




MEMORANDUM

TO: Jess Byrne, Director, Department of Environmental Quality

THROUGH: Mary Anne Nelson, Administrator, Surface and Wastewater Division 

FROM: Kerry Neil, Wastewater Permits Bureau Chief

DATE: 12/01/2025

SUBJECT: Administrative Continuance and No Action Assurance for the IPDES General Permit for Stormwater Discharges Associated with Industrial Activity in Idaho (IDR050000)

The current Idaho Pollutant Discharge Elimination System (IPDES) Multi-Sector General Permit (MSGP) for Stormwater Discharges Associated with Industrial Activity in Idaho (referred to as the "2021 MSGP") that was issued by the U.S. Environmental Protection Agency expires at 11:59 pm on February 26, 2026, will be administratively continued, where the Idaho Department of Environmental Quality (DEQ) is the permitting authority outside of Tribal boundaries in Idaho. The succeeding permit (referred to as the "New 2026 MSGP") is still being drafted and may not be issued prior to February 26, 2026, expiration of the 2021 MSGP. The New 2026 MSGP is estimated to be effective by the end of April 2026.

- Operators with coverage under the 2021 MSGP will automatically be granted administrative continuance of permit coverage and are required to continue to comply with the 2021 MSGP after its expiration.
- New operators beginning operations after February 26, 2026, that have not submitted a Notice of Intent (NOI) to be covered by the 2021 MSGP prior to its expiration will not be able to obtain general permit coverage until the New 2026 MSGP is issued.

In areas within Idaho where DEQ is the IPDES permitting authority, DEQ is providing a No Action Assurance for operators who have not submitted an NOI to be covered by the 2021 MSGP and who intend to commence activities between February 26, 2026, and the effective date of the New 2026 MSGP.

This No Action Assurance establishes that DEQ may exercise enforcement discretion to not pursue civil or administrative enforcement action against applicants for violations of the Clean Water Act's prohibition against the discharge of pollutants except in conformance with an NPDES permit, 33 U.S.C. § 1311, if the operator is approved for and complies with all conditions of the 2021 MSGP.

DEQ believes that a No Action Assurance will not have an adverse impact on human health and the

environment because operators are required to meet all conditions of the 2021 MSGP except for submittal of a NOI by February 26, 2026, as the permit has been administratively continued.

No Action Assurance Conditions

This exercise of enforcement discretion is subject to the following conditions:

1. Eligibility: Any new operator must meet the 2021 MSGP eligibility criteria (Part 1 of the permit);
2. Prior Notification to DEQ: Prior to commencing activities, the new operator must provide DEQ 30-days advance notice of their status and their intention to operate in accordance with the 2021 MSGP by submitting to DEQ a completed 2021 MSGP NOI to:

IPDES-MSGP@deq.idaho.gov

Idaho Department of Environmental Quality
1410 N. Hilton St.
Boise, Idaho 83706

3. Compliance: Any new operator must satisfy all requirements of the 2021 MSGP, except for submittal of an NOI before February 26, 2026, as the permit has been administratively continued.
4. Obtain Coverage: An operator covered by this No Action Assurance that intends to continue activities after the effective date of the 2026 MSGP must submit an NOI to be covered by the New 2026 MSGP within 90 days following its effective date.

This No Action Assurance does not apply to criminal violations or situations where circumstances exist that may cause serious harm or that may present an imminent and substantial endangerment to public health or the environment. DEQ also reserves the right, at any time, to exercise its discretion to address a specific discharge should circumstances warrant. This No Action Assurance will terminate at 11:59 pm Mountain Time 90 days after the effective date of the New 2026 MSGP.

APPROVAL:



12/22/2025

Jess Byrne, Director

Date

Department of Environmental Quality