference opinion and incidental take statement currently in effect from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of ESA-listed species, nor the destruction or adverse modification of critical habitat; or II. written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. If eligible under Criterion E, you must also provide supporting documentation for your selection of Criterion E in your NOI and SWPPP, including the Biological Opinion (or ECO tracking number) or concurrence letter. You must include copies of the correspondence between yourself and USFWS and/or NMFS in your SWPPP and your NOI. **Basis statement content:** A basis statement supporting the selection of this criterion should must identify the federal action agencies involved, the field/regional offices providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, ECO number), and the date the consultation was completed.
Criterion F	**Issuance of section 10 permit.** Potential take is authorized through the

	issuance of a permit under section 10 of the ESA by USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species and designated critical habitat. You must include copies of the correspondence between yourself and the participating agencies in your SWPPP and your NOI. **Basis statement content:** A basis statement supporting the selection of this criterion should must identify whether USFWS or NMFS or both agencies provided a section 10 permit, the field/regional offices providing permits, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, PCTS E number), and the date the permit was granted.

You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting one of the eligibility criteria in this section to remain eligible for coverage under this permit. Documentation of these requirements must be kept as part of your SWPPP (see Part 7.2.9.a).

The Services will, within 14 days of submission of the NOI, advise DEQ whether they believe the planned discharges meet the selected eligibility criterion, whether the eligibility criterion could be met with additional conditions, or whether the eligibility criterion is not met. With respect to ESA issues, DEQ recognizes the Services expertise and will carefully consider their conclusions in identifying eligibility for authorization, either with or without additional conditions. In the event the Services place a hold on your NOI, DEQ will notify you as to whether your discharges are authorized or whether an individual permit will be required.

C.2 Procedures for Determining which Threatened and Endangered Species Protection Criterion Applies

You must follow the procedures in this Part to determine the criterion listed above under which your site is eligible for permit coverage.

C.2.1 Step 1 - Determine if You Meet the Eligibility Requirements of Criterion B.

I. Determine whether you are eligible under criterion B (because another operator has accounted for your action area in their valid certification of eligibility under the 2022 CGP).

II. If your facility does not meet criterion B (e.g., due to difference in action area described, lack of analysis of appropriate effects, new listings or designation of critical habitat), proceed to Step 2 below.

Criterion B Eligibility Requirements

- **If your discharges and discharge-related activities <u>were</u> already addressed in another operator's valid certification of eligibility under the current 2022 CGP that included your action area** (e.g., a general contractor or developer may have completed and filed an NOI for the entire action area with the necessary ESA certifications (Criterion A, C, D, E, or F)), you may be eligible under Criterion B. In order to be eligible for coverage, you must confirm that all three of the following are true:

  □ You have confirmed that the other operator's certification of eligibility accounted for your action area and that the eligibility certification was valid.

□ There has been no lapse of NPDES permit coverage in the other operator's certification.

□ You will comply with all measures that formed the basis of the other operator's valid certification of eligibility. Provide the operator's NPDES permit number and list any measures that you must comply with (or enter "N/A" if none exist).

If all three of the above are true, you may select criterion B on your NOI. You must include in your NOI the NPDES ID assigned to the other operator's authorization under this permit, and a description of the basis for the criterion selected on your NOI form, including the eligibility criterion selected in the other operator's NOI. You must include this documentation in your SWPPP.

If any of the above is not true, you may not select criterion B and must proceed to Step 2. For example, if there are any listed species in your action area that were not addressed in the other operator's certification, you are not eligible under criterion B.

By certifying eligibility under Criterion B, you must comply with any terms and conditions imposed under the eligibility requirements of the criterion for which the other operator has established eligibility (either Criterion A, C, D, E, or F) to ensure that your discharges and discharge-related activities are protective of listed species and/or critical habitat.

Note: If you are unable to meet these eligibility requirements, then you may either establish eligibility under one of the other criteria, or you may consider applying to DEQ for an individual permit.

Under Criterion B, you must provide documentation in your SWPPP of any of these terms and conditions, as well as the other operator's basis for establishing eligibility. You must also provide a description of the basis for your selection of Criterion B on your NOI form, including the eligibility criterion (A, C, D, E, or F) that was certified to by the other operator, and must provide the NPDES ID from the other operator's notification of authorization under this permit.

If your certification is based on another operator's certification under criterion C, you must provide the documentation required in the NOI for criterion C, namely: 1) what federally listed species and/or designated habitat are located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles).

C.2.2 Step 2 - Determine if Listed Threatened or Endangered Species or their Designated Critical Habitats are Likely to Occur in your Site's Action Area

First, determine the extent of your action area. You must determine whether species listed as either threatened or endangered, or their critical habitats are located in your site's action area (i.e., all areas to be affected directly or indirectly by the action and not merely the immediate area involved in the action, including areas beyond the footprint of the site that are likely to be affected by storm water discharges, discharge-related activities, and authorized non-storm water discharges). Consider the following in determining the action area for your facility:

- Discharges of pollutants into downstream areas can expand the action area well beyond the footprint of your facility and the discharge points. Take into account the controls you will be implementing to minimize pollutants and the receiving waterbody characteristics

(e.g., perennial, intermittent, ephemeral) in determining the extent of physical, chemical, and/or biotic effects of the discharges. All receiving waterbodies that could receive pollutants from your facility must be included in your action area.

- Discharge-related activities must also be accounted for in determining your action area. Discharge-related activities are any activities that cause, contribute to, or result in storm water and authorized non-storm water point source discharges, and measures such as the siting, construction, and operation of storm water controls to control, reduce, or prevent pollutants from being discharged.

If you have any questions about determining the extent of your action area, you may contact DEQ or the Services for assistance. https://www.epa.gov/npdes/contact-us-stormwater#regional Next, you must determine, to the best of your knowledge, whether species listed as either threatened or endangered, or their critical habitats (see definitions of these terms in Appendix A), are located in your site's action area. To make this determination, you should first determine if listed species and/or critical habitat are expected to exist in your county or township. USFWS and NMFS maintain lists of federally listed endangered or threatened species on their internet sites.

- For NMFS species and critical habitat information, use the following webpages: https://www.webapps.nwfsc.noaa.gov/portal/apps/webappviewer/index.html?id=7514c715b8594944a6e468dd25aaacc9
- For USFWS Fish and Wildlife Service species information, use the online mapping tool IPaC (the Information, Planning, and Consultation System) located at http://ecos.fws.gov/ipac/, and follow these steps:
    - Select Get Started
    - Define your action area: Use one of the mapping features (e.g., sketch, polygon or line drawing tool) to draw your entire action area.
        - For the aquatic portion of your action area, trace the waterbodies with the tool to characterize your action area.
        - If your proposal will include any upland activities (i.e., discharge-related activities), or if there is some aspect of your discharge that would potentially result in effects to terrestrial species, include the corresponding upland areas within your action area.
    - When you are done, go to confirm and press *Continue*.
    - Select *Define Project* to request an Official Species List
    - Complete the fields on the Official Species List Request page, and include "(CGP)" at the end of the project description.
        - For Classification, select "Water Quality Modification".
        - Select the appropriate requesting agency/organization type (for most operators, this should be "Other").
    - Submit the request to acquire an Official Species List, which should show both listed species as well as any designated critical habitat that are present in the action area in the previous step.

- *Note: If a link to an Official Species List is not available on the page, follow the web link of the offices indicated, or contact the office directly by mail or phone if a web link is not shown.*

Keep a copy of the species and critical habitat lists from the Services with your SWPPP and use the lists to complete your NOI. For USFWS species, include the full printout from your IPaC query/Official Species List. You can include the map from your IPaC query. For NMFS species, include the full printout from the Species Directory with the correct Region selected.

- **If listed species and/or critical habitat may exist in your action area, you must do one or more of the following:**
  - Conduct visual inspections. This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal storm water collection systems.
  - Conduct a formal biological survey. In some cases, particularly for larger construction sites with extensive storm water discharges, biological surveys may be an appropriate way to assess whether species are located in the action area and whether there are likely to be adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms.
  - If required, conduct an environmental assessment under the National Environmental Policy Act (NEPA). Some construction activities might require review under NEPA for specific reasons, such as federal funding or other federal involvement in the project. Note: Coverage under the CGP does not trigger such a review for individual projects/sites. EPA has complied with NEPA in the issuance of the CGP.

    and
  - Follow the instructions in Steps 3 – 5 below, as applicable. Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

Criterion A Eligibility Requirements

- **If there are no listed species and no critical habitat areas in your action area**, you may be eligible for criterion A. In order to be eligible for coverage under criterion A, you must confirm that the following is true:
  - I have confirmed there to be no ESA-listed species and no critical habitat in my action area.
- If the above is true, you may select criterion A on your NOI form. You must also provide a description of the basis for the criterion selected on your NOI form and provide documentation supporting the criterion selected in your SWPPP. Note: If your Official Species List from USFWS indicated no species or critical habitat were present in your action area, include the full consultation tracking code at the top of your Official Species

List in your NOI in the basis statement for Criterion A. If an Official Species List was not available on IPaC, list the contact date and name of the Service staff with whom you corresponded to verify no USFWS species or critical habitat were present in your action area.

- If the above is not true, you may not select criterion A and must proceed to Step 3 to determine if you can become eligible under criterion C.

Note: For existing dischargers that have previously obtained coverage under criterion A, you must verify whether ESA-protected species and/or critical habitat are expected to exist in your action area, as described above. Please note that if you now find that your action area overlaps with ESA-protected species or critical habitat, you must proceed to Step 3.

C.2.3 Step 3 - Determine if the Construction Activity's Discharges or Discharge-Related Activities Are Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat

If in Step 2 you determined that listed species and/or designated critical habitat could exist in your action area, you must next assess whether your discharges or discharge-related activities are likely to adversely affect ESA-listed threatened or endangered species or designated critical habitat.

Potential adverse effects from discharges and discharge-related activities include:

- *Hydrological*. Storm water discharges may cause siltation, sedimentation, or induce other changes in receiving waters such as temperature, salinity, or pH. These effects will vary with the amount of storm water discharged and the volume and condition of the receiving water. Where a storm water discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.
- *Habitat*. Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of storm water controls, may adversely affect listed species or their habitat. Storm water may drain or inundate listed species habitat.
- *Toxicity*. In some cases, pollutants in storm water may have toxic effects on listed species.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to adversely affect listed species or critical habitat, or one of the Services has already raised concerns to you, you should contact the appropriate Services office for assistance.

- If adverse effects to listed threatened or endangered species or their critical habitat are not likely, then you may select eligibility criterion C on the NOI form. You must provide the following specific information on your NOI form: 1) the federally listed species and/or designated habitat that occur in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles). You must also provide a copy of your site map with your NOI.

- ***If adverse effects to listed threatened or endangered species or their critical habitat <u>are</u> likely***, you must follow Step 4 below.

C.2.4 Step 4 - Determine if Measures Can Be Implemented to Avoid Adverse Effects
If you make a preliminary decision in Step 3 that adverse effects from your construction activity's discharges or discharge- related activities are likely to occur, you can still receive coverage under eligibility criterion C of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for CGP coverage.
These measures may involve relatively simple changes to construction activities such as re-routing a storm water discharge to bypass an area where species are located, relocating storm water controls, or by modifying the "footprint" of the construction activity. If you are unable to ascertain which measures to implement to avoid the likelihood of adverse effects, you must coordinate with USFWS and/or NMFS, in which case you would not be eligible for coverage under eligibility criterion C, but may instead be eligible for coverage under eligibility criterion D, E, or F (described in more detail in Step 5)

- **If you are able to install and implement appropriate measures to avoid the likelihood of adverse effects**, then you may check eligibility criterion C on the NOI form. The measures you adopt to avoid or eliminate adverse effects must be implemented for the duration of the construction project and your coverage under the CGP. You must also provide a description of the basis for the criterion selected, and the following specific information on your NOI form: 1) the federally listed species and/or designated habitat are located in your "action area"; and 2) the distance between your site and the listed species or designated critical habitat (in miles).
- **If you cannot ascertain which measures to implement to avoid the likelihood of adverse effects**, you must follow the procedures in Step 5.

C.2.5 Step 5 - Determine if the Eligibility Requirements of Criterion D, E, or F Can Be Met
If in Step 4 you cannot ascertain which measures to implement to avoid the likelihood of adverse effects, you must contact USFWS and/or NMFS. You may still be eligible for CGP coverage if likely adverse effects can be addressed through meeting criterion D, E, or F.

Criterion D Eligibility Requirements

- **Criterion D:** Coordination between you and the Services has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on federally- listed threatened or endangered species and federally-designated critical habitat, and resulted in a written confirmation from the relevant Services that the effects of your site's discharges and discharge- related activities are consistent with a not likely to adversely affect determination for ESA- listed species or designated critical habitat.
- If you have met the requirements of criterion D, you may select eligibility criterion D on the NOI form. You must provide a description of the basis for the criterion selected on your NOI form and must include copies of the correspondence between you and the applicable Service in your SWPPP.

Criterion E Eligibility Requirements

- **Criterion E**: Consultation between a Federal Agency and the Services under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge- related activities on federally- listed threatened or endangered species and federally- designated critical habitat. The result of this consultation must be either (1) a biological opinion and/or conference opinion and incidental take statement currently in effect that concludes that the action in question (taking into account the effects of your site's discharges and discharge- related activities) is not likely to jeopardize the continued existence of listed species, n or the destruction or adverse modification of critical habitat; or (2) written concurrence from the applicable Services with a finding that the effects of the site's discharges and discharge- related activities are consistent with a not likely to adversely affect determination for ESA listed species or designated critical habitat.

  If consultation under section 7 of the ESA has concluded, you may be eligible for coverage under criterion E. In order to be eligible for coverage under criterion E, you must confirm that both of the following are true:

  - A consultation between a federal agency and the Services under section 7 of the ESA has concluded. Consultations can be either formal or informal, and would have occurred only as a result of a separate federal action (e.g., during application for an individual wastewater discharge permit or the issuance of a wetlands dredge and fill permit), and the consultation must have addressed the effects of your industrial activity's discharges and discharge-related activities on all ESA-listed threatened or endangered species and all designated critical habitat in your action area. The result of this consultation must be either:
    - A biological opinion currently in effect that concludes that the action in question (taking into account the effects of your facility's discharges and discharge-related activities) is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. The biological opinion must have included the effects of your facility's discharges1 and discharge-related activities on all the listed species and designated critical habitat in your action area. To be eligible under (i), any reasonable and prudent measures specified in the incidental take statement must be implemented;
    - Written concurrence (e.g., letter of concurrence) from the applicable Services with a finding that your facility's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. The concurrence letter must have included the effects of your facility's discharges and discharge-related activities on all the ESA-listed species and/or designated critical habitat on your species lists acquired from the Services as part of this worksheet.

  - The consultation does not warrant reinitiation under 50 CFR §402.16; or, if reinitiation of consultation is required (e.g., due to a new species listing or critical habitat designation; new information), you have reinitiated the consultation and the result of the consultation is consistent with the statements above. Attach a

copy of any reinitiation documentation from the Services or other consulting federal agency.

- **If both of the above are true, you may select criterion E on your NOI**. You must also provide a description of the basis for the criterion selected on your NOI form and you must include documentation in your SWPPP. In both your SWPPP and NOI you must also provide the Biological Opinion (or ECO tracking number) or concurrence letter and any other documentation supporting your eligibility certification. You must also include copies of the correspondence between yourself and the Services in your SWPPP.

  For more information on section 7 consultation, see 50 CFR part 402. If you receive a "jeopardy opinion," you may continue to work with USFWS and/or NMFS and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.

  Note that most consultations are accomplished through informal consultation. When conducting informal ESA section 7 consultation as a non-federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify the Services of your intention and agreement to conduct consultation as a non-federal representative.

  Consultation may also occur in the context of another federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation).

  Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, operators may, if they wish, initiate consultation with the Services at Step Four.

- Whether ESA section 7 consultation must be performed with USFWS, NMFS, or both Services depends on the listed species that may be affected by the operator's storm water discharges. In general, the NMFS has jurisdiction over marine, estuarine, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

- If you have met the requirements of criterion E, you may select eligibility criterion E on the NOI form. You must provide a description of the basis for the criterion selected on your NOI form and must include copies of the correspondence between yourself and the Services in your SWPPP.

Criterion F Eligibility Requirements

- **Criterion F:** Any potential take of ESA-protected species occuring as a result of discharges from your construction activities are authorized through the issuance of an incidental take permit under section 10 of the ESA, and this authorization addresses the effects of the site's discharges and discharge-related activities on federally-listed species and federally-designated critical habitat.

  If your construction activities are the subject of a permit under section 10 of the ESA, and this authorization addresses the effects of your facility's discharges and discharge-related activities on ESA-listed species and designated critical habitat in your action area, you

may be eligible for coverage under criterion E. In order to be eligible or coverage under criterion E, you must confirm that the following is true:

- A permit has been issued under section 10 of the ESA. The permit authorization specifically addresses the effects of your facility's discharges and discharge-related activities (if applicable) on all federally-listed species and designated critical habitat in your action area.

- **If the above is true, you may select criterion F on your NOI.** You must also provide a description of the basis for the criterion selected on your NOI form and must include documentation in your SWPPP. In both your SWPPP and your NOI you must provide a copy of the section 10 permit issued by the Services.

  Note: You must follow the Services' procedures when applying for an ESA section 10 permit (see 50 CFR §17.22(b)(1) for USFWS and §222.22 for NMFS). Application instructions for section 10 permits can be obtained from http://www.fws.gov and http://www.nmfs.noaa.gov or by contacting the appropriate Service office.

Appendix D. Buffer Requirements

The purpose of this appendix is to assist you in complying with the requirements in Section 2.2.1 of the permit regarding the establishment of natural buffers and/or equivalent sediment controls. This appendix is organized as follows:

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D.1 Sites Required to Provide and Maintain Natural Buffers and/or Equivalent Erosion and Sediment Controls

The requirement in Section 2.2.1 to provide and maintain natural buffers and/or equivalent erosion and sediment controls applies for any discharges to waters of the U.S. located within 50 feet of your site's earth disturbances. If the water of the U.S. is not located within 50 feet of earth-disturbing activities, Section 2.2.1 does not apply. See E – 1.

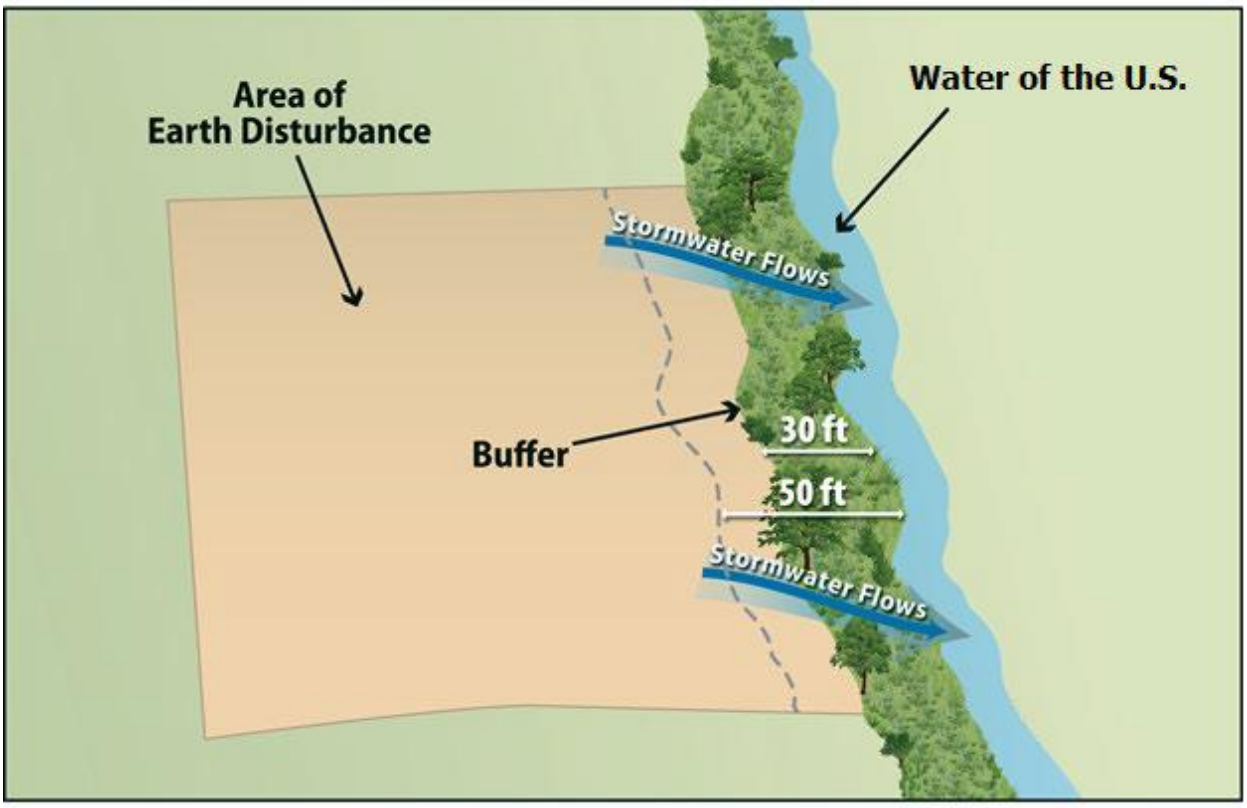


Figure E-1 Example of earth-disturbing activities within 50 feet of a water of the U.S.

D.2 Compliance Alternatives and Exceptions

D.2.1 Compliance Alternatives

If Section 2.2.1 applies to your site, you have three compliance alternatives from which you can choose, unless you qualify for any of the exceptions (see below and Section 2.2.1.a):

1. Provide and maintain a 50-foot undisturbed natural buffer; or
2. Provide and maintain an undisturbed natural buffer that is less than 50 feet and is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer; or
3. If infeasible to provide and maintain an undisturbed natural buffer of any size, implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer.

The compliance alternative selected must be maintained throughout the duration of permit coverage.

See Section D.2.2 below for exceptions to the compliance alternatives.

See Section D.2.3 for requirements applicable to providing and maintaining natural buffers under compliance alternatives 1 and 2 above.

See Section D.2.4 for requirements applicable to providing erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot undisturbed natural buffer under compliance alternatives 2 and 3 above.

D.2.2 Exceptions to the Compliance Alternatives

The following exceptions apply to the requirement to implement one of the Section 2.2.1.A compliance alternatives (see also Section 2.2.1.b):

- The following disturbances within 50 feet of a water of the U.S. are exempt from the requirements Section 2.2.1 and this Appendix:
    - Construction approved under a CWA Section 404 permit; or
    - Construction of a water-dependent structure or water access areas (e.g., pier, boat ramp, trail).
- If there is no discharge of storm water to waters of the U.S. through the area between the disturbed portions of the site and any waters of the U.S. located within 50 feet of your site, you are not required to comply with the requirements in Section 2.2.1 and this Appendix. This includes situations where you have implemented controls measures, such as a berm or other barrier that will prevent such discharges.
- Where no natural buffer exists due to preexisting development disturbances (e.g., structures, impervious surfaces) that occurred prior to the initiation of planning for the current development of the site, you are not required to comply with the requirements in Section 2.2.1 and this Appendix.

Where some natural buffer exists but portions of the area within 50 feet of the water of the U.S. are occupied by preexisting development disturbances, you are required to comply with the requirements in Section 2.2.1 and this Appendix. For the purposes of calculating the sediment load reduction for either compliance alternative 2 or 3, you are not expected to compensate for the reduction in buffer function that would have resulted from the area covered by these preexisting disturbances. Clarity about how to implement the compliance alternatives for these situations is provided in D.2.3 and D.2.4 below.

If during your project, you will disturb any portion of these preexisting disturbances, the area removed will be deducted from the area treated as a "natural buffer."

- For "linear construction sites" (see Appendix A), you are not required to comply with this requirement if site constraints (e.g., limited right-of-way) make it infeasible to implement one of the Section 2.2.1.A compliance alternatives, provided that, to the extent feasible, you limit disturbances within 50 feet of any waters of the U.S. and/or you provide supplemental erosion and sediment controls to treat storm water discharges from earth disturbances within 50 feet of the water of the U.S. You must also document in your SWPPP your rationale for why it is infeasible for you to implement one of the Section 2.2.1.a compliance alternatives, and describe any buffer width retained and supplemental erosion and sediment controls installed.
- For "small residential lot" construction (i.e., a lot being developed for residential purposes that will disturb less than 1 acre of land, but is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre), you have the option of complying with one of the "small residential lot" compliance alternatives in Section D.3 of this appendix.

Note that you must document in your SWPPP if any disturbances related to any of the above exceptions occurs within the buffer area on your site.

D.2.3 Requirements for Providing and Maintaining Natural Buffers

This part of the appendix applies to you if you choose compliance alternative 1 (50-foot buffer), compliance alternative 2 (a buffer of < 50 feet supplemented by additional erosion and sediment controls that achieve the equivalent sediment load reduction as the 50-foot buffer), or if you are providing a buffer in compliance with one of the "small residential lot" compliance alternatives in Section D.3.

Buffer Width Measurement

Where you are retaining a buffer of any size, the buffer should be measured perpendicularly from any of the following points, whichever is further landward from the water:

1. The ordinary high water mark of the water body, defined as the line on the shore established by fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, and/or the presence of litter and debris; or
2. The edge of the stream or river bank, bluff, or cliff, whichever is applicable.

Refer to Figures D-2 and D-3. You may find that specifically measuring these points is challenging if the flow path of the water of the U.S. changes frequently, thereby causing the measurement line for the buffer to fluctuate continuously along the path of the waterbody. Where this is the case, DEQ suggests that rather than measuring each change or deviation along the water's edge, it may be easier to select regular intervals from which to conduct your measurement. For instance, you may elect to conduct your buffer measurement every 5 to 10 feet along the length of the water.

Additionally, note that if earth-disturbing activities will take place on both sides of a water of the U.S. that flows through your site, to the extent that you are establishing a buffer around this water, it must be established on both sides. For example, if you choose compliance alternative 1, and your project calls for disturbances on both sides of a small stream, you would need to retain the full 50 feet of buffer on both sides of the water. However, if your construction activities will only occur on one side of the stream, you would only need to retain the 50-foot buffer on the side of the stream where the earth-disturbance will occur.

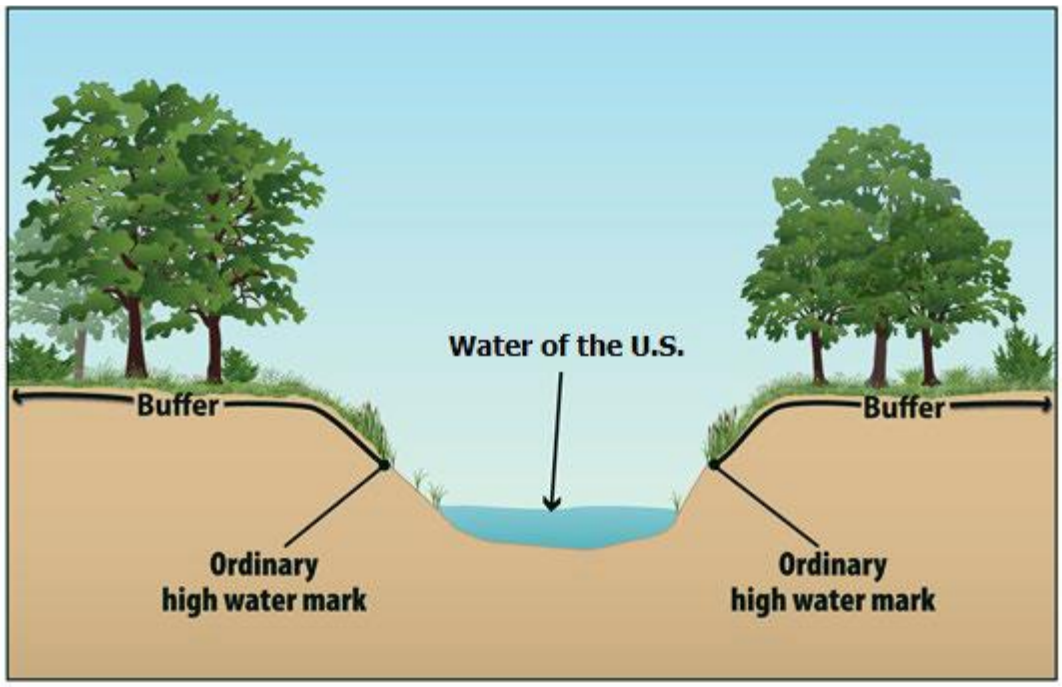


Figure D-2 Buffer measurement from the ordinary high water mark of the water body, as indicated by a clear natural line impressed on the bank, shelving, changes in the character of the soil, destruction of terrestrial vegetation, and/or the presence of litter/debris.

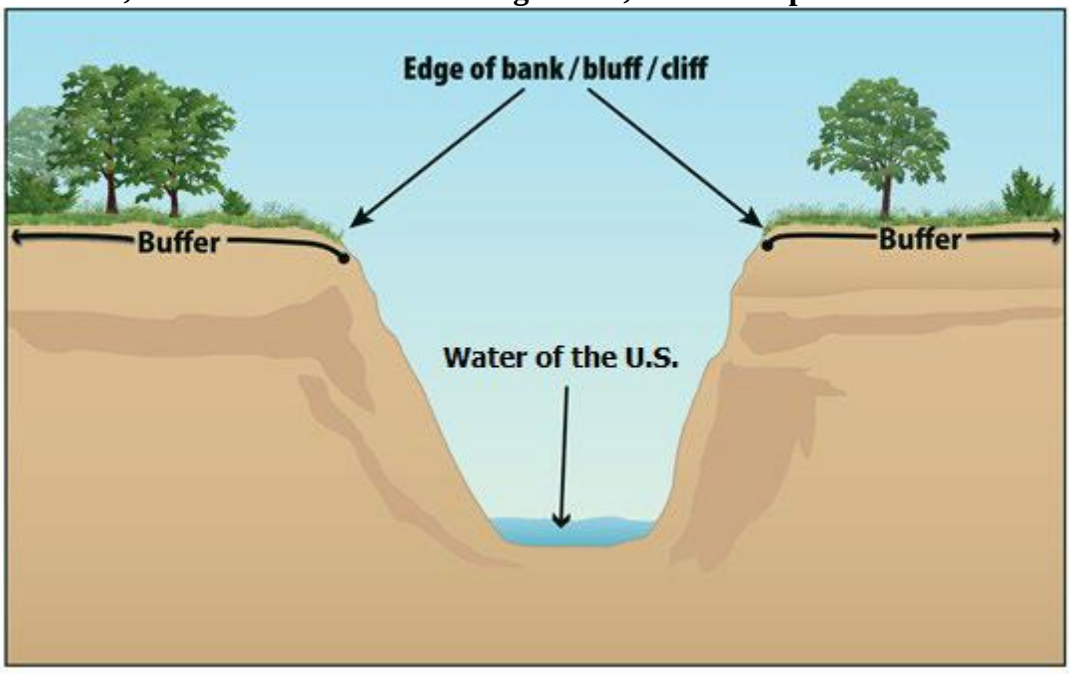


Figure D-3 Buffer measurement from the edge of the bank, bluff, or cliff, whichever is applicable.

Limits to Disturbance Within the Buffer

You are considered to be in compliance with the requirement to provide and maintain a natural buffer if you retain and protect from construction activities the natural buffer that existed prior to the commencement of construction. If the buffer area contains no vegetation prior to the commencement of construction (e.g., sand or rocky surface), you are not required to plant

vegetation. As noted above, any preexisting structures or impervious surfaces may occur in the natural buffer provided you retain and protect from disturbance the buffer areas outside of the preexisting disturbance.

To ensure that the water quality protection benefits of the buffer are retained during construction, you are prohibited from conducting any earth-disturbing activities within the buffer during permit coverage. In furtherance of this requirement, **prior to commencing earth-disturbing activities on your site, you must delineate, and clearly mark off, with flags, tape, or a similar marking device, the buffer area on your site.** The purpose of this requirement is to make the buffer area clearly visible to the people working on your site so that unintended disturbances are avoided.

While you are not required to enhance the quality of the vegetation that already exists within the buffer, you are encouraged to do so where such improvements will enhance the water quality protection benefits of the buffer. (Note that any disturbances within the buffer related to buffer enhancement are permitted and do not constitute construction disturbances.) For instance, you may want to target plantings where limited vegetation exists, or replace existing vegetation where invasive or noxious plant species (see http://plants.usda.gov/java/noxiousDriver) have taken over. In the case of invasive or noxious species, you may want to remove and replace them with a diversity of native trees, shrubs, and herbaceous plants that are well-adapted to the climatic, soil, and hydrologic conditions on the site. You are also encouraged to limit the removal of naturally deposited leaf litter, woody debris, and other biomass, as this material contributes to the ability of the buffer to retain water and filter pollutants.

If a portion of the buffer area adjacent to the water of the U.S. is owned by another party and is not under your control, you are only required to retain and protect from construction activities the portion of the buffer area that is under your control. For example, if you comply with compliance alternative 1 (provide and maintain a 50-foot buffer), but 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you must only retain and protect from construction activities the 40-foot buffer area that occurs adjacent to the property on which your construction activities are taking place. DEQ would consider you to be in compliance with this requirement regardless of the activities that are taking place in the 10-foot area that is owned by a different party than the land on which your construction activities are taking place that you have no control over.

Discharges to the Buffer

You must ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls (for example, you must comply with the Section 2.2.3 requirement to install sediment controls along any perimeter areas of the site that will receive pollutant discharges), **and if necessary to prevent erosion caused by storm water flows within the buffer, you must use velocity dissipation devices.** The purpose of this requirement is to decrease the rate of storm water flow and encourage infiltration so that the pollutant filtering functions of the buffer will be achieved. To comply with this requirement, construction operators typically will use devices that physically dissipate storm water flows so that the discharge entering the buffer is spread out and slowed down.

SWPPP Documentation
You are required to document in your SWPPP the natural buffer width that is retained. For example, if you are complying with alternative 1, you must specify in your SWPPP that you are providing a 50-foot buffer. Or, if you will be complying with alternative 2, you must document the reduced width of the buffer you will be retaining (and you must also describe the erosion and sediment controls you will use to achieve an equivalent sediment reduction, as required in Section E.2.4 below). Note that you must also show any buffers on your site map in your SWPPP consistent with Section 7.2.4. Additionally, if any disturbances related to the exceptions in Section D.2.2 occur within the buffer area, you must document this in the SWPPP.

D.2.4 Guidance for Providing the Equivalent Sediment Reduction as a 50-foot Buffer
This part of the appendix applies to you if you choose compliance alternative 2 (provide and maintain a buffer that is less than 50 feet that is supplemented by erosion and sediment controls that achieve the sediment load reduction equivalent to a 50-foot buffer) or compliance alternative 3 (implement erosion and sediment controls to achieve the sediment load reduction equivalent to a 50-foot buffer).

Determine Whether it is Feasible to Provide a Reduced Buffer
DEQ recognizes that there will be a number of situations in which it will be infeasible to provide and maintain a buffer of any width. While some of these situations may exempt you from the buffer requirement entirely (see D.2.2), if you do not qualify for one of these exemptions, there still may be conditions or circumstances at your site that make it infeasible to provide a natural buffer. For example, there may be sites where a significant portion of the property on which the earth-disturbing activities will occur is located within the buffer area, thereby precluding the retention of natural buffer areas.

Therefore, you should choose compliance alternative 2 if it is feasible for you to retain some natural buffer on your site. (Note: For any buffer width retained, you are required to comply with the requirements in Section D.2.3, above, concerning the retention of vegetation and restricting earth disturbances.) Similarly, if you determine that it is infeasible to provide a natural buffer of any size during construction, you should choose alternative 3.

Design Controls That Provide Equivalent Sediment Reduction as 50-foot Buffer
You must next determine what additional controls must be implemented on your site that, alone or in combination with any retained natural buffer, achieve a reduction in sediment equivalent to that achieved by a 50-foot buffer.

Note that if only a portion of the natural buffer is less than 50 feet, you are only required to implement erosion and sediment controls that achieve the sediment load reduction equivalent to the 50-foot buffer for discharges through that area. You would not be required to provide additional treatment of storm water discharges that flow through 50 feet or more of natural buffer. See Figure D-4.

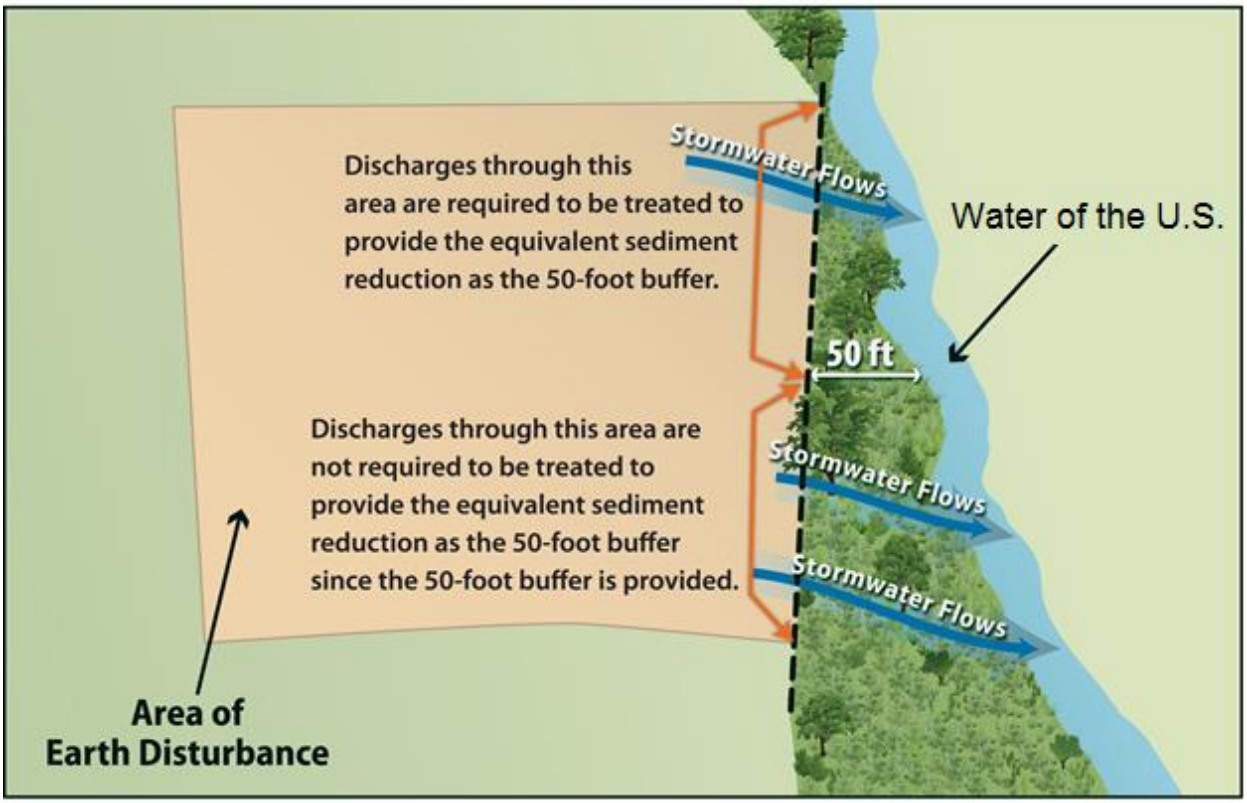


Figure D-4 Example of how to comply with the requirement to provide the equivalent sediment reduction when only a portion of your earth-disturbances discharge to a buffer of less than 50-feet.

Steps to help you meet compliance alternative 2 and 3 requirements are provided below.

D.2.4 Step 1 - Estimate the Sediment Reduction from the 50-foot Buffer

In order to design controls that match the sediment removal efficiency of a 50-foot buffer, you first need to know what this efficiency is for your site. The sediment removal efficiencies of natural buffers vary according to a number of site-specific factors, including precipitation, soil type, land cover, slope length, width, steepness, and the types of erosion and sediment controls used to reduce the discharge of sediment prior to the buffer. DEQ has simplified this calculation by developing buffer performance tables covering a range of vegetation and soil types for the areas covered by the CGP. See Attachment 1 of this Appendix, Table D-4. Note: buffer performance values in Table D-4 represent the percent of sediment captured through the use of perimeter controls (e.g., silt fences) and 50-foot buffers at disturbed sites of fixed proportions and slopes.[69]

[69] DEQ used the following when developing the buffer performance tables:
• The sediment removal efficiencies are based on the U.S. Department of Agriculture's RUSLE2 ("Revised Universal Soil Loss Equation 2") model for slope profiles using a 100-foot long denuded slopes.
• Sediment removal was defined as the annual sediment delivered at the downstream end of the 50-foot natural buffer (tons/yr/acre) divided by the annual yield from denuded area (tons/yr/acre).
• As perimeter controls are also required by the CGP, sediment removal is in part a function of the reduction due to a perimeter control (i.e., silt fence) located between the disturbed portion of the site and the upstream edge of the natural buffer and flow traveling through a 50-foot buffer of undisturbed natural vegetation.
• It was assumed that construction sites have a relatively uniform slope without topographic features that accelerate the concentration for erosive flows.
To represent the influence of soil, EPA analyzed 11 general soil texture classifications in its evaluation of buffer performance. To represent different types of buffer vegetation, EPA evaluated 4 or more common vegetative types for each state/territory covered under the permit. For each

Using Table D-4 (see Attachment 1 of this Appendix), you can determine the sediment removal efficiency of a 50-foot buffer for your geographic area by matching the vegetative cover type that best describes your buffer area and the type of soils that predominate at your site. For example, if your buffer vegetation corresponds most closely with that of tall fescue grass, and the soil type at your site is best typified as sand, your site's sediment removal efficiency would be 44 percent.

In this step, you should choose the vegetation type in the tables that most closely matches the vegetation that would exist naturally in the buffer area on your site regardless of the condition of the buffer. However, because you are not required to plant any additional vegetation in the buffer area, in determining what controls are necessary to meet this sediment removal equivalency in Step 2 below, you will be able to take credit for this area as a fully vegetated "natural buffer."

Similarly, if a portion of the buffer area adjacent to the water of the U.S. is owned by another party and is not under your control, you can treat the area of land not under your control as having the equivalent vegetative cover and soil type that predominates on the portion of the property on which your construction activities are occurring.
For example, if your earth-disturbances occur within 50 feet of a water of the U.S., but the 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10 foot area adjacent to the stream as having the equivalent soil and vegetation type that predominates in the 40 foot area under your control. You would then make the same assumption in Step 2 for purposes of determining the equivalent sediment removal.

Alternatively, you may do your own calculation of the effectiveness of the 50-foot buffer based upon your site-specific conditions, and may use this number as your sediment removal equivalency standard to meet instead of using Table D-4. This calculation must be documented in your SWPPP.

D.2.4 Step 2 - Design Controls That Match the Sediment Removal Efficiency of the 50-foot Buffer

Once you determine the estimated sediment removal efficiency of a 50-foot buffer for your site in Step 1, you must next select storm water controls that will provide an equivalent sediment load reduction. These controls can include the installation of a single control, such as a sediment pond or additional perimeter controls, or a combination of storm water controls. Whichever controls you select, you must demonstrate in your SWPPP that the controls will provide at a minimum the same sediment removal capabilities as a 50-foot natural buffer (Step 1). You may take credit for the removal efficiencies of your required perimeter controls in your calculation of equivalency,

vegetation type evaluated, EPA considered only permanent, non-grazed, and non-harvested vegetation, on the assumption that a natural buffer adjacent to the water of the U.S. will typically be undisturbed. EPA also evaluated slope steepness and found that sediment removal efficiencies present in Tables D-4 are achievable for slopes that are less than nine percent. DEQ is utilizing EPA's research for the purposes of this appendix.

because these were included in calculating the buffer removal efficiencies in Table D-4. (Note: You are reminded that the controls must be kept in effective operating condition until you complete final stabilization on the disturbed portions of the site discharging to the water of the U.S.)

To make the determination that your controls and/or buffer area achieve an equivalent sediment load reduction as a 50-foot buffer, you should use a model or other type of calculation. As mentioned above, there are a variety of models available that can be used to support your calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other models. A couple of examples are provided in Attachment 3 to help illustrate how this determination could be made.
If you retain a buffer of less than 50 feet, you may take credit for the removal that will occur from the reduced buffer and only need to provide additional controls to make up the difference between the removal efficiency of a 50 foot buffer and the removal efficiency of the narrower buffer. For example, if you retain a 30 foot buffer, you can account for the sediment removal provided by the 30 foot buffer retained, and you will only need to design controls to make up for the additional removal provided by the 20 feet of buffer that is not being provided. To do this, you would plug the width of the buffer that is retained into RUSLE or another model, along with other storm water controls that will together achieve a sediment reduction equivalent to a natural 50-foot buffer.

As described in Step 1 above, you can take credit for the area you retained as a "natural buffer" as being fully vegetated, regardless of the condition of the buffer area.
For example, if your earth-disturbances occur 30 feet from a water of the U.S., but the 10 feet of land immediately adjacent to the water of the U.S. is owned by a different party than the land on which your construction activities are taking place and you do not have control over that land, you can treat the 10-foot area as a natural buffer, regardless of the activities that are taking place in the area. Therefore, you can assume (for purposes of your equivalency calculation) that your site is providing the sediment removal equivalent of a 30-foot buffer, and you will only need to design controls to make up for the additional removal provided by the 20-foot of buffer that is not being provided.

D.2.4 Step 3 - Document How Site-Specific Controls Will Achieve the Sediment Removal Efficiency of the 50-foot Buffer

In Steps 1 and 2, you determined both the expected sediment removal efficiency of a 50-foot buffer at your site, and you used this number as a performance standard to design controls to be installed at your site, which alone or in combination with any retained natural buffer, achieves the expected sediment removal efficiency of a 50-foot buffer at your site. The final step is to document in your SWPPP the information you relied on to calculate the equivalent sediment reduction as an undisturbed natural buffer.
DEQ will consider your documentation to be sufficient if it generally meets the following:

- For Step 1, refer to the table in Attachment 1 that you used to derive your estimated 50-foot buffer sediment removal efficiency performance. Include information about the buffer vegetation and soil type that predominate at your

site, which you used to select the sediment load reduction value in Table D-4. Or, if you conducted a site-specific calculation for sediment removal efficiency, provide the specific removal efficiency, and the information you relied on to make your site-specific calculation.

- For Step 2, (1) Specify the model you used to estimate sediment load reductions from your site; and (2) the results of calculations showing how your controls will meet or exceed the sediment removal efficiency from Step 1.

If you choose compliance alternative 3, you must also include in your SWPPP a description of why it is infeasible for you to provide and maintain an undisturbed natural buffer of any size.

D.3 Small Residential Lot Compliance Alternatives

DEQ has developed two additional compliance alternatives applicable only to "small residential lots" that are unable to provide and maintain a 50 foot buffer.

A **small residential lot** is a lot or grouping of lots being developed for residential purposes that will disturb less than 1 acre of land, but that is part of a larger residential project that will ultimately disturb greater than or equal to 1 acre.

The following steps describe how a small residential lot operator would achieve compliance with one these 2 alternatives.

D.3.1 Small Residential Lot Compliance Alternative Eligibility

In order to be eligible for the small residential lot compliance alternatives, the following conditions must be met:

- The lot or grouping of lots meets the definition of "small residential lot"; and
- The operator must follow the guidance for providing and maintaining a natural buffer in Part D.2.3 of this Appendix, including:
    - Ensure that all discharges from the area of earth disturbance to the natural buffer are first treated by the site's erosion and sediment controls, and use velocity dissipation devices if necessary to prevent erosion caused by storm water within the buffer;
    - Document in the SWPPP the natural buffer width retained on the property, and show the buffer boundary on your site plan; and
    - Delineate, and clearly mark off, with flags, tape, or other similar marking device, all natural buffer areas.

D.3.2 Small Residential Lot Compliance Alternatives

You must next choose from one of two small residential lot compliance alternatives and implement the storm water control practices associated with that alternative.
Note: The compliance alternatives provided below are not mandatory. Operators of small residential lots can alternatively choose to comply with the any of the options that are available to other sites in Section 2.2.1.a and D.2.1 of this Appendix.

Small Residential Lot Compliance Alternative 1
Alternative 1 is a straightforward tiered-technology approach that specifies the controls that a small residential lot must implement based on the buffer width retained. To meet the requirements of small residential lot compliance alternative 1, you must implement the controls specified in Table D–1 based on the buffer width to be retained. See footnote 5, below, for a description of the controls you must implement.

For example, if you are an operator of a small residential lot that will be retaining a 35-foot buffer and you choose Small Residential Lot Compliance Alternative 1, you must implement double perimeter controls between earth disturbances and the water of the U.S.
In addition to implementing the applicable control, you must also document in your SWPPP how you will comply with small residential lot compliance alternative 1.

Table D-1 Alternative 1 Requirements[70]

Retain 50-foot Buffer	Retain <50 and >30 foot Buffer	Retain <= 30 foot Buffer
No Additional Requirements	Double Perimeter Controls	Double Perimeter Controls and 7-Day Site Stabilization

Small Residential Lot Compliance Alternative 2
Alternative 2 specifies the controls that a builder of a small residential lot must implement based on both the buffer width retained and the site's sediment discharge risk. By incorporating the sediment risk, this approach may result in the implementation of controls that are more appropriate for the site's specific conditions.

D.3.2 Step 1 – Determine Your Site's Sediment Risk Level
To meet the requirements of Alternative 2, you must first determine your site's sediment discharge "risk level" based on the site's slope, location, and soil type. To help you to determine your site's sediment risk level, DEQ developed a table for different slope conditions.
After you determine which table applies to your site, you must then use the table to determine the "risk level" (e.g., "low", "moderate", or "high") that corresponds to your site's location and predominant soil type.[71]

For example, based on Table E-2, a site with a 4 percent average slope and with predominately sandy clay loam soils would fall into the "Low" risk level.

Table D-2 Risk Levels for Sites in Idaho

Average Slope	Soil Type				
	Clay	Silty Clay	Sand	Sandy Clay	Loam, Silt,

[70] **Description of Additional Controls Applicable to Small Residential Lot Compliance Alternatives 1 and 2:**
• **No Additional Requirements:** If you implement a buffer of 50 feet or greater, then you are not subject to any additional requirements. Note that you are required to install perimeter controls between the disturbed portions of your site and the buffer in accordance with Part 2.2.3.
• **Double Perimeter Control:** In addition to the reduced buffer width retained on your site, you must provide a double row of perimeter controls between the disturbed portion of your site and the water of the U.S. spaced a minimum of 5 feet apart.
• **Double Perimeter Control and 7-Day Site Stabilization:** In addition to the reduced buffer width retained on your site and the perimeter control implemented in accordance with Part 2.2.3, you must provide a double row of perimeter controls between the disturbed portion of your site and the water of the U.S. spaced a minimum of 5 feet apart, and you are required to complete the stabilization activities specified in Parts 2.2.14 within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities.
71 One source for determining your site's predominant soil type is the USDA's Web Soil Survey located at http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx.

		Loam or Clay-Loam		**Loam, Loamy Sand or Silty Clay**	**Sandy Loam, or Silt Loam**
<= 3%	Low	Low	Low	Low	Low
3-6%	Low	Low	Low	Low	Low
6-9%	Low	Low	Low	Low	Low
9-15%	Low	Low	Low	Low	Low
>15%	Low	Low	Low	Low	Moderate

D.3.2 Step 2 – Determine Which Additional Controls Apply
Once you determine your site's "risk level", you must next determine the additional controls you need to implement on your site, based on the width of buffer you plan to retain. Table D-3 specifies the requirements that apply based on the "risk level" and buffer width retained. See footnote 4, above, for a description of the additional controls that are required.

For example, if you are the operator of a small residential lot that falls into the "moderate" risk level, and you decide to retain a 20-foot buffer, using Table D-3 you would determine that you need to implement double perimeter controls to achieve compliance with small residential lot compliance alternative 2.
You must also document in your SWPPP your compliance with small residential lot compliance alternative 2.

Table D-3 Alternative 2 Requirements

Risk Level Based on Estimated Soil Erosion	**Retain >= 50' Buffer**	**Retain <50' and >30' Buffer**	**Retain <30' and >10' Buffer**	**Retain <10' Buffer**
Low Risk	No Additional Requirements	No Additional Requirements	Double Perimeter Control	Double Perimeter Control
Moderate Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control	Double Perimeter Control and 7-day Site Stabilization
High Risk	No Additional Requirements	Double Perimeter Control	Double Perimeter Control and 7-day Site Stabilization	Double Perimeter Control and 7-day Site Stabilization

ATTACHMENT 1

Sediment Removal Efficiency Tables[72]

DEQ recognizes that very high removal efficiencies, even where theoretically achievable by a 50-foot buffer, may be very difficult to achieve in practice using alternative controls. Therefore in the tables below, DEQ has limited the removal efficiencies to a maximum of 90%. Efficiencies that were calculated at greater than 90% are shown as 90%, and this is the minimum percent removal that must be achieved by alternative controls.

Table D-4 Estimated 50-foot Buffer Performance in Idaho*

Type of Buffer Vegetation**	Estimated % Sediment Removal				
	Clay	**Silty Clay Loam or Clay-Loam**	**Sand**	**Sandy Clay Loam, Loamy Sand or Silty Clay**	**Loam, Silt, Sandy Loam or Silt Loam**
Tall Fescue Grass	42	52	44	48	85
Medium-density Weeds	28	30	28	26	60
Low-density Warm-season Native Bunchgrass (i.e., Grama Grass)	25	26	24	24	55
Northern Mixed Prairie Grass	28	30	28	26	50
Northern Range Cold Desert Shrubs	28	28	24	26	50

* Applicable for sites with less than nine percent slope

** Characterization focuses on the under-story vegetation

72 The buffer performances were calculated based on a denuded slope upgradient of a 50-foot buffer and a perimeter controls, as perimeter controls are a standard requirement (see Section 2.2.3).

ATTACHMENT 2

Using the Sediment Removal Efficiency Tables – Questions and Answers

– *What if my specific buffer vegetation is not represented in Table D-4?*
Table D-4 provides a wide range of factors affecting buffer performance; however, there are likely instances where the specific buffer vegetation type on your site is not listed. If you do not see a description of the type of vegetation present at your site, you should choose the vegetation type that most closely matches the vegetation type on your site. You can contact your local Cooperative Extension Service Office (http://nifa.usda.gov/partners-and-extension-map) for assistance in determining the vegetation type in Table E-4 that most closely matches your site-specific vegetation.

– *What if there is high variability in local soils?*
DEQ recognizes that there may be a number of different soil types on any given construction site. General soil information can be obtained from USDA soil survey reports (http://websoilsurvey.nrcs.usda.gov) or from individual site assessments performed by a certified soil expert. Table D-4 presents eleven generic soil texture classes, grouping individual textures where DEQ has determined that performance is similar. If your site contains different soil texture classes, you should use the soil type that best approximates the predominant soil type at your site.

– *What if my site slope is greater than 9 percent after final grade is reached?*
As indicated in the buffer performance tables, the estimated sediment removal efficiencies are associated with disturbed slopes of up to 9 percent grade. Where your graded site has an average slope of greater than 9 percent, you should calculate a site-specific buffer performance.

– *How do I calculate my own estimates for sediment reduction at my specific site?*
If you determine that it is necessary to calculate your own sediment removal efficiency using site-specific conditions (e.g., slopes at your site are greater than 9 percent), you can use a range of available models that are available to facilitate this calculation, including USDA's RUSLE-series programs and the WEPP erosion model, SEDCAD, SEDIMOT, or other equivalent models.

– *What is my estimated buffer performance if my site location is not represented by table E-4?*
You may choose to conduct a site-specific calculation of the buffer performance.

– *What if only a portion of my site drains to the buffer area?*
If only a portion of your site drains to a water of the U.S., where that water is within 50 feet of your earth disturbances, you are only required to meet the equivalency requirement for the storm water flows corresponding to those portions of the site. See Example 2 below for an example of how this is expected to work.

ATTACHMENT 3

Examples of How to Use the Sediment Removal Efficiency Tables

Example 1. Comparatively Wet Location (7.5 acre site located near Kellogg)

The operator of a 7.5-acre construction site near Kellogg has determined that it is infeasible to establish a buffer of any size on the site, and is now required to select and install controls that will achieve an equivalent sediment load reduction as that estimated in E-4 for their site conditions. The first step is to identify what percentage of eroded sediment is estimated to be retained from a 50-foot buffer. For this example, it is assumed that the site has a relatively uniform gentle slope (3 percent), so Table D-4 can be used to estimate the 50-foot buffer sediment load reduction. If the site's buffer vegetation is best typified by Northern Range Cold Desert Shrubs and the underlying soil is of a type best described as loamy sand, the 50-foot buffer is projected to capture 26 percent of eroded sediment from the construction site.

The second step is to determine what sediment controls can be selected and installed in combination with the perimeter controls already required to be implemented at the site (see Section 2.2.3), which will achieve the 26 percent sediment removal efficiency from Table D-4. For this example, using the RUSLE2 profile model, it was determined that installing a pair of shallow-sloped diversion ditches to convey runoff to a well-designed and maintained sediment basin provides 99 percent sediment removal. Because the estimated sediment reduction is greater than the required 90 percent that a 50-foot buffer provides, the operator will have met the buffer requirements. See Figure D-5. The operator could also choose a different set of controls, as long as they achieve at least a 26 percent sediment removal efficiency.

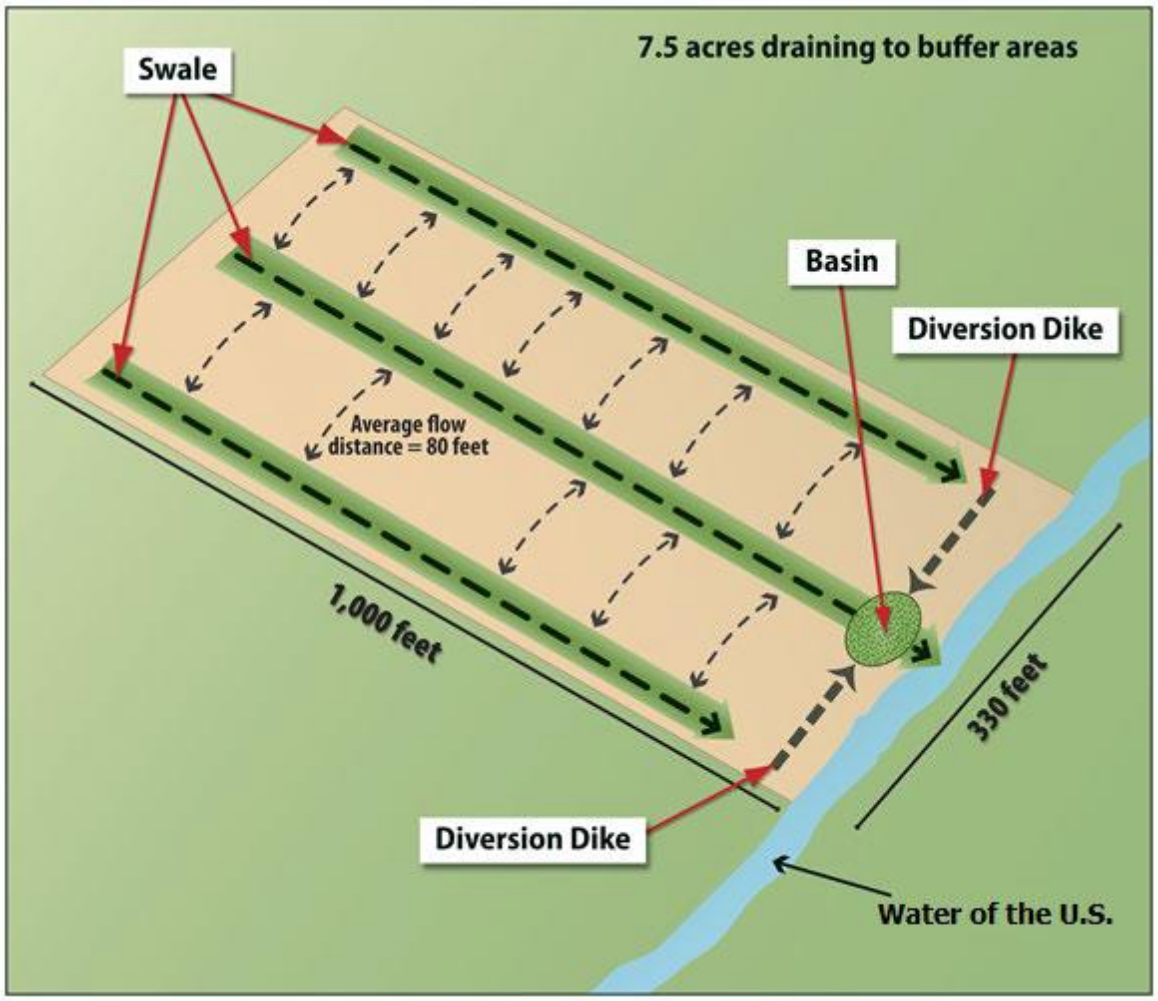


Figure D-5 Example 1 – Equivalent Sediment Load Reductions at a 7.5 ac Site outside Kellogg, ID.

Example 2. Arid Location With Pre-existing Disturbances in the Natural Buffer (6.5 acre site located outside Boise)

An operator of a site outside the City of Boise determines that it is not feasible to provide a 50-foot buffer, but a 28-foot buffer can be provided. Because the operator will provide a buffer that is less than 50 feet, the operator must determine which controls, in combination with the 28-foot buffer, achieve a sediment load reduction equivalent to the 50-foot buffer. In this example, the project will disturb 6.5 acres of land, but only 1.5 acres of the total disturbed area drains to the buffer area. Within the 28-foot buffer area is a preexisting concrete walkway. Similar to Example 1, the equivalence analysis starts with Step 1in Part D.2.4 of this Appendix with a review of the buffer performance (Table D-4). The operator determines that the predominant vegetation type in the buffer area is medium-density weeds, the soil type is similar to silt, and the site is of a uniform, shallow slope (e.g., 3 percent grade). Although the operator will take credit for the disturbance caused by the concrete walkway as a natural buffer in Step 2, here the operator can treat the entire buffer area as being naturally vegetated with medium-density weeds. Based on this information, the operator refers to Table E-4 to estimate that the 50-foot buffer would retain 60 percent of eroded soil.

The second step is to determine, based on the 60 percent sediment removal efficiency found in Table E-4, what sediment controls, in combination with the 28-foot buffer area, can be implemented to reduce sediment loads by 60 percent or more. The operator does not have to account for the reduction in buffer function caused by the preexisting walkway, and can take credit for the entire 28-foot buffer being fully vegetated in the analysis. For this example, using the RUSLE2 profile model, the operator determined that installing a fiber roll barrier between the silt fence (already required by Section 2.2.3) and the 28-foot buffer will achieve an estimated 84 percent sediment removal efficiency. See Figure E-6. Note that this operator is subject to the requirement in Section D.2.3 of this Appendix to ensure that discharges through the silt fence, fiber roll barrier, and 28-foot buffer do not cause erosion within the buffer. The estimated sediment reduction is greater than the required 60 percent; therefore the operator will have met the buffer alternative requirement.

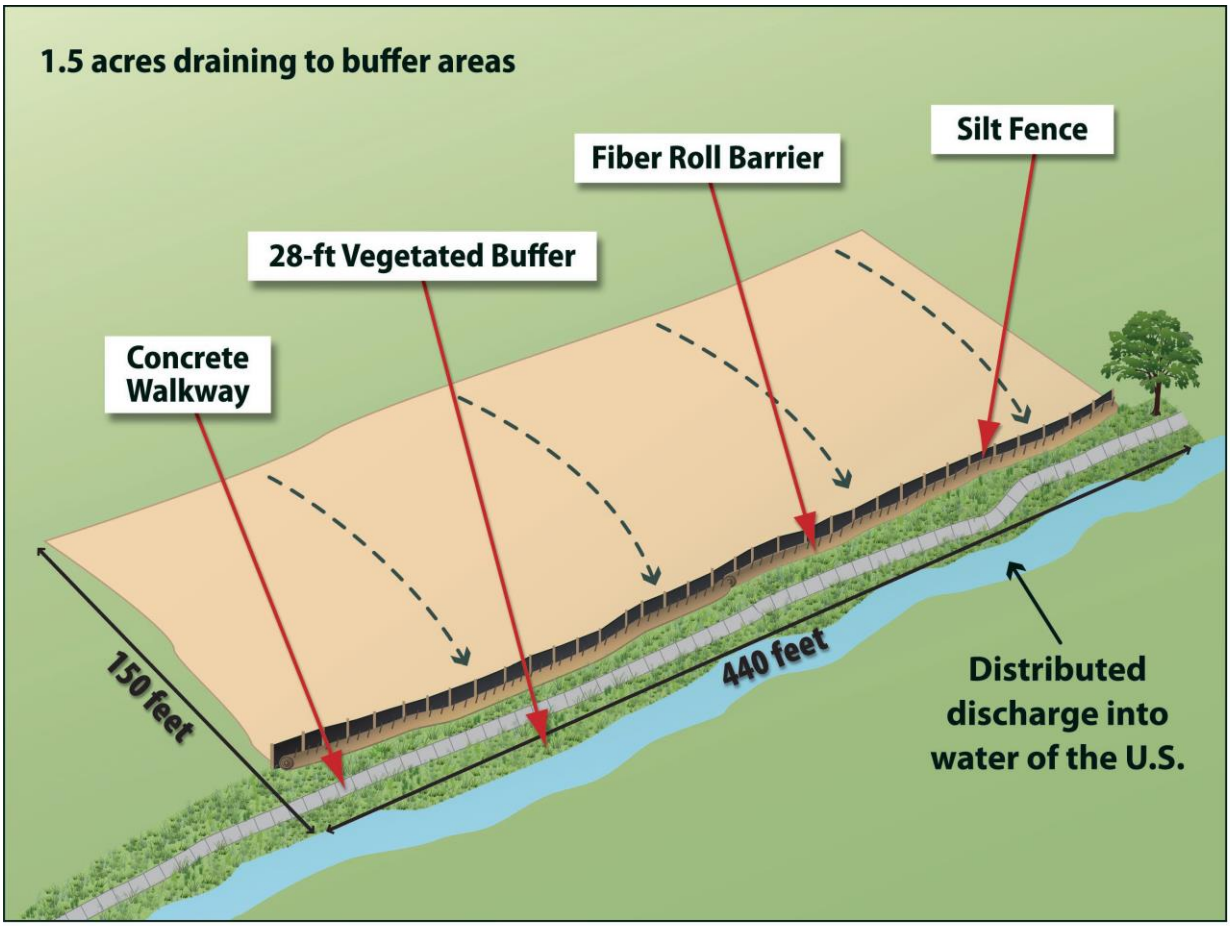


Figure D-6 Example 2 – Equivalent Sediment Load Reductions at a 6.5 ac Site outside the City of Boise.

Appendix E. 2-Year, 24-hour Storm Frequencies

Section 2.2.12 of the permit indicates that if you install a sediment basin, one of the design requirements is to provide storage for either (1) the calculated volume of runoff from a 2-year, 24-hour storm, or (2) 3,600 cubic feet per acre drained. This appendix is intended to provide a guide to permittees to determine the volume of precipitation associated with their local 2-year, 24-hour storm event.

The permittee should start out by determining their local 2-year, 24-hour storm volume. The rainfall frequency atlases, technical papers, and the Precipitation Frequency Data Server (PFDS) developed by the National Oceanic and Atmospheric Administration's (NOAA) National Weather Service (NWS) serve as national standards for rainfall intensity at specified frequencies and durations in the United States. To determine precipitation frequency based on permit area in Idaho, use NOAA Atlas 2, Vol. 5; Technical Paper 40. DEQ notes that permittees may also use alternative peer-reviewed data sources to determine the 2-year, 24-hour storm for their site.

NOTE: Precipitation Frequencies on the NOAA Atlas 2, Vol. 5 are in tenths of an inch and will have to be converted to inches to determine precipitation frequency. NOAA Atlas 2, Vol. 5 can be accessed at https://hdsc.nws.noaa.gov/hdsc/pfds/other/id_pfds.html.

Appendix F - Notice of Intent (NOI) Form and Instructions

Section 1.4.1 requires you to use the IPDES E-Permitting System to prepare and submit your NOI electronically unless DEQ grants you an electronic reporting waiver.

NOTICE OF INTENT FOR THE 2022 IPDES CONSTRUCTION GENERAL PERMIT
Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in Section 8 of the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOI Form
Have you been granted a waiver from electronic reporting from DEQ[73]? YES NO

If yes, check which waiver you have been granted, the name of the DEQ staff person who granted the waiver, and the date of approval:

Waiver granted:
[ ] The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.
[ ] The owner/operator has issues regarding available computer access or computer capability.

Name of DEQ staff person that granted the waiver:
Date approval obtained:

If no, complete the Notice of Intent online using the IPDES E-Permitting System (https://www2.deq.idaho.gov/water/ipdes).

II. Other Permit Information
Provide the IPDES ID for any other permittees co-located on the same site (other operators and/or entities with control over the plans and specifications):

III. Operator Information
Operator Information
Operator Name:

Are you requesting coverage under this NOI as a "federal operator" as defined in Appendix A? YES | NO

Mailing Address:
Street:
City:
State:
ZIP Code:
County or Similar Government Division:
Phone: Ext.

[73] You are required to obtain approval from DEQ prior to using this paper NOI form. If you have not obtained a waiver, you must file the NOI electronically using the E-Permitting System.

E-mail:
Operator Point of Contact Information:
First Name, Middle Initial, Last Name:
Title:
NOI Preparer (Complete if NOI was prepared by someone other than the certifier):
First Name, Middle Initial, Last Name:
Organization:
Phone:
Ext.
E-mail:

IV. Project/Site Information

Project/Site
Name:
Project/Site Address:
Street/Location:
City:
State:
ZIP Code:
County or Similar Government Subdivision:
For the project/site you are seeking permit coverage, provide the following information:
Latitude/Longitude (Use decimal degrees and specify method):
Latitude: ___ ___. ___ ___ ___ ___° N (decimal degrees)
Longitude: ___ ___ ___. ___ ___ ___ ___° W (decimal degrees)
Latitude/Longitude Data Source: Map GPS Other _____
Horizontal Reference Datum: NAD 27 | NAD 83 | WGS 84

Is your project/site located in Indian country lands, or located on a property of religious or cultural significance to an Indian tribe? YES | NO

If yes, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property:

_____
_____

Estimated Project Start Date:
Estimated Project Completion Date:
Estimated Area to be Disturbed (to the nearest quarter acre):
Type of Construction Site (check all that apply):
Single-Family | Residential | Multi-Family Residential | Commercial | Industrial | Institutional
Highway or Road Utility | Other _____

Will there be demolition of any structure built or renovated before January 1, 1980? YES | NO

If yes, do any of the structures being demolished have at least 10,000 square feet of floor space? YES | NO

Will you be discharging dewatering water from your site? YES | NO

Was the pre-development land use used for agriculture (see Appendix A for definition of "agricultural land")? YES | NO

Are there other operators that are covered under this permit for the same project site? YES | NO

If yes, provide the NPDES ID number for all other operators at the site who have coverage under this permit:

Have earth-disturbing activities commenced on your project/site? YES | NO

If yes, is your project an "emergency-related project" (see Appendix A)? YES | NO

Have storm water discharges from your project/site been covered previously under an NPDES permit? YES | NO

If yes, provide the NPDES ID (if you had coverage under EPA's 2017 CGP) or the NPDES permit number if you had coverage under an EPA individual permit:

V. Discharge Information

By indicating "Yes" below, I confirm that I understand that the CGP only authorizes the allowable storm water discharges in Part 1.2.1 and the allowable non-storm water discharges listed in Section 1.2.2. Any discharges not expressly authorized in this permit cannot become authorized or shielded from liability under CWA section 402(k) by disclosure to EPA, DEQ, or local authorities after issuance of this permit via any means, including the Notice of Intent (NOI) to be covered by the permit, the Storm Water Pollution Prevention Plan (SWPPP), during an inspection, etc. If any discharges requiring IPDES permit coverage other than the allowable storm water and non-storm water discharges listed in Sections 1.2.1 and 1.2.2 will be discharged, they must be covered under another IPDES permit.

YES | NO

Does your project/site discharge storm water into a Municipal Separate Storm Sewer System (MS4)? YES | NO

Are there any waters of the U.S. within 50 feet of your project's earth disturbances? YES | NO

Receiving Waters Information: (Attach a separate list if necessary)

Point of Discharge ID	For each point of discharge, provide the following receiving water information:		
	Provide the name of the first water of the U.S. that receives storm water directly from the point of discharge and/or from the MS4 that the point of discharge discharges to:	If the receiving water is impaired (on the CWA 303(d) list), list the pollutants that are causing the impairment:	If a TMDL been completed for this receiving waterbody, providing the following information:
			TMDL Name and ID: Pollutants for which there is a TMDL:
			TMDL Name and ID: Pollutants for which there is a TMDL:
			TMDL Name and ID: Pollutants for which there is a TMDL:

Are any of the waters of the U.S. to which you discharge designated by DEQ authority under its antidegradation policy as a Tier II water (water quality exceeds levels necessary to support propagation of fish, shellfish, and wildlife and recreation in and on the water) or as a Tier III water (Outstanding National Resource Water)? YES | NO

If yes, names of receiving waters and its designation (Tier II or Tier III):

VI. Chemical Treatment Information

Will you use polymers, flocculants, or other treatment chemicals at your construction site? YES | NO

If yes, will you use cationic treatment chemicals at your construction site*? YES | NO

If yes, have you been authorized to use cationic treatment chemicals by DEQ in advance of filing your NOI*? YES | NO

If you have been authorized to use cationic treatment chemicals by DEQ, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

Please indicate the treatment chemicals that you will use:

_____

_____

_____

_____

* Note: You are ineligible for coverage under this permit unless you notify DEQ in advance and DEQ authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards.

VII. Storm water Pollution Prevention Plan (SWPPP) and Personnel Training Information

Has the SWPPP been prepared in advance of filing this NOI, as required? YES NO

Check this box to confirm that all required personnel, including those conducting inspections at your site, will meet the training requirements in Section 6 of this permit. [ ]

SWPPP Contact Information:
First Name, Middle Initial Last Name:
Professional Title:
Phone:
Ext.
E-mail:

VIII. Endangered Species Protection

Using the instructions in Appendix C of the CGP, under which criterion listed below are you eligible for coverage under this permit? Check only 1 box, include the required information and provide a sound basis for supporting the criterion selected. You must consider Endangered Species Act listed threatened or endangered species (ESA-listed) and/or designated critical habitats under the jurisdiction of both the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) and select the most conservative criterion that applies.

NOTE: You must use the information from the USFWS IPaC and NOAA Species Directory (see CGP, Appendix C, Part C.2, Step 2) when determining the presence of ESA listed species and critical habitat. Attaching aerial images of the site to this NOI is helpful to DEQ, EPA, USFWS, and NMFS in confirming eligibility under this criterion. When evaluating the potential effects of your activities, you must consider effects to listed species or critical habitats within the "action area" of your construction activity, as identified by the USFWS IPaC and/or the NOAA Species Directory. Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.

After you submit your NOI and before your NOI is authorized, DEQ may notify you if any additional controls are necessary to ensure your discharges have no likely adverse effects on ESA-listed species and critical habitat.

A. No ESA-listed species and/or designated critical habitat present in action area. Using the process outlined in Appendix C of this permit, you certify that ESA-listed species and designated critical habitats under the jurisdiction of the USFWS or NMFS are not likely to occur in your site's "action area" as defined in Appendix A of this permit.

[Basis statement content: A basis statement supporting the selection of this criterion should identify the USFWS and NMFS information sources used. Attaching aerial images of the site to this NOI is helpful to DEQ, EPA, USFWS, and NMFS in confirming eligibility under this criterion. Please Note: NMFS' jurisdiction includes ESA-listed marine and estuarine species that spawn in inland rivers.]
Basis statement is attached
Aerial images of the site is attached

B. Eligibility requirements met by another operator under the 2022 CGP. The construction site's discharges and discharge-related activities were already addressed in another operator's valid certification of eligibility for your "action area" under eligibility Criterion A, C, D, E, or F of the 2022 CGP and you have confirmed that no additional ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS not considered in the that certification may be present or located in the "action area." To certify your eligibility under this criterion, there must be no lapse of IPDES permit coverage in the other CGP operator's certification. By certifying eligibility under this criterion, you agree to comply with any conditions upon which the other CGP operator's certification was based. You must include in your NOI the NPDES ID from the other 2022 CGP operator's notification of authorization under this permit. If your certification is based on another 2022 CGP operator's certification under criterion C, you must provide DEQ with the relevant supporting information required of existing dischargers in criterion C.

[Basis statement content: A basis statement supporting the selection of this criterion should identify the eligibility criterion of the other CGP NOI, the authorization date, and confirmation that the authorization is effective.]

If you select criterion B, provide the NPDES ID from the other operator's notification of authorization under this permit: __ __ __ __ __ __ __ __ __

Basis statement is attached
Supporting information required of existing discharges in criterion C is attached (see queries and check-boxes under C)

C. Discharges not likely to adversely affect ESA-listed species and/or designated critical habitat. ESA-listed species and/or designated critical habitats under the jurisdiction of the USFWS and/or NMFS are likely to occur in or near your site's "action area," and you certify to DEQ that your site's discharges and discharge-related activities are not likely to adversely affect ESA-listed threatened or endangered species and/or designated critical habitat. This certification may include consideration of any storm water controls and/or management practices you will adopt to ensure that your discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat. To certify your eligibility under this criterion, indicate 1) the ESA-listed species and/or designated habitat located in your "action area" using the process outlined in Appendix C of this permit; 2) the distance between the site and the listed species and/or designated critical habitat in the action area (in miles); and 3) a rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharges and discharge-related activities. You must also include a copy of your site map from your SWPPP showing the upland and in-water extent of your "action area" with this NOI.

Note that attaching the following to your NOI is helpful to DEQ, EPA, USFWS, and NMFS in confirming eligibility under this criterion: 1) the species list with the action area used to obtain the list; 2) aerial images of the site; and 3) a copy of the SWPPP.

[Basis statement content: A basis statement supporting the selection of this criterion should identify the information resources and expertise (e.g., state or federal biologists) used to arrive at this conclusion. Any supporting documentation should explicitly state that both ESA-listed species and designated critical habitat under the jurisdiction of the USFWS and/or NMFS were considered in the evaluation.]

What ESA-listed species and/or designated critical habitat are located in your "action area":

Distance between your site and the ESA-listed species and/or designated critical habitat within the action area (in miles, state "onsite" if the ESA-listed species and/or designated critical habitat is within the area to be disturbed):

[ ] Basis statement is attached
[ ] Rationale describing specifically how adverse effects to ESA-listed species will be avoided from the discharge and discharge-related activities is attached
[ ] A site map from your SWPPP showing the upland and in-water extent of your "action area" is attached

D. Coordination with USFWS and/or NMFS has successfully concluded. Coordination between you and the USFWS and/or NMFS has concluded. The coordination must have addressed the effects of your site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS, and resulted in a written concurrence from USFWS and/or NMFS that your site's discharges and

discharge-related activities are not likely to adversely affect listed species and/or critical habitat. You must include copies of the correspondence with the participating agencies in your SWPPP and this NOI.

[Basis statement content: A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies participated in coordination, the field office/regional offices providing that coordination, and the date that coordination concluded.]
[ ] Basis statement is attached
[ ] Correspondence with USFWS and/or NMFS documenting concurrence is attached

E. ESA Section 7 consultation has successfully concluded. Consultation between a Federal Agency and the USFWS and/or NMFS under section 7 of the ESA has concluded. The consultation must have addressed the effects of the construction site's discharges and discharge-related activities on ESA-listed species and/or designated critical habitat under the jurisdiction of USFWS and/or NMFS. To certify eligibility under this criterion, indicate the result of the consultation:
[ ] biological opinion and/or conference opinion currently in effect from USFWS and/or NMFS that concludes that the action in question (taking into account the effects of your site's discharges and discharge-related activities) is not likely to jeopardize the continued existence of ESA-listed species, nor the destruction or adverse modification of critical habitat; or
[ ] written concurrence from USFWS and/or NMFS with a finding that the site's discharges and discharge-related activities are not likely to adversely affect ESA-listed species and/or designated critical habitat.

If eligible under Criterion E, you must also provide supporting documentation for your determination in your NOI and SWPPP, including the Biological Opinion (or ECO tracking number) or concurrence letter. You must include copies of the correspondence between yourself and the USFWS and/or NMFS in your SWPPP and this NOI.

[Basis statement content: A basis statement supporting the selection of this criterion should identify the federal action agencies involved, the field office/regional offices providing that consultation, any tracking numbers of identifiers associated with that consultation (e.g., IPaC number, ECO number), and the date the consultation was completed.]
[ ] Basis statement is attached
[ ] Correspondence with USFWS and/or NMFS documenting biological opinion, conference opinion (or ECO tracking number) or concurrence is attached.

F. Issuance of section 10 permit. Potential take is authorized through the issuance of a permit under section 10 of the ESA by USFWS and/or NMFS, and this authorization addresses the effects of the site's discharges and discharge-related activities on ESA-listed species designated critical habitat. You must include copies correspondence between yourself participating agencies in your SWPPP and your NOI.

[Basis statement content: A basis statement supporting the selection of this criterion should identify whether USFWS or NMFS or both agencies provided a section 10 permit, the field office/regional offices providing permits, any tracking numbers or identifiers associated with that consultation (e.g., IPaC number, ECO number), and the date the permit was granted.]

IX. Certification Information

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 gathered and evaluated 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.

First Name, Middle Initial, Last Name:

Title:

Signature:

Date:

Email:

Instructions for NOI Form

Who Must File an NOI Form

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et. seq.; the Act), federal law prohibits storm water discharges from certain construction activities to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) permit. Operators of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, or any other site specifically designated by the Director, must obtain coverage under an NPDES general permit. For coverage under the IPDES 2022 CGP, each person, firm, public organization, or any other entity that meets either of the following criteria must file a Notice of Intent form: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have day-to-day operational control of those activities at the project necessary to ensure compliance with the permit conditions. If you have questions about whether you need a IPDES storm water permit, or if you need information to determine whether DEQ or EPA is the permitting authority, contact your DEQ Regional Office.

Completing the Form

You must use the IPDES E-Permitting System to prepare and submit your NOI electronically, unless DEQ grants you an electronic reporting waiver to use a paper NOI form.

Section I. Approval to Use Paper NOI Form

You must indicate whether you have been granted a waiver from electronic reporting from DEQ. Note that you are not authorized to use this paper NOI form unless DEQ has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the DEQ staff person who granted the waiver, and the date that approval was provided.
See https://www.deq.idaho.gov/about-us/contact-us/for a list of DEQ Regional Office contacts.

Section II. Permit Number

Pre-completed with the master permit number of the permit under which you are applying for coverage

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this NOI. Refer to Appendix A of the permit for the definition of "operator". Indicate whether you are seeking coverage under this permit as a "federal operator" as defined in Appendix A.
Also provide a point of contact, the operator's mailing address, county, telephone number, and e-mail address (to be notified via e-mail of NOI approval when available). Correspondence for the NOI will be sent to this address.
If the NOI was prepared by someone other than the certifier (for example, if the NOI was prepared by the facility SWPPP contact or a consultant for the certifier's signature), include the full name, organization, phone number, and email address of the NOI preparer.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, state, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

Provide the latitude and longitude of your facility in decimal degrees format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global

positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and web-based siting tools, among others. For consistency, DEQ requests that measurements be taken from the approximate center of the construction site. For linear construction sites, the measurement should be taken midpoint of the site. If known, enter the horizontal reference datum for your latitude and longitude. The horizontal reference datum is shown on the bottom left corner of USGS topographic maps; it is also available for GPS receivers.

Indicate whether the project is in Indian country lands or located on a property of religious or cultural significance to an Indian tribe, and if so, provide the name of the Indian tribe associated with the area of Indian country (including name of Indian reservation, if applicable), or if not in Indian country, provide the name of the Indian tribe associated with the property.

Enter the estimated construction start and completion dates using four digits for the year (i.e., 10/06/2012). Indicate to the nearest quarter acre the estimated area to be disturbed.

Indicate the type of construction site, if demolition is occurring, and if so, if the structure has at least 10,000 square feet of floor space. Indicate whether the pre-development land use of the site was used for agriculture Appendix A defines "agricultural land" as cropland, grassland, rangeland, pasture, and other agricultural land, on which agricultural and forest-related products or livestock are produced and resource concerns may be addressed. Agricultural lands include cropped woodland, marshes, incidental areas included in the agricultural operation, and other types of agricultural land used for the production of livestock.

Any discharges not expressly authorized under the CGP are not covered by the CGP or the permit shield provision of the CWA Section 402(k) and they cannot become authorized or shielded by disclosure to DEQ, EPA, or local authorities via the NOI to be covered by the permit or by any other means (e.g., in the SWPPP or during an inspection). If any discharges requiring IPDES permit coverage other than the allowable storm water and non-storm water discharges listed in Sections 1.2.1 and 1.2.2 will be discharged, they must either be eliminated or covered under another NPDES permit.

Indicate whether discharges from the site will enter into a municipal separate storm sewer system (MS4), as defined in Appendix A.

Also, indicate whether any waters of the U.S. exist within 50 feet from your site. Note that if "yes", you are required to comply with the requirement in Section 2.2.1 of the permit to provide natural buffers or equivalent erosion and sediment controls.

For each unique point of discharge you list, you must specify the name of the first water of the U.S. that receives storm water directly from the point of discharge and/or from the MS4 that the point of discharge discharges to. You must specify whether any waters of the U.S. that you discharge to are listed as "impaired" as defined in Appendix A, and the pollutants for which the water is impaired. You must identify any Total Maximum Daily Loads (TMDL) that have been completed for any of the waters of the U.S. that you discharge to.

Indicate whether discharges from the site will enter into a water of the U.S. that is designated as a Tier II, or Tier III water. A list of Tier II and III waters is provided as Appendix F. If the answer is "yes", name all waters designated as Tier II, or Tier III to which the site will discharge. The Idaho Antidegradation Implementation Procedures available on DEQ's website can assist you in determining what Tier your receiving water bodies are.

Section VI. Chemical Treatment Information

Indicate whether the site will use polymers, flocculants, or other treatment chemicals. Indicate whether the site will employ cationic treatment chemicals. If the answer is "yes" to either question, indicate which chemicals you will use. Note that you are not eligible for coverage under this permit to use cationic treatment chemicals unless you notify DEQ in advance and DEQ authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. If you have been authorized to use cationic treatment chemicals by DEQ, attach a copy of your authorization letter and include documentation of the appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to a violation of water quality standards. Examples of cationic treatment chemicals include, but are not limited to, cationic polyacrylamide (C-PAM), PolyDADMAC (POLYDIALLYLDIMETHYLAMMONIUM CHLORIDE), and chitosan.

Section VII. Storm water Pollution Prevention Plan (SWPPP) Information
All sites eligible for coverage under this permit are required to prepare a SWPPP in advance of filing the NOI, in accordance with Section 7. Indicate whether the SWPPP has been prepared in advance of filing the NOI.
Indicate whether earth-disturbing activities have already commenced on your project/site. If earth-disturbing activities have commenced on your site because storm water discharges from the site have been previously covered under a NPDES permit, you must provide the 2017 CGP NPDES ID or the NPDES permit number if coverage was under an individual permit.

Section V. Discharge Information
You must confirm that you understand that the CGP only authorizes the allowable storm water discharges listed in Section 1.2.1 and the allowable non-storm water discharges listed in Section 1.2.2.

Indicate the street, city, state, and ZIP code where the SWPPP can be found. Indicate the contact information (name, organization, phone, and email) for the person who developed the SWPPP for this project.

Section VIII. Endangered Species Information
Using the instructions in Appendix C, indicate under which criterion (i.e., A, B, C, D, E, or F) of the permit the applicant is eligible with regard to protection of ESA-listed endangered and threatened species and designated critical habitat. A description of the basis for the criterion selected must also be provided.

If criterion B is selected, provide the NPDES Number ID number for the other operator who had previously certified their eligibility for the CGP under criterion A, C, D, E, or F. The Tracking NPDES ID number was assigned when the operator received coverage under this permit, and is included in the notice of authorization.

If criterion C is selected, you must attach copies of your site map. See Section 7.2.4 of the permit for information about what is required to be in your site map. You must also specify the federally-listed species and/or federally-designated critical habitat that are located in the "action area" of the project, and provide the distance between the construction site and any listed endangered species and/or their designated critical habitat.

If criterion D, E, or F is selected, attach copies of any communications between you and the U.S. Fish and Wildlife Service and National Marine Fisheries Service and identify the participating agencies and Field Offices/Regional Offices you worked with in the basis statement of this NOI.

Section IX. Certification Information
The NOI must be signed as follows:

For a corporation: by a responsible corporate officer as specified in IDAPA 58.01.25.090.01.a.

For a partnership or sole proprietorship: by a general partner or the proprietor, respectively as specified in IDAPA 58.01.25.090.01.b.

For a municipality, or other public agency: by either a principal executive officer or ranking elected official as specified in IDAPA 58.01.25.090.01.c.

Modifying Your NOI
If you have been granted a waiver from DEQ from electronic reporting, and if after submitting your NOI you need to correct or update any fields on this NOI form, you may do so by indicating changes on this same form.

Submitting Your Form
Submit your NOI form by mail to the following address:
1410 North Hilton
Boise, Idaho 83706
Visit this website for instructions on how to submit electronically:
https://www2.deq.idaho.gov/water/IPDES/

Appendix G - Notice of Termination (NOT) Form and Instructions

Section 8.3 requires you to use the E-Permitting System to prepare and submit your NOT electronically unless DEQ has granted you an electronic reporting waiver.

NOTICE OF TERMINATION FOR THE 2022 IPDES CONSTRUCTION GENERAL PERMIT
Submission of this Notice of Termination constitutes notice that the operator identified in Section III of this form is no longer authorized discharge pursuant to the IPDES Construction General Permit (CGP) from the site identified in Section IV of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.

I. Approval to Use Paper NOT Form
*Have you been granted a waiver from electronic reporting from DEQ *? YES | NO*

If yes, check which waiver you have been granted, the name of the DEQ Regional Office staff person who granted the waiver, and the date of approval:

Waiver granted:
[ ] The owner/operator's headquarters is physically located in a geographic area (i.e., ZIP code or census tract) that is identified as under-served for broadband Internet access in the most recent report from the Federal Communications Commission.
[ ] The owner/operator has issues regarding available computer access or computer capability.
Name of DEQ staff person that granted the waiver:

Date approval obtained:

*** Note: You must have been given approval by DEQ prior to using this paper NOT form. If you have not obtained a waiver, you must file this form electronically using the E-Permitting System.**

II. Permit Information
IPDES ID:

Reason for Termination (Check only one):
[ ] You have completed all construction activities at your site, and you have met all other requirements in Section 8.2.1.
[ ] Check this box to confirm that you have attached photographs as required by Section 8.2.1.a that document your compliance with the permit's final stabilization requirements.
[ ] Another operator has assumed control over all areas of the site and that operator has submitted an NOI and obtained coverage under the CGP.
[ ] You have obtained coverage under an individual permit or another general IPDES permit addressing storm water discharges from the construction site.

III. Operator Information
Operator Name:
Mailing Address:
Street:
City:
State:
ZIP Code:

County or Similar Government Division:
Phone:
Ext.
E-mail:

IV. Project/Site Information
Project/Site Name: Project/Site Address: Street/Location:
City:
State:
ZIP Code:
County or Similar Government Division:

V. Monitoring Report
Attach the Monitoring Report for the entirety of the project. See Appendix J for a suggested Monitoring Report format.

VI. Certification Information
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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
First Name, Middle Initial, Last Name:
Title: Signature:
Date:
Email:

Instructions for Completing Notice of Termination for the 2022 NPDES Construction General Permit

Who May File an NOT Form

Permittees who are presently covered under the DEQ issued 2022 Construction General Permit (CGP) for Storm water Discharges Associated with Construction Activity may submit an NOT form when: (1) earth-disturbing activities at the site are completed and the conditions in Sections 8.2.1.a through 8.2.1.b are met; or (2) the permittee has transferred all areas under its control to another operator, and that operator has submitted and obtained coverage under this permit; or (3) the permittee has obtained coverage under a different IPDES permit for the same discharges.

Completing the Form

You must use the IPDES E-Permitting System to prepare and submit your NOI electronically, unless DEQ grants you a an electronic reporting waiver to use a paper NOI form

Section I. Approval to Use Paper NOT Form

You must indicate whether you have been granted a waiver from electronic reporting from DEQ. Note that you are not authorized to use this paper NOT form unless DEQ has approved its use. Where you have obtained approval to use this form, indicate the waiver that you have been granted, the name of the DEQ staff person who granted the waiver, and the date that approval was provided.
See https://www.deq.idaho.gov/about-us/contact-us/ for a list of DEQ contacts.

Section II. Permit Information

Enter the existing IPDES assigned to the project. If you do not know the permit tracking IPDES ID number, or contact EPA's NOI Processing Center at (866) 352- 7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one.

Section III. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this NOT and is covered by the IPDES ID identified in Section II. Enter the complete mailing address, telephone number, and email address of the operator.

Section IV. Project/Site Information

Enter the official or legal name and complete street address, including city, state, ZIP code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

Section V. Monitoring Report

If monitoring was conducted during the project, include the monitoring report documentation.

Section VI. Certification Information

The NOT must be signed as follows:

For a corporation: by a responsible corporate officer as specified in IDAPA 58.01.25.090.01.a.

For a partnership or sole proprietorship: by a general partner or the proprietor, respectively as specified in IDAPA 58.01.25.090.01.b.

For a municipality, or other public agency: by either a principal executive officer or ranking elected official as specified in IDAPA 58.01.25.090.01.c.

Submitting Your Form
Submit your NOI form by mail to the following address:
1410 North Hilton
Boise, Idaho 83706
Visit this website for instructions on how to submit electronically:
https://www2.deq.idaho.gov/water/IPDES/

Appendix H – Suggested Format for Request for Chemical Treatment

If you plan to add "cationic treatment chemicals" (as defined in Appendix A) to storm water and/or authorized non-storm water prior to discharge, Section 1.1.9 requires you to notify DEQ in advance of submitting your NOI. DEQ will authorize coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to an exceedance of water quality standards. To notify DEQ, you may use following form.

I. Operator Information
Operator Name:
Mailing Address:
Street:
City: State: Zip Code:
Phone:
E-mail:

II. Project/Site Information
Project/Site Name:
Project Site Address:
Street/Location:
City: State: Zip Code:
County or Similar Government Subdivision:
Site Contact Name (if different from operator):
Site Contact Phone Number:
Names of Receiving Water Bodies:

III. Map
Attach a map that illustrates the entire site including all of the below items. Include this map in your SWPPP.:

- All receiving water bodies
- All proposed locations of chemical treatment systems
- All proposed points of discharge to receiving water bodies
- All soil types within areas to be disturbed.
- All area of earth disturbance
- Sufficient indication of topography to indicate where storm water flows.

Attach a schematic drawing of the proposed treatment systems. Include all components of the treatment train, sample points, and pipe configurations. In addition to sufficient holding capacity upstream of treatment, the system must have the capacity to hold water for testing, and to re-treat water that does not meet water quality standards.

IV. Responsible Personnel
Treatment System Operator or Company Name:

Street/Location:
City: State: Zip Code:
Responsible Personnel List. List personnel who will be responsible for operating the chemical treatment systems and application of the chemicals. Cite the training that the personnel have received in operation and maintenance of the treatment systems and use of the specific chemicals proposed.

V. Proposed Treatment

Check proposed treatment system.

[ ] Chitosan enhanced sand filtration with discharge to infiltration (ground water)
[ ] Chitosan enhanced sand filtration with discharge to temporary holding ponds (batch)
[ ] Chitosan enhanced sand filtration with discharge to surface waters (flow-through)
[ ] Other (describe below and submit documentation that the proposed system and chemicals demonstrate the ability to remove turbidity and produce non-toxic effluent/discharge)

Check proposed cationic chemicals to be used:

[ ] FlocClear (2% chitosan acetate solution)
[ ] StormKlear LiquiFloc (1% chitosan acetate solution)
[ ] ChitoVanTM (1% chitosan acetate solution)
[ ] StormKlear LiquiFloc (3% chitosan acetate solution)
[ ] Other

Estimated Treatment Period Start Date:
Estimated Treatment Period End Date:
Describe sampling and recordkeeping schedule. Attach additional sheets as needed:

Explain why you have selected this proposed treatment system and chemicals. Include an explanation of why the use of cationic treatment chemicals is necessary at the site. Reference how the soil types on your site influenced your choices. Describe or provide an illustration of how the site of the discharge will be stabilized and why the discharge location will not cause erosion of the discharge water's bank or bed (please note that a permit from the Corps and state agencies may be necessary to place rock in the water body for this stabilization). Attach as many additional sheets as needed for a full explanation. If you have a report from a chemical treatment contractor describing their recommended approach you may attach that.

VI. Certification Information

I have documented and hereby certify that the following information is correct and has been documented in the SWPPP for this project:

- The SWPPP includes a complete site-specific description of the chemical treatment system herein proposed for use, including specifications, design, and Material Safety Data Sheets for all chemicals to be used.
- The controls to be used on the site are compatible with the safe and effective use of cationic chemical treatment.

- I verified through jar tests that the site soil is conducive to chemical treatment.
- I verified that the chemical treatment system operators for this project received training.
- I read, understand, and will follow all conditions and design criteria in the applicable use designations.
- If the discharge is to tribal waters, I notified the appropriate tribal government of the intent to use chemical treatment on a site located within that jurisdiction.
- I will keep the use level designation, operation and maintenance manual, and training certificate onsite prior to and during use of chemical treatment.
- A licensed engineer designed the system for this project including system sizing, pond sizing, and flow requirements.
- I verify that the discharge will not adversely affect downstream conveyance systems or stream channels (e.g., cause erosion).

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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Authorized Official Name:
Title:
Signature:

Date:
Email:

Under Part 1.1.9 of the 2022 CGP, if you plan to add "cationic treatment chemicals" (as defined in Appendix A) to storm water and/or authorized non-storm water prior to discharge, you may not submit your Notice of Intent (NOI) until you notify DEQ in advance and DEQ authorizes coverage under this permit after you have included appropriate controls and implementation procedures designed to ensure that your use of cationic treatment chemicals will not lead to discharges that do not meet water quality standards. You may use this suggested form to notify DEQ about your proposed use of cationic treatment chemicals.

I. Operator Information
Operator Name:
Mailing Address:
Street:
City:
State:
ZIP Code: -
Phone: - -
Ext.
E-mail:

II. Project/Site Information
Project/Site Name:
Project/Site Address:
Street/Location:
City:
State:
ZIP Code: -
County or Similar Government Subdivision:
Site contact name (if different from operator):
Site contact phone (if different from operator): - -
Names of receiving waterbodies: _____
_____
_____
_____

II. Map
Attach a map that illustrates the entire site including all of the below items. Include this map in your Storm water Pollution Prevention Plan (SWPPP):
- All receiving waterbodies
- All proposed locations of chemical treatment systems
- All proposed points of discharge to receiving waterbodies
- All soil types within areas to be disturbed
- All area of earth disturbance
- Sufficient indication of topography to indicate where storm water flows

Attach a schematic drawing of the proposed treatment systems. Include all components of the treatment train, sample points, and pipe configurations. In addition to sufficient holding capacity upstream of treatment, the system must have the capacity to hold water for testing and to re-treat water that does not meet water quality standards.

IV. Responsible Personnel

Treatment System Operator or Company Name (if subcontracted out):
Street/Location:
City:
State:
Zip Code: -
Responsible personnel. List personnel who will be responsible for operating the chemical treatment systems and application of the chemicals. Cite the training that the personnel have received in operation and maintenance of the treatment systems and use of the specific chemicals proposed.

_____
_____
_____
_____
_____
_____
_____
_____

V. Proposed Treatment

Check proposed treatment system.
Chitosan enhanced sand filtration with discharge to infiltration (ground water)
Chitosan enhanced sand filtration with discharge to temporary holding ponds (batch).
Chitosan enhanced sand filtration with discharge to surface waters (flow-through).
Other (describe below and submit documentation that the proposed system and chemicals demonstrate the ability to remove turbidity and produce non-toxic effluent/ discharge)

_____
_____
_____
_____

Check proposed cationic chemicals to be used:
FlocClearTM (2% chitosan acetate solution)
StormKlearTM LiquiFlocTM (1% chitosan acetate solution).
ChitoVanTM (1% chitosan acetate solution).
StormKlearTM LiquiFlocTM (3% Chitosan acetate solution)
Other

_____
_____

Estimated Treatment Period Start Date:
Estimated Treatment Period End Date:
Describe sampling and recordkeeping schedule. Attach additional sheets as needed:

_____
_____
_____
_____

Explain why you have selected this proposed treatment system and chemicals. Include an explanation of why the use of cationic treatment chemicals is necessary at the site. Reference how the soil types on your site influenced your choices. Describe or provide an illustration of how the site of the discharge will be stabilized and why the discharge location will not cause erosion of the discharge water's bank or bed (please note that a permit from the Corps and state agencies may be necessary to place rock in the water body for this stabilization). Attach as many additional sheets as needed for a full explanation. If you have a report from a chemical treatment contractor describing their recommended approach you may attach that.

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

VI. Certification Information

I have documented and hereby certify that the following information is correct and has been documented in the SWPPP for this project:

• The SWPPP includes a complete site-specific description of the chemical treatment system herein proposed for use, including specifications, design, and Material Safety Data Sheets for all chemicals to be used.

• The controls to be used on the site are compatible with the safe and effective use of cationic chemical treatment.

• I verified through jar tests that the site soil is conducive to chemical treatment.

• I verified that the chemical treatment system operators for this project received training.

• I read, understand, and will follow all conditions and design criteria in the applicable use designations.

• If the discharge is to tribal waters, I notified the appropriate tribal government of the intent to use chemical treatment on a site located within that jurisdiction.

• I will keep the use level designation, operation and maintenance manual, and training certificate onsite prior to and during use of chemical treatment.

• A licensed engineer designed the system for this project including system sizing, pond sizing, and flow requirements.

• I verify that the discharge will not adversely affect downstream conveyance systems or stream channels (e.g., cause erosion).

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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Authorized Official First Name, Middle Initial, Last Name:
Title:
Signature:

_____

_____
Date:
Email:
Instructions for Submitting This Form:
Submit this form to DEQ using the E-Permitting System.

Appendix I – Suggested Format for Monitoring Reports

Operator Name:
Operator Phone:
Operator Email:
Operator Address:

IPDES Permit Number:

Complete the following section for each storm event:

Sample Collector Name:
Sample Collector Title:
Sample Collector Title:
Sample Collector Signature:

Parameter	Storm Event Date	Sample Location	Sample Collection Time	Analytical Method	Results	Units
pH						s.u.
Turbidity						NTU

Describe any corrective actions taken to address monitoring exceedances:

Attach calibration and maintenance records to this form.