

Issuance Date: 02/09/2022  
 Effective Date: 04/01/2022  
 Expiration Date: 03/31/2027  
 Application for 10/02/2026  
 Permit Renewal Due

## Idaho Pollutant Discharge Elimination System Discharge Permit No. ID0030015

### 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.*

The Edge Resort

is authorized to discharge in accordance with the permit conditions that follow.

Facility Location: 851 Banks Lowman Road Garden Valley, ID 83622	Receiving Water: Middle Fork Payette River
Outfall Name: Outfall 001	Latitude: 44.1092°
Longitude: -115.9854°	
Treatment Type: Sequencing Batch Reactor with Tertiary Filter and UV Disinfection	




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Mary Anne Nelson, PhD  
 Administrator, Surface and Wastewater Division

## Submission Schedule

The following list contains a summary of some of the items the permittee must complete and/or submit to the Idaho Department of Environmental Quality (DEQ) during the term of this Idaho Pollutant Discharge Elimination System (IPDES) permit. Please refer to the permit sections for specific submittal requirements.

Permit Section	Submittal Item	Frequency	Initial Submittal Date
2.2.7	24-Hour Notice of Noncompliance	As required	--
2.2.8	5-Day Written Submission for Noncompliance	As required	--
2.2.5	Notice of New Introduction of Toxic Pollutants	As required	--
3.3	Spill Control Plan Notification	As required	February 1, 2023
4.1.1	Quality Assurance Project Plan (QAPP) Notification	As required	February 1, 2023
2.2.3	Discharge Monitoring Report (DMR)	Monthly	July 1, 2022
4.1.3	Emergency Response Plan Notification	As required	February 1, 2023
4.1.2	Operation and Maintenance (O&M) Manual Notification	As required	February 1, 2023
2.1.3	Sludge/Biosolids Management Plan	Once	February 1, 2023
2.1.4	Receiving Water Monitoring Report	Once	September 1, 2026
2.1.4	Receiving Water Monitoring Station Approval Request	Once	May 1, 2022
4.2.2	Permit Renewal Application	Once	September 1, 2026

## Table of Contents

Submission Schedule .....	2
1 Effluent Limits.....	5
1.1 Discharge Authorization.....	5
1.2 Effluent Limits and Associated Monitoring Requirements.....	5
1.3 Regulatory Mixing Zone .....	9
2 Monitoring and Reporting Requirements .....	9
2.1 Monitoring Schedules and Requirements.....	10
2.2 Recording and Reporting Requirements .....	15
2.3 Permit Renewal .....	19
3 Special Conditions .....	20
3.1 Facility Capacity.....	20
3.2 Nondomestic Waste Management .....	20
3.3 Spill Control Plan .....	21
4 Standard Conditions.....	22
4.1 Documents Applicable to all Permits .....	22
4.2 Conditions Applicable to All Permits.....	23
5 Definitions .....	30
Appendix A. Significant Figures and Place Values.....	33

## List of Tables

Table 1. Monitoring site locations. ....	6
Table 2. Pollutants with effluent limits and monitoring requirements for Outfall 001. ....	7
Table 3. Effluent limits for temperature for Outfall 001. ....	9
Table 4. Influent monitoring. ....	10
Table 5. Additional effluent monitoring for Outfall 001. ....	10
Table 6. Receiving water monitoring site start date requirements.....	11
Table 7. Receiving water monitoring requirements for the MFPR upstream monitoring site REC1. ....	13
Table 8. Effluent testing required for all permit renewals. ....	15
Table 9. Facility capacity values.....	20

# 1 Effluent Limits

## 1.1 Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants to the Middle Fork of the Payette River (MFPR) at the permitted location(s) in Table 1 subject to compliance with the limits shown in Table 2 and Table 3 and all other conditions of this permit. This permit authorizes discharge of only those pollutants from the specified outfalls resulting from facility processes, waste streams, and operations clearly identified in the permit application process.

Compliance with this permit during its term constitutes compliance, for purposes of enforcement, with Clean Water Act §§ 301, 302, 306, 307, 318, 403, and 405(a) through (b); except for any toxic effluent standards and prohibitions imposed under the Clean Water Act section 307, and standards for sewage sludge use or disposal under the Clean Water Act section 405(d).

The issuance of, or coverage under, this permit does not convey any property rights or any exclusive privilege, nor does it authorize any injury to persons or property or invasion of other private rights, or any infringement of state or local law or regulations (including but not limited to Clean Water Act § 311, Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) § 106, 40 CFR 503, IDAPA 58.01.16, and IDAPA 58.01.17). The issuance of, or coverage under, this 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 and comply with any other necessary approvals, authorizations, or permits.

## 1.2 Effluent Limits and Associated Monitoring Requirements

The permittee must operate the facility to limit pollutant discharges from Outfall 001 as described in Table 2 and Table 3 and meet all other permit conditions. The permittee must also monitor discharges at effluent monitoring locations described in Table 1 to verify compliance with the permit limits. The permittee must comply with the effluent limits in Table 2 and Table 3 at all times unless otherwise indicated, regardless of the frequency of monitoring or reporting required by other provisions of this permit.

**Table 1. Monitoring site locations.**

<b>Site Name</b>	<b>Site Location</b>	<b>Site Description</b>
Influent Monitoring Point	Influent Structure	Treatment system headworks
Outfall 001	Effluent from Treatment System (End of Pipe)	End of discharge pipe from treatment system to a constructed pond where effluent flows to the MFPR
REC1	Receiving Water	MFPR Upstream Monitoring Site at a location approved by DEQ

The permittee must submit an approval request for Outfall 001 and REC1 monitoring station locations through the IPDES E-Permitting System within one month after the effective date of this permit.

The permittee must report all effluent data results with units of measure and level of precision (and significant figures, when applicable) identified in section 1.2 and report effluent monitoring results on the appropriate DMR as described in section 2.2.3. For all effluent monitoring, the permittee must use sufficiently sensitive analytical methods that achieve a minimum level (ML) less than the effluent limit unless otherwise specified in Table 2.

Monitoring in Table 2 and Table 3 must begin by July 1, 2022 (July DMR's are due August 20).

**Table 2. Pollutants with effluent limits and monitoring requirements for Outfall 001.**

Parameter	Discharge Period	Units	Effluent Limits						Monitoring Requirements		Reporting Period (DMR Months)
			Monthly Average	Weekly Average	Monthly Geometric Mean	Instantaneous Minimum	Instantaneous Maximum	Maximum Daily Average	Sample Type	Sample Frequency	
Flow	01/01 to 12/31	mgd	0.076	—	—	—	—	Report	Grab <sup>a</sup> or Continuous <sup>b</sup>	Daily or Recorded	Monthly <sup>c</sup> (All Months)
Biochemical Oxygen Demand (BOD <sub>5</sub> )	01/01 to 12/31	mg/L	30	45	—	—	—	—	8-Hour Composite <sup>d</sup>	1/week	Monthly <sup>c</sup> (All Months)
		lb/day	19.0	28.5	—	—	—	—	Calculation <sup>e</sup>		
BOD <sub>5</sub> Percent Removal	01/01 to 12/31	%	85 (minimum)	—	—	—	—	—	Calculation <sup>f</sup>	1/week	Monthly <sup>c</sup> (All Months)
Total Suspended Solids (TSS)	01/01 to 12/31	mg/L	30	45	—	—	—	—	8-Hour Composite <sup>d</sup>	1/week	Monthly <sup>c</sup> (All Months)
		lb/day	19.0	28.5	—	—	—	—	Calculation <sup>e</sup>		
TSS Percent Removal	01/01 to 12/31	%	85 (minimum)	—	—	—	—	—	Calculation <sup>f</sup>	1/week	Monthly <sup>c</sup> (All Months)
<i>E. coli</i> bacteria	01/01 to 12/31	#/100 mL	—	—	126 <sup>g</sup>	—	Report <sup>h,i</sup>	—	Grab <sup>a</sup>	1/week	Monthly <sup>c</sup> (All Months)
pH <sup>i</sup>	01/01 to 12/31	standard units (s.u.)	—	—	—	6.5	9.0	—	Grab <sup>a</sup> or Continuous <sup>b</sup>	Daily or Recording	Monthly <sup>c</sup> (All Months)
Ammonia, Total as N	01/01 to 12/31	mg/L	2.5	—	—	—	—	6.5	Grab <sup>a</sup>	2/month	Monthly <sup>c</sup> (All Months)
		lb/day	1.66	—	—	—	—	4.34	Calculation <sup>e</sup>		
Oil & Grease	01/01 to 12/31	mg/L	10	—	—	—	—	—	Grab <sup>a</sup>	2/month	Monthly <sup>c</sup> (All Months)
		lb/day	6.34	—	—	—	—	—	Calculation <sup>e</sup>		
Phosphorus, Total as P	05/01 to 09/30	mg/L	Report	—	—	—	—	Report	Grab <sup>a</sup>	1/month	Monthly <sup>c</sup> (May, June, July, August, September,)
		lb/day	0.094	—	—	—	—	Report	Calculation <sup>e</sup>		

- a. A grab sample is an individual sample collected over a 15-minute period or less.
- b. Continuous means uninterrupted measurement during discharge except for brief lengths of time for calibration, power failure, or unanticipated equipment repair or maintenance. The time interval for the associated data logger must be no greater than 60 minutes.
- c. When the facility does not discharge during a month, it must report the appropriate No Data Indicator (NODI) code “C” on the monthly DMR.
- d. All 8-hour composite sampling must be flow-proportional and must include at least three samples for each discharge cycle. The composite sample must include, at a minimum, samples collected at the start, middle, and end of each decant event for the 8-hour sampling period.
- e. Load is calculated concurrently with the respective sample, using the following formula: Concentration (mg/L) X Flow (mgd) X Conversion Factor (8.34) = lb/day

- f. Percent removal is calculated:  $\% \text{ Removal} = \frac{([\text{Influent}](\text{mg/L}) - [\text{Effluent}](\text{mg/L}))}{([\text{Influent}](\text{mg/L}))} \times 100\%$
- g. The average monthly *E. coli* bacteria counts must not exceed a geometric mean of 126 #/100 ml based on a minimum of five samples taken every 3 – 7 days within a calendar month.
- h. Idaho's water quality standards for primary contact recreation include a single sample value of 406 #/100 ml. Exceedance of this value indicates likely exceedance of the 126 #/100 mL average monthly effluent limit; however, it is not an enforceable limit for a daily value, nor is exceeding this value a violation of water quality standards. If this value is exceeded at any point within the month, the facility should consider collecting more than the five samples per month required in this permit to determine compliance with the monthly geometric mean according to IDAPA 58.01.02.251.01.a.
- i. Exceedance of a maximum daily limit, instantaneous maximum limit, or instantaneous minimum limit requires 24-hour reporting in accordance with 2.2.7. For *E. coli*, the maximum daily threshold that triggers 24-hour reporting is 406 #/100 ml. Please see 2.2.7 for additional 24-hour reporting requirements.



Temperature limits and reporting requirements for Outfall 001 are in Table 3. When the permittee begins using continuous temperature monitors, they must be set to record at 60-minute or more frequent intervals. Monitoring in Table 3 must begin by July 1, 2022 (July DMR's are due August 20).

**Table 3. Effluent limits for temperature for Outfall 001.**

Discharge Period	Units	Effluent Limits		Monitoring Requirements		Reporting Period (DMR Months)
		Daily Maximum	Maximum Daily Average	Sample Type	Sample Frequency	
07/16 to 09/30	°C	22	19	Grab <sup>a</sup> or Continuous <sup>b,c,d</sup>	5/week or recorded	Season (July, August, September)
10/01 to 07/15	°C	13	9	Grab <sup>a</sup> or Continuous <sup>b,c,d</sup>	5/week or recorded	Season (October, November, December, January, February, March, April, May, June, July)

- Grab samples collected five times per week are acceptable for temperature monitoring until continuous monitoring is required.
- Continuous means uninterrupted except for brief lengths of time for calibration, power failure, or unanticipated equipment repair or maintenance. The time interval for the associated data logger must be no greater than 60 minutes.
- Continuous temperature monitoring at Outfall 001 must begin within eight months of the effective date of this permit. Until that time, five grab samples per week are acceptable.
- DEQ acknowledges that uninterrupted data collection is not guaranteed due to vandalism, theft, damage, disturbance, power interruption, etc. In the event of equipment failure or loss, the permittee must notify DEQ and deploy new equipment to minimize interruption of data collection. If new equipment cannot be immediately deployed, the permittee must monitor grab measurements daily between 8 a.m. and 5 p.m. or describe frequency when continuous monitoring is not possible until continuous monitoring equipment is redeployed.

### 1.3 Regulatory Mixing Zone

A mixing zone was not requested by the permittee.

## 2 Monitoring and Reporting Requirements

For all influent, effluent, and receiving water monitoring; the permittee must use sufficiently sensitive analytical methods:

- To detect and quantify the pollutant to a level of precision that is at or below the level of the applicable water quality criterion for parameters without effluent limits.
- For parameters that have effluent limits the method used must have an ML equal to or below the required limit. When a specific ML for any parameter is prescribed in permit section 2.1.6 the method used must be able to achieve an ML less than or equal to that which is specified.
- The permittee may request different MLs in writing, subject to DEQ approval.

All samples and measurements collected under this permit must be representative of the waste stream or receiving water at the monitoring point in Table 1. To verify that the effluent limits set forth in this permit are not violated, the permittee must collect additional samples at times other than when routine samples are taken at the appropriate outfall whenever any discharge occurs

that may reasonably be expected to cause or contribute to a violation that is unlikely to be detected by a routine sample. The permittee must analyze the additional samples for those parameters likely to be present in the discharge and limited in section 1.2 of this permit in accordance with section 2.1.6. The permittee must collect such additional samples as soon as any spill, discharge, or bypassed effluent reaches an appropriate monitoring point. The permittee must report all additional monitoring in accordance with section 2.2.

## 2.1 Monitoring Schedules and Requirements

The permittee must monitor in accordance with the requirements specified in this section.

### 2.1.1 Influent Monitoring

The permittee must monitor influent and report results on the appropriate DMRs as listed in Table 4. Monitoring in Table 4 must begin by July 1, 2022 (July DMR's are due August 20).

**Table 4. Influent monitoring.**

Item or Parameter	Monitoring Period	Units	Influent Monitors	Monitoring Requirements		Reporting Period (DMR Months)
			Monthly Average	Sample Type	Sample Frequency	
BOD <sub>5</sub>	01/01 to 12/31	mg/L	Report	Grab <sup>a</sup>	2/month	Monthly (All Months) <sup>b</sup>
TSS	01/01 to 12/31	mg/L	Report	Grab <sup>a</sup>	2/month	Monthly (All months) <sup>b</sup>

- A grab sample is an individual sample collected over a 15-minute period or less.
- When the facility does not have influent during a month, it must report the appropriate No Data Indicator (NODI) code "7: No Influent" on the monthly DMR.

### 2.1.2 Additional Effluent Monitoring

Pollutants that must be monitored for averaging periods not associated with effluent limits are presented in Table 5. The permittee must monitor effluent at the location specified in Table 1 and report results on appropriate DMRs as identified in Table 5. Monitoring in Table 5 must begin by July 1, 2022 (July DMR's are due by August 20).

**Table 5. Additional effluent monitoring for Outfall 001.**

Parameter	Monitoring Period	Units	Quarterly Maximum	Sample Frequency	Sample Type	Reporting Period (DMR Months)
Dissolved Oxygen	01/01 to 12/31	mg/L	Report	1/quarter <sup>a</sup>	Grab <sup>b</sup>	Quarterly (March, June, September, December) <sup>c</sup>
Nitrate-Nitrite, Total as TN	01/01 to 12/31	mg/L	Report	1/quarter <sup>a</sup>	Grab <sup>b</sup>	Quarterly (March, June, September, December) <sup>c</sup>

- Quarters are defined as: January 1 to March 31; April 1 to June 30; July 1 to September 30; and, October 1 to December 31. Monitoring results for pollutants with a sample frequency of quarterly must be reported on the March, June, September, and December DMRs.
- A grab sample is an individual sample collected over a 15-minute period or less.
- When the facility does not discharge during a quarter, it must report the appropriate No Data Indicator (NODI) code "C: No Discharge" on the monthly or quarterly DMR.

### 2.1.3 Sludge/Biosolids Monitoring

The permittee must keep the sludge depth monitoring and management plan in the facility's Operation and Maintenance (O&M) manual updated. This will address monitoring sewage sludge accumulation in the treatment system, identify at what sludge depth additional actions are required, and be updated when the O&M manual notification is submitted through the IPDES E-Permitting System as required in section 4.1.2.

If the permittee determines sludge removal and disposal (or beneficial use) is necessary during this permit cycle, the permittee must meet the requirements of IDAPA 58.01.16.650, IDAPA 58.01.25.380, and Federal Regulations in 40 CFR 503.

- IDAPA 58.01.16.650 requires DEQ approval of a Sludge Disposal Plan (Biosolids Management Plan) prior to sludge removal.
- IDAPA 58.01.25.380 requires the permittee to submit a discharging "Treatment Works Treating Domestic Sewage (TWTDS)" application through the IPDES E-Permitting system.
- 40 CFR 503 has monitoring and recordkeeping requirements that must be met depending on the intended use or disposal of the sludge (biosolids).

### 2.1.4 Receiving Water Monitoring

The permittee must conduct receiving water monitoring in the MFPR. Monitoring must meet the following requirements:

**Table 6. Receiving water monitoring site start date requirements.**

Receiving Water	Location	Location Approval Type	Location Approval Request Due Date	Site Name	Site Description	Monitoring Start Date	Monitoring Duration
MFPR	Upstream	Location must be submitted and approved	May 1, 2022	REC1	MFPR Upstream Monitoring Site at a location approved by DEQ	Begin by at least July 1, 2022	For the duration of the permit

1. Submit the request for monitoring station location approval through the IPDES E-Permitting System by May 1, 2022. The request must contain a map, GPS coordinates, photos, and narrative description of the location.
2. Results must be reported on the appropriate DMR as specified in Table 7.
3. A failure to obtain DEQ approval of receiving water monitoring stations does not relieve the permittee of the receiving water monitoring requirements of this permit.
4. To the extent practicable, receiving water sample collection must occur on the same day as effluent sample collection.
5. Samples must be analyzed for the parameters listed in Table 7.
6. Quality assurance project plans (QAPPs) must address all receiving water monitoring.
7. Samples for pH and temperature, if applicable, must be collected on the same day (see Table 7).

8. In addition, the permittee must submit all receiving water monitoring results for the current permit cycle for all parameters in the receiving water monitoring report as a spreadsheet that is uploaded to the IPDES E-Permitting System concurrently with the permit renewal application submittal September 1, 2026. The file must be in the format of one analytical result per row and include the following information: name and contact information of laboratory, sample identification number, sample location in latitude and longitude (decimal degrees format), method of location determination (e.g., GPS, survey), date and time of sample collection, water quality parameter (or characteristic being measured), analytical result, result unit, detection limit and definition (e.g., method detection limit [MDL]), analytical method, date completed, and any applicable notes.

**Table 7. Receiving water monitoring requirements for the MFPR upstream monitoring site REC1.**

Parameter	Monitoring Period	Units	Monthly Average	Instantaneous Minimum	Instantaneous Maximum	Maximum Daily Average	Sample Frequency	Sample Type	Reporting Period (DMR Months)
Temperature <sup>a</sup>	01/01 to 12/31	°C	Report	—	—	Report	1/month Grab <sup>b,c,d</sup> or Continuous <sup>e</sup>	Monthly Grab <sup>b</sup> or Recorded	Monthly (All months)
pH <sup>a</sup>	01/01 to 12/31	Standard Units	—	Report	Report	—	1/month Grab <sup>b,c,d</sup> or Continuous <sup>e</sup>	Monthly Grab <sup>b</sup> or Recorded	Monthly (All months)

- a. Until continuous monitors are in place, grab samples are acceptable for monitoring receiving water temperature and pH at REC1.
- b. A grab sample is an individual sample collected over a 15-minute period or less.
- c. Grab samples must be collected during the warmest part of the day (between 2 and 4 pm).
- d. Temperature and pH must be analyzed within 15 minutes of grab sample collection.
- e. Continuous means uninterrupted except for brief lengths of time for calibration, power failure, or unanticipated equipment repair or maintenance. The time interval for the associated data logger must be no greater than 60 minutes.

### **2.1.4.1 Receiving Water Continuous Temperature Monitoring**

If the permittee collects continuously recorded temperature data, data collection must meet the following minimum requirements:

1. Monitoring in the receiving water must be adequately addressed in the sampling plan and the QAPP.
2. Begin monitoring on or before the specified start date listed in Table 7.
3. Recording devices must be set to record at the specified interval in the receiving water monitoring requirements in Table 7.
4. Submitted continuous monitoring data must include the following information for both deployment and retrieval:
  - a. Date
  - b. Time
  - c. Device manufacturer ID
  - d. Location
  - e. Depth
  - f. Parameter measured
  - g. Any other details that may explain data anomalies
5. DEQ-approved temperature monitoring devices must be used. DEQ's *Protocol for Placement and Retrieval of Temperature Data Loggers* contains protocols for continuous temperature sampling. This document is available online at <https://www2.deq.idaho.gov/admin/LEIA/api/document/download/15037>

### **2.1.5 Permit Renewal Effluent Monitoring**

The renewal application for this permit requires data collected to characterize the effect of the effluent on the MFPR (section 2.1.4). The permittee must conduct four samples of the final wastewater effluent for the parameters listed in Table 8 so that DEQ can assess the surface water impacts. Each sample consists of a minimum of one grab sample for those parameters in the tables below requiring collection via grab samples. For parameters requiring a 24-hour composite sample, only one analysis of the composite of aliquots (samples) is required for each test. All 8- or 24-hour composite samples collected for permit renewal monitoring must be flow-based and composed of at least three aliquots (samples) and must include samples taken at the beginning, middle, and end of each decant cycle. Monitoring results collected to achieve other permit conditions may be used to meet permit renewal effluent monitoring requirements. The permittee must include any representative data collected to achieve other permit conditions and enter summary data in their permit renewal application.

The permittee must also upload a permit renewal effluent individual sample results spreadsheet to the IPDES E-Permitting System by *the permit renewal application date listed in the Submission Schedule of this permit.*

The permittee must conduct full tests of the final effluent according to the following schedule:

- 2022: Fourth quarter (October – December)
- 2024: First quarter (January – March)
- 2025: Second quarter (April – June)
- 2026: Third quarter (July – September)

In addition, the permittee must continue permit renewal effluent monitoring at a frequency of once every fifth quarter after the last sampling event listed in the schedule above until a new permit is issued.

**Table 8. Effluent testing required for all permit renewals.**

Parameter	Units	Sample Type	Report
pH	s.u.	Grab or Continuous	Minimum and maximum value
Flow	mgd	Continuous	Maximum daily value, average daily value, number of samples
Temperature <sup>a</sup> (May – October)	°C	Grab or Continuous	
Temperature <sup>a</sup> (November – April)	°C	Grab or Continuous	
BOD <sub>5</sub>	mg/L	Grab or Composite	Maximum daily value, average daily value, analytical method and ML or MDL
TSS	mg/L	Grab or Composite	
<i>E. coli</i>	#/100 mL	Grab	

- a. The permittee must collect during the warmest month if monitoring is scheduled May-October or the coldest month if scheduled November-April.

## 2.1.6 Analytical and Sampling Procedures

Required monitoring must be completed using sufficiently sensitive methods and conducted according to test procedures approved under 40 CFR 136, unless:

- Another method is required under 40 CFR subchapters N or O or
- This permit requires the use of a specific EPA approved method for a particular parameter.

For parameters with effluent limits, the permittee must use methods that can achieve a minimum level (ML) less than the current applicable effluent limit. For parameters that do not have effluent limits, or have effluent limits that are less than the most sensitive 40 CFR 136 approved method, and DEQ has not specified a ML for that parameter, the permittee must use sufficiently sensitive methods.

### 2.1.6.1 Laboratory Quality Assurance and Quality Control

The permittee must develop and implement a QAPP that conforms to the quality assurance and quality control requirements of 40 CFR 136.7. The requirements for a QAPP are in section 4.1.1 of this permit.

If a sample or measurement (analysis) does not meet the QAPP requirements, the permittee must reanalyze the sample. If the original sample cannot be reanalyzed, the permittee must resample and analyze at the earliest possible opportunity. All samples/measurements results not meeting the QAPP requirements must still be maintained by the permittee along with a notation (data qualifier) and explanation of unmet QAPP requirements. The permittee must not use this result in any calculation required by this permit unless authorized by the DEQ.

## 2.2 Recording and Reporting Requirements

The permittee must record and report information to DEQ as specified in the following subsections.

### 2.2.1 Recording of Results

For each measurement or sample taken, the permittee must record the following information:

1. The date, exact place, and time of sampling or measurements
2. The names of the individuals who performed the sampling or measurements
3. The dates analyses were performed
4. The names of the individuals who performed the analyses
5. The analytical techniques or methods used
6. The results of all analyses (including all QA/QC analyses required of the analytical method used)
7. The record of the information collected in 1 - 6 of this section must be maintained and made available to DEQ upon request.

### 2.2.2 Reporting Procedures

1. If the permittee did not discharge wastewater, the permittee must enter the no data indicator (NODI) code "C" that indicates no discharge for the outfall DMR during a given reporting period. Receiving water monitoring and reporting is not required during months with no effluent discharge (see section 2.1.4).
2. If the permittee did not discharge wastewater for all days of a reporting period:
  - a. Calculate values using the actual number of samples collected and include a comment on the DMR indicating the shortened discharge time and sample results obtained.
  - b. When the days with discharge are insufficient to calculate a geometric mean for *E. coli* according to IDAPA 58.01.02.251, the permittee must enter the NODI Code "F" (that indicates insufficient flow for sampling); enter an instant maximum value; and enter a DMR comment that includes collected sample values and states why the required samples were missed.
3. The permittee must report, at least, the same level of precision (and significant figures, when applicable) as the permit limit for a given parameter. Level of precision of a permit limit refers to the place value of the last significant digit in the permit limit for a given parameter. Regardless of the rounding conventions used by the permittee, the permittee must use the conventions consistently.
4. To calculate average pollutant concentrations, assign zero for each individual lab result that is less than the MDL, and use the numeric value of the MDL for each individual lab result that is between the MDL and the ML. When concentration data are equal to or greater than the ML, use the laboratory reported value to calculate the average pollutant concentration. The resulting average value must be compared to the permit limit in assessing compliance.
5. For reporting on the DMR for a single sample or average concentration, if a value is less than the MDL, the permittee must report "< {numeric value of the MDL}." If a value is less than the ML but greater than the MDL, the permittee must report "< {numeric value of the ML}." If a value is equal to or greater than the ML, report and use the actual value. For example, if the MDL is 1.0 µg/L and the result is ND (not detected), report "<1.0 µg/L" on the DMR.
6. To calculate the geometric mean pollutant concentration when an individual result is reported as:



- a. '< {numeric value}', use the {numeric value} to calculate the geometric mean concentration. On the DMR, the permittee must report the geometric mean as '< {calculated geometric mean}'.
  - b. '> {numeric value}', use the {numeric value} to calculate the geometric mean concentration. On the DMR, the permittee must report the geometric mean as '> {calculated geometric mean}'.
7. The permittee must calculate mass loads on each day the parameter is monitored using the following equation:

$$\text{Flow (mgd)} * \text{Concentration} \left( \frac{\text{mg}}{\text{L}} \right) * 8.34 \left( \frac{\text{lb} * \text{L}}{\text{mg} * \text{MG}} \right) = \text{lb per day}$$

Calculating and reporting mass loads must consider the following:

- a. When concentration data are greater than or equal to the MDL but less than the ML: Use the ML to calculate the mass load, then report as less than (<) the calculated mass load. For example, if flow is 2 mgd and the reported sample result is <0.0050 mg/L (<5.0 µg/L), for mass load on the DMR: 2 mgd \* 0.0050 mg/L \* 8.34 (conversion factor) = 0.0834 lb/day, round to 0.08 lb/day), and report "<0.08 lb/day."
  - b. When concentration data are less than the MDL: Use the MDL to calculate the mass load, then report the mass load as less than (<) the calculated mass load. For example, if flow is 2 mgd and the reported sample result is non detect at <0.0010 mg/L (1.0 µg/L), for mass load on the DMR: 2 mgd \* 0.0010 mg/L \* 8.34 (conversion factor) = 0.01668 lb/day, round off to 0.02 lb/day, and report to "<0.02 lb/day."
  - c. To report a "daily maximum" load, use the day's parameter concentration and the corresponding day's average flow in the equation above. Compare each day's calculation and report the maximum of the daily loads for the month. The maximum daily load reported may not necessarily occur on the same day as the maximum daily parameter concentration.
  - d. To report a "monthly average" load, use the average of all flow data and the average of all concentration data in the equation above.
8. To calculate monthly averages, add all individual lab results or calculated mass loadings, adjusted as necessary per section 2.2.2, item 4 or 6, for the entire calendar month being reported and divide by the number of analytical results.
  9. To calculate weekly averages, add all individual results for each week (Sunday-Saturday per section 2.2.2 item 3 or item 6) and divide by the number of samples in the calendar week. Partial weeks at the end of a calendar month (one to six days) must be included in the following month's weekly average calculation. Assess the resulting averages and report the maximum value for the reporting period.
  10. The reported maximum daily value on the DMR is the largest individual result for the reporting period.

### 2.2.3 Discharge Monitoring Report

NetDMR Submittal – The permittee must submit influent, effluent, and receiving water monitoring data electronically using NetDMR, an EPA web-based tool that allows permittees to electronically submit DMRs. All other reports must be submitted electronically to DEQ through the IPDES E-Permitting System.

Monitoring data must be submitted electronically using NetDMR no later than the 20th day of the month following the completed reporting period. All other reports required under this permit must be submitted as a legible electronic document using the IPDES E-Permitting System. The permittee must sign and certify all DMRs, and all other reports, in accordance with the requirements of section 4.2.11.

#### **2.2.4 Permit Submittals and Schedules**

The permittee must use the IPDES E-Permitting System (unless otherwise specified in the permit) to submit all other written reports by the date specified in the permit.

#### **2.2.5 Notice of New Introduction of Toxic Pollutants**

The permittee must provide adequate notice per IDAPA 58.01.25.301.02 to DEQ through the IPDES E-Permitting system as soon as the permittee becomes aware of the following:

1. Any new introduction of pollutants into the Privately Owned Treatment Works (PrOTW) from an industrial user or other indirect discharger that would be subject to Sections 301 or 306 of the Clean Water Act if it were directly discharging those pollutants.
2. Any substantial change in the volume or character of pollutants being introduced into the PrOTW by an authorized source at the time of issuance of the permit.

For the purposes of this section, adequate notice must include the following:

1. The quality and quantity of effluent to be introduced into the PrOTW;
2. Any anticipated impact of the change on the quantity or quality of effluent to be discharged from the PrOTW; and
3. Any anticipated impact of the change on the quantity or quality of sewage sludge accumulated at the PrOTW.

#### **2.2.6 Elective Monitoring by Permittee**

If the permittee monitors any pollutant more frequently than required by this permit, using test procedures approved under 40 CFR 136 or as specified in this permit, the permittee must include the results of this monitoring in the calculation and reporting of data submitted in the DMR. If requested by DEQ, the permittee must submit results of any sampling, regardless of the parameter monitored or test method used.

#### **2.2.7 24-Hour Notice of Noncompliance Reporting**

The permittee must report the following occurrences of noncompliance by telephone within 24 hours of the time the permittee becomes aware of the circumstances:

1. Any noncompliance that may endanger public health or the environment
2. Any unanticipated bypass which exceeds any permit effluent limit
3. Any upset which exceeds any permit effluent limit
4. Any violation of a maximum daily effluent limit for toxic pollutants identified in Table 2
5. Any overflow prior to the treatment works over which the permittee has ownership or has operational control, or an overflow from a contributing collection system that the permittee accepts wastewater from. An overflow is any spill, release, or diversion of municipal sewage including:
  - a. An overflow that results in a discharge to waters of the United States or

- b. An overflow of wastewater, including a wastewater backup into a building (other than a backup caused solely by a blockage or other malfunction in a building service line), or discharged to the soil's surface that does not reach waters of the United States.

The permittee must report these occurrences to DEQ at 1-833-IPDES24 (473-3724) or speak directly with the regional IPDES compliance officer.

Additionally, for any sanitary sewer overflow (SSO) that discharges to a municipal separate storm sewer system (MS4), the permittee must notify the appropriate MS4 owner or operator.

### **2.2.8 5-Day Written Submission for Noncompliance**

For any event requiring 24-hour notification as specified in section 2.2.7, the permittee must provide a written submission within 5 days of the time the permittee becomes aware of an event.

The submission must contain:

1. A description of the noncompliance and its cause;
2. The period of noncompliance, including exact dates and times;
3. The estimated time noncompliance is expected to continue if it has not been corrected; and
4. Steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

Five-day written reports must be submitted through the IPDES E-Permitting System.

When the occurrence is a noncompliance event that may endanger human health or the environment, an unanticipated bypass, an upset, or an overflow, the permittee must complete and submit the 5-day Written Report form through the IPDES E-Permitting System within 5 days of the time the permittee becomes aware of the event.

### **2.2.9 Other Noncompliance Reporting**

The permittee must report all instances of noncompliance not required to be reported under 2.2.7 or 2.2.8 concurrently with the DMR submittal. The permittee must immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the noncompliance and correct the problem.

## **2.3 Permit Renewal**

Submit permit renewal application including required monitoring data in section 2.1.5 through the IPDES E-Permitting System as required in section 4.2.2, by the application for permit renewal due date found in the Submission Schedule of this permit.

If the permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application, or in any report to DEQ, it must submit the correct facts or information promptly as required in IDAPA 58.01.25.300.12.h.

### 3 Special Conditions

#### 3.1 Facility Capacity

The effluent monitoring section of the permit includes monitoring for flow. If the reported values exceed a facility capacity value in Table 9 for any 2 months during a 12-month period, the permittee must assess whether an update to the facility plan is necessary.

**Table 9. Facility capacity values.**

Facility Design Criteria	Value	Units
Maximum Monthly Effluent Flow <sup>a</sup>	0.076	mgd

- a. Maximum monthly flow means the largest volume of flow anticipated to occur during a continuous 30-day period, expressed as a daily average.

When a facility plan update is deemed necessary, engineering documents must meet the requirements of IDAPA 58.01.16.410 for facility plans. The plan must be approved by DEQ.

#### 3.2 Nondomestic Waste Management

The permittee does not accept nondomestic (industrial/commercial) discharge, which is subject to the pretreatment standards in 40 CFR 405 through 471; therefore, DEQ does not require an authorized pretreatment program. Nondomestic user refers to any industrial or commercial source that generates process or nonprocess wastewater and discharges to an approved wastewater treatment system. The permittee must not accept discharges of pollutants that would inhibit, interfere, or otherwise be incompatible with operation of the treatment works, including interference with the disposal of sludge. In the event an onsite restaurant and convenience store are built by the permittee during this permitting period, they will be owned and operated by the permittee to only produce domestic waste that do not interfere with the treatment works.

The permittee must not allow introduction of the following pollutants to the treatment system from any source:

1. Any pollutant that, alone or in conjunction with a discharge or discharges from other sources, may pass-through or interfere with the PrOTW's operation;
2. Regulated pollutants in amounts that cause, have the reasonable potential to cause, or contribute to a violation of the PrOTW's permit;
3. Pollutants that create a fire or explosion hazard in the PrOTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 60 °C (140 °F) using the test methods specified in 40 CFR 261.21;
4. Pollutants that may cause corrosive structural damage to the PrOTW, including the collection system, but in no case indirect discharges with a pH of lower than 5.0 standard units, unless the treatment facilities are specifically designed to accommodate such indirect discharges;
5. Solid or viscous pollutants in amounts that may cause obstruction to the flow to or in the PrOTW, or other interference with the operation of the PrOTW;

6. Any pollutant, including oxygen-demanding pollutants (e.g., BOD<sub>5</sub> or COD), released in an indirect discharge at a flow rate and/or pollutant concentration that may cause interference with any treatment process at the PrOTW;
7. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that may cause interference or pass-through at the PrOTW;
9. Pollutants that may result in the presence of toxic gases, vapors, or fumes within the collection system or PrOTW in a quantity that may cause acute worker health and safety problems; or
10. Any trucked or hauled pollutants, including RV black water tank discharges containing preservatives (e.g. paraformaldehyde, methanol, ...).

### **3.3 Spill Control Plan**

The permittee must develop and implement a spill control plan to prevent releases to surface water of petroleum and other chemicals used or stored on-site at the treatment facility.

#### **3.3.1 Spill Control Plan Submittals and Requirements**

The permittee must do the following:

1. Submit a notification of completion of a spill control plan within one year after the effective date of this permit to DEQ through the IPDES E-Permitting System.
2. Review the plan at least annually and update the spill plan as needed. Send notification of plan changes to DEQ.
3. Follow the plan and any supplements throughout the term of the permit.

#### **3.3.2 Spill Control Plan Components**

The spill control plan must include the following:

1. A list of all oil and petroleum products and other materials used and/or stored on-site, which when spilled, or otherwise released into the environment, pose a potential threat to human health or the environment. Include other materials used and/or stored on-site that may become pollutants or cause pollution upon reaching surface water.
2. A description of preventive measures and facilities (including an overall facility plot showing drainage patterns) that prevent, contain, or treat spills of these materials.
3. A description of the reporting system the permittee will use to alert responsible managers and legal authorities in the event of a spill.
4. A description of operator training to implement the plan.

The permittee may submit plans and manuals required by applicable sections of the CFR, contingency plans, or other plans required by other agencies, which meet the intent of this section.

## 4 Standard Conditions

### 4.1 Documents Applicable to all Permits

#### 4.1.1 Quality Assurance Project Plan

The permittee must develop a Quality Assurance Project Plan (QAPP) for all monitoring required by this permit. The permittee must submit the QAPP Notification (upload signature page) to DEQ through the IPDES E-Permitting System that the plan has been developed and implemented by February 1, 2023. Any existing QAPPs may be modified for compliance with this section.

1. The QAPP must be designed to assist in planning for the collection and analysis of effluent, influent, and receiving water samples in support of this permit and handling data anomalies when they occur.
2. Throughout all sample collection and analysis procedures, the permittee must use the EPA-approved QA/QC and chain-of-custody procedures described in *EPA Requirements for Quality Assurance Project Plans* (EPA/QA/R-5) and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5). The QAPP must be prepared in the format that is specified in these documents.
3. At a minimum, the QAPP must include the following:
4. Details on the number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples (e.g. blanks, spikes), precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements.
5. Maps indicating the location of each sampling point.
6. Qualification, training and licensure of personnel.
7. Names, addresses and telephone numbers of the laboratories used by or proposed to be used by the permittee.
8. Any changes to the monitoring or laboratory operations must be concurrently reflected within the QAPP.
9. Copies of the QAPP must be retained on site and made available to DEQ upon request.

#### 4.1.2 Operation and Maintenance Manual

In addition to the requirements specified in section 4.2.5, the permittee must submit an Operation and Maintenance (O&M) Manual Notification to DEQ through the IPDES E-Permitting System by February 1, 2023, certifying that an O&M manual for the wastewater treatment facility has been developed and implemented. The manual must be consistent with IDAPA 58.01.16.425. The manual must be retained on site and made available to DEQ upon request. Any significant changes occurring in the daily operation of the plant must be concurrently reflected within the O&M manual.

The manual must be consistent with IDAPA 58.01.16.425. The manual must be retained on site and made available to DEQ upon request. Any significant changes occurring in the daily operation of the plant must be concurrently reflected within the O&M manual.

### **4.1.3 Emergency Response Plan**

The permittee must develop and implement an emergency response plan that identifies measures to protect public health and the environment. At a minimum, the plan must include mechanisms for the following:

1. Ensure that the permittee is aware (to the greatest extent possible) of all overflows from portions of the collection system over which the permittee has ownership or operational control as well as any unanticipated treatment unit bypass or upset that may exceed any effluent limit in the permit.
2. Ensure that reports of an overflow or of an unanticipated bypass or upset that may exceed any effluent limit in this permit are immediately dispatched to appropriate personnel for investigation and response as required in sections 2.2.7 and 2.2.8.
3. Ensure immediate notification to DEQ of any noncompliance that may endanger public health or the environment and identify the public health district and other officials who will receive immediate notification for items that require 24-hour reporting in section 2.2.7.
4. Ensure that appropriate personnel understand, are appropriately trained on, and follow the Emergency Response Plan; and
5. Provide emergency facility operation.

The permittee must submit an Emergency Response Plan Notification to DEQ through the IPDES E-Permitting System that the plan has been developed and implemented by February 1, 2023. The plan must be available at the facility for DEQ review.

## **4.2 Conditions Applicable to All Permits**

The following conditions apply to all IPDES permits. Nothing in this permit must 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.

### **4.2.1 Duty to Comply**

The permittee must comply with all permit requirements. Any permit noncompliance constitutes a violation of this permit 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 must comply with standards for sewage sludge use or disposal established in 40 CFR 503 within the time provided in those regulations, even if the permit has not yet been modified to incorporate the requirement.

### **4.2.2 Duty to Reapply**

If the permittee intends to continue an activity regulated by this permit after the expiration date, the permittee must apply for a new permit by the date below. In accordance with IDAPA 58.01.25.105, and unless DEQ authorizes the permittee to submit the application at a later date, the permittee must submit a new, complete application on or before October 2, 2026. If the

permittee complies with the application date requirements of IDAPA 58.01.25.105, and a permit is not issued prior to the permit's expiration date, the permit must remain in force as stipulated in IDAPA 58.01.25.101.02.

#### **4.2.3 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.

#### **4.2.4 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.

#### **4.2.5 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. In order to attain proper operation and maintenance, facility operations must be overseen by an appropriately licensed operator per IDAPA 58.01.16.203. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. The O&M manual required in section 4.1.2 describes how the facility will ensure proper operation and maintenance. 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.

#### **4.2.6 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.

#### **4.2.7 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.

#### **4.2.8 Duty to Provide Information**

The permittee must furnish to DEQ, within the time specified in the request, 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. The permittee must submit the total population served or Annual Equivalent Dwelling Unit (EDU) Report to DEQ through the IPDES E-Permitting System by May 31 each year. This information is used to calculate the facility's annual fee. DEQ has determined the facility is a minor facility. The facility's annual fee will be assessed in accordance with the fee schedule in IDAPA 58.01.25.110.02.

#### **4.2.9 Inspection and Entry**

Pursuant to Idaho Code §39-108, the permittee must 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 at reasonable times to and copy 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.

#### **4.2.10 Retention of Records**

The permittee must retain records of all monitoring information, including all calibration and maintenance records, all original strip chart recordings for continuous monitoring instrumentation, electronic data files for continuous monitoring instruments, copies of all reports required by this permit, copies of DMRs, a copy of the IPDES permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report, or application. The permittee's sewage sludge use and disposal activities must be retained for a period of at least five (5) years or longer as required by 40 CFR 503. The retention period may be extended at DEQ's request at any time.

#### **4.2.11 Signatory Requirements**

All applications, reports, or information submitted to DEQ must be signed and certified as follows:

1. All permit applications must be signed as follows:
  - a. For a corporation, by a responsible corporate officer as specified in IDAPA 58.01.25.090.
  - b. For a partnership or sole proprietorship, by a general partner or the proprietor, respectively.
  - c. For a municipality, or other public agency, by either a principal executive officer or ranking elected official
2. Any report or information required by this permit, a notice of intent, monitoring and reporting provisions, and any other information requested by DEQ 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 due to a change in staffing or personnel for the overall operation of the facility, a new authorization satisfying the requirements of IDAPA 58.01.25.090.01 must be submitted to DEQ before or together with any report, information, or application to be signed by an authorized representative.
  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).

#### **4.2.12 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 notices as required under sections 2.2.7 and 2.2.8 of this permit if the bypass was unanticipated.

If the permittee knows in advance of the need for a bypass, it must submit a prior written anticipated bypass notification through the IPDES E-Permitting System, if possible at least ten (10) days before the date of the bypass. DEQ may approve an anticipated bypass, after

considering its adverse effects, if the director determines that it will meet the conditions in this permit.

A bypass that does not cause effluent limits to be exceeded is allowed to occur and is not subject to the notice requirements in section 2.2.7 and 2.2.8, but only if it also is for essential maintenance to assure efficient operation.

#### **4.2.13 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 cause(s) 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 2.2.7 and 2.2.8; and
  - d. The permittee timely complied with any remedial measures required under section 4.2.4.
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.

#### **4.2.14 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 must 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 must be guilty of a misdemeanor and upon conviction thereof must 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 must be guilty of a misdemeanor and upon conviction thereof

must 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 must 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.

#### **4.2.15 Planned Changes**

The permittee must give written notice to DEQ through the IPDES E-Permitting System as soon as possible of any planned physical alterations or additions to the permitted facility whenever any of the following occurs:

1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in IDAPA 58.01.25.101 and 58.01.25.120.
2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants that are not subject to effluent limits in this permit.
3. The alteration or addition results in a significant change in the permittee's sludge use or disposal practices, and such alteration, addition, or change may justify the application of permit conditions that are different from or absent in the existing permit, including notification of additional use or disposal sites not reported during the permit application process or not reported pursuant to an approved land application site or sludge management plan.

#### **4.2.16 Anticipated Noncompliance**

The permittee must give written advance notice to DEQ through the IPDES E-Permitting System of any planned changes in the permitted facility or activity that may result in noncompliance with this permit.

#### **4.2.17 Toxic Pollutants**

The permittee must comply with effluent standards or prohibitions established under Section 307(a) for toxic pollutants and with standards for sewage sludge use or disposal established under Clean Water Act Section 405(d), IDAPA 58.01.25.380 (Sewage Sludge), and IDAPA 58.01.16.650 "Wastewater Rules," within the time provided in the regulations that establish those standards or prohibitions, or standards for sewage sludge use or disposal, even if this permit has not yet been modified to incorporate the requirement.

## **4.2.18 Permit Modification**

### **4.2.18.1 Causes to Modify Permits**

This permit may be modified either at the request of any interested person, including the permittee, or by DEQ's initiative for reasons specified in IDAPA 58.01.25.201.02. Only those conditions being modified must be reopened when a draft permit is prepared (IDAPA 58.01.25.201.01). The request for permit modification or a notification of planned changes to the permit does not stay any permit condition (IDAPA 58.01.25.300.06).

### **4.2.18.2 Sewage Sludge Standard Changes**

This permit may be reopened to include any applicable standard for sewage sludge use or disposal promulgated under Section 405(d) of the Clean Water Act. DEQ may modify or revoke and reissue this permit if the standard for sewage sludge use or disposal is more stringent than any requirements for sludge use or disposal in the permit, or controls a pollutant or practice not limited in the permit.

## **4.2.19 Omitted/Erroneous Information**

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

## **4.2.20 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, 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.

## **4.2.21 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 to change the name of the permittee, and may incorporate such other requirements as may be necessary under IDAPA 58.01.25.202.

## **4.2.22 State Laws**

Nothing in this permit must 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 58.01.16 and 58.01.17.

## 5 Definitions

8-hour composite sample	A combination of discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a facility over an 8 hour period. The permit may specify the number of aliquots and/or the time between aliquots that the facility must composite. Samples may be acquired using an auto-sampler or directly collected from the sampling location by an operator. Composite of samples can be based on flow or time.
24-hour composite sample	A combination of discreet sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location over a 24-hour period. The composite may be flow or time proportional. The sample aliquots must be collected and stored in accordance with 40 CFR 136.
aliquot	A sample taken as a portion of a larger whole sample for chemical analysis.
biosolids	Organic materials resulting from the treatment of domestic sewage in a treatment facility.
bypass	The intentional diversion of waste streams from any portion of a treatment facility
composite sample	A sample derived from two or more discrete aliquots (samples) collected at equal time intervals or collected proportional to the flow rate over the compositing period. See also "24-hour composite sample" and "8-hour composite sample".
daily average	An average of all continuously monitored data recorded in one calendar day.
daily discharge	The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limits expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with limits expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.
daily maximum	The largest daily value recorded or calculated over the reporting period; alternatively, the limit established above which an excursion occurs.
Idaho Department of Environmental Quality (DEQ)	The entity responsible for implementing the Idaho Pollutant Discharge Elimination System program.
Director	The director of DEQ, or an authorized representative
Discharge Monitoring Report (DMR)	The facility or activity report containing monitoring and discharge quality and quantity information and data required to be submitted periodically, as defined in the discharge permit.
DMR Month	The final month of a completed reporting period
United States Environmental Protection Agency (EPA)	The Agency responsible for implementation of the clean water act (CWA) and oversight of state NPDES programs.
geometric mean	The $n^{\text{th}}$ root of a product of $n$ factors, or the antilogarithm of the arithmetic mean of the logarithms of the individual sample values
grab sample	An individual sample collected over a period not exceeding 15 minutes
Idaho Pollutant Discharge Elimination System (IPDES)	The Idaho program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and enforcing

	pretreatment requirements, under IDAPA 58.01.25 and the Clean Water Act Sections 307, 402, 318, and 405
indirect discharge	The introduction of pollutants into a PrOTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act
indirect discharger	A nondomestic discharger introducing pollutants to a publicly or privately owned treatment works
industrial user (IU)	A source of "indirect discharge" to a publicly or privately owned treatment works
instantaneous maximum	The maximum allowable concentration or other measure of a pollutant determined from the analysis of any discrete or composite sample collected, independent of the flow rate and the duration of the sampling event.
instantaneous minimum	The minimum allowable concentration or other measure of a pollutant determined from the analysis of any discrete or composite sample collected, independent of the flow rate and the duration of the sampling event.
interference	A discharge that, alone or in conjunction with a discharge or discharges from other sources, both (1) inhibits or disrupts the PrOTW, its treatment processes or operations, or its sludge processes, use or disposal and (2) therefore, is a cause of a violation of any requirement of the PrOTW's IPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
maximum daily average	The maximum of the daily averages for the reporting period.
maximum weekly average	The maximum of the weekly average of all data collected/recorded during a calendar week.
method detection limit (MDL)	The minimum concentration of a substance (analyte) that can be measured and reported with 99% confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
minimum level (ML)	Either the sample concentration equivalent to the lowest calibration point in a method or a multiple of the method detection limit (MDL), whichever is higher. Minimum levels may be obtained in several ways: They may be published by method; they may be the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a laboratory, by a factor of 3.
monthly average (average monthly) effluent limit (AML)	Monthly average effluent limit is the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.
monthly total	The total of all waste accepted in a calendar month.

National Pollutant Discharge Elimination System (NPDES)	The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the Clean Water Act
pass-through	A discharge that exits the PrOTW into waters of the United States in quantities or concentrations that, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the PrOTW's IPDES permit (including an increase in the magnitude or duration of a violation).
quality assurance project plan (QAPP)	The QAPP documents the results of a project's technical planning process, providing in one place a clear, concise, and complete plan for the environmental data operation and its quality objectives and identifying key project personnel.
recorded	A recorded parameter can be collected using an automated recording device (data logger, SCADA, pressure transducer, etc.) or can be manually recorded in a log reading from another measurement device (stage gage, float valve visual, or any other permanently installed equipment that does not record automatically).
reporting period	Frequency that monitoring results are required to be reported (see DMR Month definition).
sewage sludge	Any solid, semisolid, or liquid residue removed during the treatment of wastewater. Sewage sludge includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment, scum, septage, portable toilet pumpings, type III marine sanitation device pumpings (33 CFR 159), and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during the incineration of sewage sludge.
sufficiently sensitive	<ul style="list-style-type: none"> <li>• The method minimum level is at or below the level of the applicable water quality criterion or permit limit for the measured pollutant or pollutant parameter; or</li> <li>• In the case of permit applications, the method minimum level is above the applicable water quality criterion, but the amount of the pollutant or pollutant parameter in a facility's discharge is high enough that the method detects and quantifies the level of the pollutant or pollutant parameter in the discharge; or</li> <li>• The method has the lowest minimum level of the EPA-approved analytical methods for the parameter.</li> </ul>
upset	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.
weekly average (average weekly) effluent limit (AWL)	Weekly average effluent limit is the highest allowable average of "daily discharges" over a calendar week, calculated as the sum of all "daily discharges" measured during a calendar week divided by the number of "daily discharges" measured during that week.



## Appendix A. Significant Figures and Place Values

The table below lists the significant figures for effluent limits in this permit and the minimum place value for DMR reporting and IPDES E-Permitting system submissions. Significant figure reporting conventions can be found in the IPDES User's Guide to Permitting and Compliance Volume 1 – General information (DEQ 2017).

Parameter	Limit Set	Significant Figures	Minimum place value (X)	Units
Biochemical Oxygen Demand (BOD <sub>5</sub> )	Monthly Average Concentration	2	X.0	mg/L
	Weekly Average Concentration	2	X.0	mg/L
	Monthly Average Load	2	0.X	lb/day
	Weekly Average Load	2	0.X	lb/day
	Percent Removal	2	X.0	%
Total Suspended Solids (TSS)	Monthly Average Concentration	2	X.0	mg/L
	Weekly Average Concentration	2	X.0	mg/L
	Monthly Average Load	2	0.X	lb/day
	Weekly Average Load	2	0.X	lb/day
	Percent Removal	2	X.0	%
<i>E. coli</i>	Monthly Geometric Mean	3	X.0	#/100mL
pH	Instantaneous Maximum	2	0.X	s.u.
	Instantaneous Minimum	2	0.X	s.u.
Phosphorus, Total as P	Maximum Daily Concentration	2	0.0X	mg/L
	Monthly Average Load	3	0.00X	lb/day
Ammonia, Total as N	Monthly Average Concentration	2	0.X	mg/L
	Maximum Daily Concentration	2	0.X	mg/L
	Monthly Average Load	2	0.0X	lb/day
	Maximum Daily Load	2	0.0X	lb/day