

Idaho Pollutant Discharge Elimination System

User's Guide to Permitting and Compliance
Volume 4—General Permits Excluding Storm
Water

State of Idaho
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Table of Contents

Acronyms, Abbreviations, and Symbols	iii
1 Introduction—General Permits Excluding Storm Water.....	1
1.1 Purpose and Scope.....	1
1.2 Relationship to Existing Rules and Guidance	1
1.2.1 Clean Water Act	2
1.2.2 Rules Regulating the IPDES Program	2
1.2.3 Idaho Water Quality Standards.....	2
1.3 Legislative and Regulatory Citations	2
1.4 Time Computation.....	3
1.5 Hyperlinks	3
2 Notice of Intent	3
2.1 Owner and Operator Information	4
2.2 Facility or Activity Location and Description.....	4
2.3 Discharge Approval.....	5
3 Public Participation.....	5
4 Ground Water Remediation General Permit.....	7
4.1 Permit Coverage	7
4.1.1 Permit Eligibility	7
4.1.2 Facilities Ineligible for Coverage	7
4.1.3 Individual Permit Requirements	7
4.1.4 Receiving Waters	8
4.1.5 Waiver to Discharge to Excluded Receiving Waters	8
4.1.6 Discharge Authorization.....	8
4.1.7 Notice of Intent Requirements.....	9
4.1.8 Effluent Limitations.....	11
4.1.9 Whole Effluent Toxicity Testing Requirements.....	12
4.1.10 Special Conditions	12
4.2 DEQ Notice of Intent Processing	14
4.3 Technology-Based Effluent Limits Development.....	15
4.4 Public Participation	15
4.5 Permit Compliance and Inspection.....	15
5 Drinking Water Treatment Facilities General Permit.....	15
5.1 Permit Coverage	15
5.1.1 Permit Eligibility	16
5.1.2 Facilities Ineligible for Coverage	16

5.1.3	Notice of Intent Requirements.....	16
5.1.4	Special Conditions.....	19
5.2	DEQ Notice of Intent Processing.....	20
5.3	Technology-Based Effluent Limits Development.....	20
5.4	Public Participation.....	20
5.5	Permit Compliance and Inspection.....	20
6	Aquaculture—Concentrated Aquatic Animal Production and Fish Processors Associated with Aquaculture Facilities General Permits.....	21
6.1	Permit Coverage.....	21
6.1.1	Permit Eligibility.....	21
6.1.2	Facilities Ineligible for Coverage.....	22
6.1.3	Notice of Intent Requirements.....	22
6.1.4	Special Conditions.....	22
6.2	Inactive Status.....	24
6.3	DEQ Notice of Intent Processing.....	24
6.4	Technology-Based Effluent Limits Development.....	24
6.4.1	Aquaculture Facilities—Permits IDG130000 and IDG131000.....	24
6.4.2	Fish Processing Facilities—Permit IDG132000.....	25
6.5	Water Quality-Based Effluent Limits Development.....	25
6.6	Final Effluent Limits and Trading.....	25
6.7	Public Participation.....	26
6.8	Permit Compliance and Inspection.....	26
7	Concentrated Animal Feeding Operations General Permit.....	26
7.1	Permit Coverage.....	26
7.1.1	Permit Eligibility.....	27
7.1.2	Facilities Ineligible for Coverage.....	31
7.1.3	Notice of Intent Requirements.....	32
7.1.4	Nutrient Management Plan.....	33
7.1.5	Agricultural Storm Water Exemption for Permitted CAFO.....	34
7.2	DEQ Notice of Intent Processing and Public Participation.....	34
7.3	Technology-Based Effluent Limits Development.....	36
7.3.1	Effluent Limit Guidelines for Animal Sectors.....	36
7.3.2	New Source CAFOs.....	37
7.3.3	Technology-Based Requirements for the Production Area of Large CAFOs.....	38
7.3.4	Technology-Based Requirements for the Land Application Area of Large CAFOs.....	39
7.4	Permit Compliance and Inspection.....	40
7.5	Special Conditions.....	40
7.5.1	Nutrient Management Plan.....	41

7.5.2	Facility Closure.....	41
7.5.3	Requirements for Transfer of Manure, Litter, and Process Wastewater to Other Persons	41
7.5.4	Liner Requirements	41
7.5.5	Wastewater or Manure Storage Structure Dewatering	41
7.5.6	Spills	41
7.5.7	Employee Training	42
8	Pesticide General Permit.....	42
8.1	Permit Coverage	42
8.1.1	Permit Eligibility	42
8.1.2	Facilities Ineligible for Coverage	43
8.2	Authorization Requirements.....	45
8.2.1	Notice of Intent Requirements.....	45
8.2.2	Pesticide Discharge Management Plan.....	45
8.3	DEQ Notice of Intent Processing	46
8.4	Technology-Based Effluent Limits Development.....	46
8.4.1	Decision Maker's Responsibilities	46
8.4.2	Applicator's Responsibilities.....	47
8.5	Water Quality-Based Effluent Limits Development	47
8.6	Additional Conditions	47
8.6.1	Conditions Applicable to All Pesticide Use Patterns	47
8.6.2	Conditions Applicable to Applications of Aquatic Chemical Pesticides	47
8.7	Record Keeping and Annual Reporting	49
8.8	Public Participation	49
8.9	Permit Compliance and Inspection.....	49
9	Small Suction Dredge Mining General Permit.....	50
9.1	Permit Coverage	50
9.1.1	Waters Closed by General Permit.....	50
9.1.2	IDWR Letter Permit	50
9.1.3	Permit Eligibility	51
9.1.4	Equipment Requirements.....	51
9.1.5	Notice of Intent Requirements.....	51
9.2	DEQ Notice of Intent Processing	52
9.3	Technology-Based Effluent Limits Development.....	52
9.3.1	Pollutants of Concern and Pollution.....	52
9.3.2	Best Management Practices	52
9.4	Special Conditions.....	55
9.5	Public Participation	56

9.6 Permit Compliance and Inspection.....	56
10 Potential Future General Permits.....	56
References.....	56
Key Terms.....	58
Endnotes: IDAPA and CFR References	59

Acronyms, Abbreviations, and Symbols

§	section (usually a section of federal or state rules or statutes)	L	liter
AFO	animal feeding operation	mg	milligram
BMP	best management practice	NMFS	National Marine Fisheries Service
CAAP	concentrated aquatic animal production	NMP	nutrient management plan
CAFO	concentrated animal feeding operation	NOI	notice of intent
CFR	Code of Federal Regulations	NODI	no data indicator (codes)
COC	chemical of concern	NPDES	National Pollutant Discharge Elimination System
CWA	Clean Water Act	NSPS	new source performance standard
DEQ	Idaho Department of Environmental Quality	NTU	nephelometric turbidity unit
DMR	discharge monitoring report	PDMP	pesticide discharge management plan
DWGP	drinking water general permit	PGP	pesticide general permit
ELG	effluent limit guideline	QA	quality assurance
eNOI	electronic Notice of Intent (EPA)	QAPP	quality assurance project plan
EPA	US Environmental Protection Agency	QC	quality control
ESA	Endangered Species Act	SDMGP	suction dredge mining general permit
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act	TBEL	technology-based effluent limit
GWGP	ground water remediation general permit	TMDL	total maximum daily load
IDAPA	Idaho Administrative Procedures Act	TSS	total suspended solids
IDWR	Idaho Department of Water Resources	US	United States
IPDES	Idaho Pollutant Discharge Elimination System	USACE	US Army Corp of Engineers
ISDA	Idaho State Department of Agriculture	USGS	US Geological Survey
		VOC	volatile organic compound
		WET	whole effluent toxicity
		WQBEL	water quality-based effluent limit

1 Introduction—General Permits Excluding Storm Water

The Idaho Department of Environmental Quality's (DEQ's) Idaho Pollutant Discharge Elimination System (IPDES) Program developed permitting and compliance guides to help the regulated community and other public users understand the IPDES permitting and compliance process. This *Idaho Pollutant Discharge Elimination System User's Guide to Permitting and Compliance Volume 4—General Permits Excluding Storm Water* (User's Guide Volume 4) provides assistance to entities seeking coverage under one of the IPDES general permits, excluding storm water, for complying with DEQ administrative rules, Idaho Code, and the Clean Water Act (CWA), which govern the discharge of pollutants to waters of the United States in Idaho.

General permits are authorized under IDAPA 58.01.25.130 and are a permitting instrument that may be used within a geographic area such as sewer districts or authorities; city, county, or state political boundaries; state highway systems; standard metropolitan statistical areas; urbanized areas designated by the US Census Bureau or any other appropriate division or combination of boundaries. General permits are useful to reduce the overall regulatory burden on the state and regulated community when discharges involve the following:

- The same or substantially similar types of operations.
- The same types of wastes or engage in the same type of sludge use or disposal practices.
- The same effluent limitations, operating conditions, or standards for sewage sludge use or disposal.
- The same or similar monitoring.

1.1 Purpose and Scope

As a reference for successfully navigating the IPDES permitting and compliance process for general permit (excluding storm water) facilities, this guide is designed to help the regulated community (applicants and permittees) and other users with the following:

- Understand general permit-specific IPDES application processes and notice of intent (NOI) requirements.
- Comply with all processes, protocols, and requirements of IPDES general permits.

1.2 Relationship to Existing Rules and Guidance

The User's Guide Volume 4 supports implementation of the CWA and federal regulations and Idaho Code, administrative rules, and guidance. The guide complies with Idaho's "Water Quality Standards" (IDAPA 58.01.02), "Wastewater Rules" (IDAPA 58.01.16), "Recycled Water Rules" (IDAPA 58.01.17), and "Rules Regulating the IPDES Program" (IDAPA 58.01.25).

This User's Guide Volume 4 supplements the *Idaho Pollutant Discharge Elimination System User's Guide to Permitting and Compliance Volume 1—General Information* (User's Guide Volume 1) (DEQ 2017a) and addresses specific topics and circumstances relating to general permits excluding storm water that are not described in Volume 1 or other IPDES guidance.

While this guide provides direction, DEQ may adjust permit-specific conditions to address sector or geographic location-specific concerns and conditions. The guide does not replace or change any requirements under state or federal rules and regulations, but it does identify and reference relevant regulations, policy, and other guidance documents. The CWA, federal code, and Idaho Code and administrative rules supporting the IPDES Program are provided in the User's Guide Volume 1, section 2 (DEQ 2017a).

1.2.1 Clean Water Act

The Federal Water Pollution Control Act (or CWA) is the primary US law addressing pollutants in receiving waters (e.g., streams, rivers, lakes, and reservoirs). The CWA was originally enacted in 1948 and was revised by amendments in 1972 (P.L. 92-500), 1977 (P.L. 95-217), 1981 (P.L. 97-117), and 1987 (P.L. 100-4). The CWA requires controls on discharges to meet the statutory goal of eliminating the discharge of pollutants under the National Pollutant Discharge Elimination System (NPDES) permit program.

1.2.2 Rules Regulating the IPDES Program

IDAPA 58.01.25 establishes procedures and requirements for issuing and maintaining permits for facilities or activities required by Idaho Code and the CWA to obtain authorization to discharge pollutants to waters of the United States. In these rules and guidance, permits are referred to as *IPDES permits* or *permits*.

1.2.3 Idaho Water Quality Standards

Water quality standards are comprised of the water quality goals for a water body, the criteria necessary to achieve those goals, and an antidegradation requirement. The federal rules regulating water quality standards (40 CFR 131) describe state requirements and procedures for developing standards and US Environmental Protection Agency (EPA) procedures for reviewing and, where appropriate, promulgating standards. IDAPA 58.01.02 was developed according to these federal requirements. Water quality-based effluent limits (WQBELs) in IPDES permits are a mechanism to achieve and maintain water quality standards in Idaho's receiving waters.

As part of complying with Idaho's water quality standards, an antidegradation review is necessary for general permits. In the fact sheet, IPDES general permits will describe how the general permit meets the requirements of the antidegradation policy¹ and implementation². More information on the process for conducting an antidegradation review is found in the draft *Idaho Antidegradation Implementation Procedures* (DEQ 2012).

1.3 Legislative and Regulatory Citations

The following conventions are used to cite legislation and regulations:

- Idaho Code—Title of the code follow by the code citation: "Approval of State NPDES Program" (Idaho Code §39-175C). After initial use, the code is referred to by the citation (e.g., Idaho Code §39-175C).
- Idaho Administrative Rules—Title of the rule is followed by the rule citation: "Rules Regulating the Idaho Pollutant Discharge Elimination System Program."

(IDAPA 58.01.25). After initial use, the rule is referred to by the rule citation (e.g., IDAPA 58.01.25).

- Code of Federal Regulations—Initial and subsequent references to CFRs use the regulation citation (e.g., 40 CFR 136).
- US Code—Initial and subsequent references to US code use the code citation (e.g., 16 U.S.C. §1531 et seq. or 33 U.S.C. §§1251–1387).
- Clean Water Act—Title of the act is followed by the act citation: Clean Water Act section 402 (e.g., CWA §402). After initial use, the act is referred to by the act citation (e.g., CWA §402).

Most regulatory citations in this guide are from IDAPA 58.01.25 and 40 CFR. Other rules and regulations are referenced in full citation when initially used. Applicable IDAPA and CFR references are included as endnotes after the appendices.

1.4 Time Computation³

References to days represent calendar days, unless otherwise specified (e.g., business days). In computing any period of time scheduled to begin after or before the occurrence of an activity or event, the date of the activity or event is not included. The last day of the period is included, unless it is a Saturday, Sunday, or legal holiday, in which case the period runs until the end of the next day (which is not a Saturday, Sunday, or holiday). When a party or interested person is served by mail, 3 days are added to the prescribed time.

1.5 Hyperlinks

Websites referenced in this guide appear in blue italics and are hyperlinked. These sites provide supplementary information that can be accessed in printed and electronic versions. These website addresses are current; however, the hyperlinks may change or become outdated after publication.

2 Notice of Intent

An applicant seeking discharge coverage under an IPDES general permit must submit an NOI to obtain coverage for discharges to waters of the United States. The required content of an NOI is found in the specific general permit. All NOIs must include, but are not limited to, the following:

- Legal name and address of the owner or operator
- Facility or activity name and physical address
- Facility or discharge type
- Receiving water body

Idaho rules require that when a facility or activity is owned by one person but operated by another, the operator is obligated to obtain a permit.⁴ This guidance will refer to the operator's responsibilities to acquire coverage under an IPDES general permit; however, if the operator and owner are the same, the requirements will apply to the owner.

2.1 Owner and Operator Information

Information identifying the legal entity owning the facility or activity is required on all applications:

- Owner's name (company, corporation, or municipality)
- Certifying signatory person's name and title
- Mailing address
- Phone number
- Email address
- Federally issued employee identification number

Similarly, information regarding the operator must be provided:

- Operator's name (company, corporation, or municipality)
- Whether the operator is also the owner of the facility or activity
- Mailing address
- Phone number
- Email address
- Operator's employee identification number

2.2 Facility or Activity Location and Description

The facility's or activity's physical location and description must be identified and submitted as part of the electronic NOI information, including, but not limited to, the following:

- Facility or activity location (latitude and longitude at the entrance, if applicable)
- Outfall locations (latitude and longitude)
- Township, range, and section
- County
- Whether it lies on Indian lands
- Site-specific requirements identified in the permit (e.g., Standard Industrial Classification codes)
- Type of discharge
- Expected nature of the discharge
- Potential for toxic and conventional pollutants in the discharges
- Expected volume of the discharges (if known)
- Other means of identifying discharges covered by the permit
- Estimated number of discharges to be covered by the permit
- Facility or activity status as federal, state, private, public, or other

A map of the area extending one-quarter mile outside the facility's or activity's property boundary should be supplied with the application. This map should indicate the following:

- Area surrounding all unit processes (topographic if available) extending one-quarter mile past the property boundary
- Influent and effluent pipes and structures
- Springs or other surface water bodies

- Drinking water wells within 1 mile of the property—indicate the direction and distance to the well or include a map with a larger extent.
- Areas where sludge, manure, or other solid biologically degradable waste is produced, stored, treated, or disposed.
- Areas assigned to receive, store, treat, or dispose of hazardous waste.

2.3 Discharge Approval

Each general permit specifies the deadlines for submitting NOIs for coverage and the process for authorizing a discharge. Applicants may be authorized to discharge⁵ through the following methods:

1. Upon DEQ's receipt of the NOI
2. After waiting a prescribed amount of time
3. On a specific date identified in the general permit
4. Upon the applicant's receipt of a notification from DEQ

In some circumstances, submitting an NOI may be inappropriate, and DEQ may not require the submittal of an NOI. DEQ will consider the type, expected nature, potential for toxic and conventional pollutants, expected volume, and the estimated number of dischargers before making this determination. In these instances, DEQ may consider other means for identifying the dischargers covered by the permit.

If an owner/operator of a facility eligible for coverage under a general permit does not wish to be covered under the general permit, a request for an exclusion should be submitted to DEQ.⁶ The request must include a supporting rationale and be submitted within 90 days after the general permit is issued. If DEQ grants the request, an individual permit will be issued following the process and procedures for an individual permit. The general permit's applicability is automatically terminated on the effective date of the individual permit.

DEQ may also require the facility owner/operator to apply for an individual IPDES permit by notifying the owner/operator in writing.⁷ This notice will include a rationale for the decision, statement identifying the time for the application to be filed, and statement that the general permit coverage will automatically terminate upon the effective date of the individual permit. The owner/operator may appeal DEQ's decision.⁸

3 Public Participation

The public participation process for an IPDES permit (either individual or general permit) is identified in the IPDES rules⁹ and outlined in the *Idaho Pollutant Discharge Elimination System Public Participation in the Permitting Process* (DEQ 2016b). An overview of this process is outlined below. Public participation is encouraged and general permits along with fact sheets will be published for public comment. When DEQ knows the entities proposed for coverage under a general permit, they will be included in the public participation process at the time the general permit is drafted. Some general permits are open to applicants to seek coverage after the general permit has been issued. In those instances, the NOI or parts of the NOI may be submitted for

public comment depending on the nature of the general permit. Each chapter specific to a general permit will detail the specific public participation processes for that permit.

As discussed in User's Guide Volume 1, Section 5 "Stakeholder Coordination," DEQ will work with current and prospective general permittees and keep them informed during the general permit development process, including developing the NOI requirements for a general permit. Before formal public notice of a draft IPDES general permit, DEQ will post a notice for the forthcoming draft general permit on DEQ's website. After completing a draft general permit and associated NOI requirements, DEQ will issue a public notice, initiating a minimum 30-day public review and comment period. This public notice is provided by a combination of mailings, press releases, or other methods that reasonably give notice to the persons potentially affected, including the following:

- Applicants
- Any other agency that has issued or is required to issue a permit for the same facility or activity
- Affected federal and state agencies with jurisdiction over fish, shellfish, wildlife, and other natural resources (including downstream states or Canada), State Historic Preservation Office, and any affected Indian tribe
- Any state agency responsible for plan development under CWA, US Army Corp of Engineers (USACE), US Fish and Wildlife Service, and National Marine Fisheries Service (NMFS)
- Any user identified in the permit application of a privately owned treatment works
- Any person who requested to be on a mailing list
- Any local government having jurisdiction over the area where the facility is proposed to be located
- Each state agency having any authority under state law with respect to the construction or operation of the facility

If any written recommendations from a state or Indian tribe whose waters may be affected by issuing an IPDES permit are not included in the final permit, DEQ will notify the affected state and EPA of its decision not to include the recommendations and provide the rationale.

Requests for extending a public comment period must be provided to DEQ in writing before the last day of the comment period. The draft permit and fact sheet describing the terms of the permit will be available during the public comment period. DEQ may schedule a public meeting on the draft permit if significant public interest exists, an interested party requests in writing a public meeting within the first 14 days of the public comment period, or for another good reason.

In some general permits, entities covered under the permit are identified when the permit is published for public comment. In other instances, entities seeking coverage are not identified but may be subject to public participation procedures when coverage is requested. The concentrated animal feeding operation (CAFO) general permit requires a 30-day public notice and comment period when a facility seeks coverage. Other general permits do not have the same public notice and comment requirements. Each chapter discusses the specific approval and public participation process.

4 Ground Water Remediation General Permit

Currently, Idaho has one ground water remediation general permit (GWGP) (IDG911000). DEQ believes a general permit is appropriate for ground water remediation facilities because they are located within the same geographic area, involve the same or substantially similar types of operations, discharge the same types of waste, require the same effluent limits or operating conditions, and require the same or similar treatment technologies or monitoring requirements.

4.1 Permit Coverage

In ground water remediation facilities, operators conduct *ex-situ* ground water remediation activities, such as pump and treat or seepage water collection systems in which treated ground water is discharged to waters of the United States within Idaho. Operators of construction/excavation dewatering activities, building dewatering, and aquifer pump testing that occur at designated or known contaminated sites are also eligible for coverage under the GWGP, subject to the limitations and conditions of the permit.

4.1.1 Permit Eligibility

Facility operators conducting *ex-situ* operations that discharge to waters of the United States within Idaho are eligible for coverage under the GWGP. The permit covers six existing facilities in Idaho discharging remediated ground water into waters of the United States. Facility operators seeking coverage under the GWGP should apply using the IPDES E-Permitting system (under development) or use the application instructions in section 4.1.7.

4.1.2 Facilities Ineligible for Coverage

Facilities ineligible for coverage under the IPDES GWGP include the following:

- Facilities associated with an on-scene coordinator emergency response action
- Facilities associated with a federal Superfund cleanup action
- Facilities associated with mining operations
- Pretreatment facilities
- Underground injection control program-permitted facilities
- *In-situ* treatment facilities
- Facilities authorized under another appropriate NPDES permit

The GWGP provides more information on facilities ineligible for coverage. DEQ may determine a facility should be covered by an individual permit rather than the general permit. Any permittee eligible for coverage under the general permit may request an individual permit.

4.1.3 Individual Permit Requirements

If a discharger is eligible or authorized by a GWGP, DEQ may require the discharger to apply for an individual IPDES permit when the following applies:

- The discharger is not in compliance with the general permit.
- A change has occurred in the availability of the demonstrated technology or practices for the control or abatement of pollutants applicable to the point source.

- Effluent limitation guidelines are promulgated for the ground water remediation facility.
- A total maximum daily load (TMDL) containing requirements applicable to the point source is approved.
- The discharge is a significant contributor of pollutants.

4.1.4 Receiving Waters

The permittee must identify the receiving water and its beneficial uses in their NOI. The GWGP authorizes discharge of specific pollutants to waters of the United States within Idaho, except for the following:

- Receiving waters not supporting their designated uses as identified in DEQ's most recent EPA-approved Integrated Report (sections 4(a), 4(b), 4(c) and 5: "Impaired Waters") if the discharge contains the pollutant for which the water body is impaired and contributes to the impairment
- Waters designated as Tier 2 "high quality" waters in the Idaho's water quality standards
- Outstanding resource water (ORW)
- Receiving waters within 100 yards upstream of, or within, a tribal reservation or designated Indian country inside Idaho
- Receiving waters designated under the Wild and Scenic Rivers Act
- Receiving waters where federally listed threatened, endangered, or candidate species, or designated or proposed critical habitat, pursuant to the Endangered Species Act (ESA) are present, or to any receiving waters determined to be essential fish habitat under the Magnuson-Stevens Fishery Management and Conservations Act
- Receiving waters within one-half mile upstream of a permanent drinking water intake for a municipality

4.1.5 Waiver to Discharge to Excluded Receiving Waters

An applicant can apply for authorization to discharge to receiving waters excluded from permit coverage. They must submit a complete request for the waiver with their NOI. The GWGP provides more information on the requirements for submitting a waiver. The request must include a description of the circumstances requiring a discharge to the excluded water and any alternatives considered, a description of why the discharge will not cause or contribute to a violation of Idaho's water quality standards, and any other relevant information. DEQ will consider each case on its individual merit before authorizing the discharge under the general permit.

4.1.6 Discharge Authorization

Operators of new facilities covered by the general permit will be authorized to discharge as of the date of written notification. A permittee authorized to discharge under the GWGP must submit an updated and/or amended NOI when information submitted in the original NOI changes. The authorization to discharge is subject to the limitations in the permit and does not include spills or other unintentional or nonroutine discharges of pollutants not part of the facility's regular operation. DEQ will send a letter to the permittee when authorization is granted.

4.1.7 Notice of Intent Requirements

NOIs should be submitted through the IPDES E-Permitting system when it is updated to include general permits. Until the IPDES E-Permitting system is updated, permittees should submit a hard copy of the NOI including any waiver requests or other necessary information. In addition to the information described in the GWGP, the applicant must submit additional information as described below.

4.1.7.1 Facility Information

Operators of facilities applying for coverage under the GWGP must identify the category their facility or activity conforms to. The permit describes six general facility categories. The category chosen will determine the sampling data required to be submitted with the NOI.

- A-1: Gasoline Only Sites
- A-2: Fuel Oils (and Other Oils) Only Sites
- A-3: Mixed Petroleum Sites Containing Other Contaminants
- B-1: Volatile Organic Compound (VOC) Only Sites
- B-2: VOC Sites with Other Contaminants
- B-3: Sites Containing Primarily Metals

4.1.7.2 Operations and Production Information

The NOI must include a drawing of the water flow through the facility with a water balance and a description of any chemical additives or biocides used in the treatment process. Safety data sheets must be included for these chemicals.

4.1.7.3 Pollutant Characterization

The NOI must include the laboratory analytical results for three rounds of influent and effluent sampling of each chemical of concern (COC) requiring limits in the self-identified ground water remediation facility category. The categories are described in section 4.1.7.1. Instead of submitting results for the COCs, a facility may choose to submit a full priority pollutant scan (40 CFR 122.21, Appendix D) for the influent and effluent samples from the ground water remediation facility.

New facility operators that have not yet discharged must include the remedial action treatment system design criteria and/or the anticipated effluent concentrations of all COCs known to be present in the effluent.

Facility operators can use EPA Form 2E as a template to submit the required data to DEQ, or may use a data table of their own to submit the required data. The NOI must include sampling data for all COCs for the facility category, as described in the GWGP, Tables 1–6.

The facility operator must submit the nature of the ground water contamination, its origination, and include the Standard Industrial Classification code of the industry that caused the ground water pollution (if applicable).

4.1.7.4 Discharge Description

A description of the discharge including the design flow of the facility in gallons per day and the anticipated duration of continuous discharge is required. If the effluent is expected to be batch discharged, provide the schedule of the batch discharges. If no schedule of discharge is provided, it is assumed the discharge is continuous.

The notice also must include the minimum, maximum, and average temperature of the discharge, and the corresponding time of year when each occur.

4.1.7.5 Receiving Water Information

Applicants must identify the name of the receiving water to which they discharge. For example, if the discharge is into a canal that flows into an unnamed tributary, which in turn flows into a named river, provide the name or description (if no name is available) of the canal, tributary, and river. To identify the receiving waters, click on Idaho's Integrated Report interactive map link on DEQ's website or contact IPDES staff for assistance. The name of the receiving water and beneficial uses associated with the receiving water must be included in the NOI.

Additional receiving water information should be provided:

- The name of any water bodies within 1 mile downstream of the discharge and the beneficial uses of those water bodies.
- Any federally listed threatened, endangered, or candidate species in the receiving water.
- The minimum and maximum measured flow in cubic feet per second of the receiving water and any other receiving water within 100 yards downstream. Include critical low flows (i.e., 1Q10, 7Q10, and 30Q5) and how they were calculated, if available. The Idaho Department of Water Resources (IDWR) and United States Geological Survey (USGS) have flow data available for parts of Idaho.
- Whether the receiving water is identified as impaired on the most recent EPA-approved Integrated Report, and if it is, whether the discharge is expected to contain any pollutants listed on the Integrated Report.
- Any public water drinking sources within 0.5 mile downstream of the discharge.

If the permittee requests a waiver to discharge to a receiving water excluded under the general permit, a timely and complete request for the waiver is required with the NOI. This request must include detailed descriptions of the circumstances requiring a discharge to an excluded water body and why the discharge will not cause or contribute to a violation of Idaho's water quality standards. If federally listed threatened, endangered, or candidate species are present, the applicant must provide information demonstrating there will be no adverse effect on species in the receiving water or degradation of the quality of the receiving water.

4.1.7.6 Mixing Zone Request

Mixing zones may be allowed on a case-specific basis if requested by the applicant. If a mixing zone is authorized for a general permittee, each pollutant and associated mixing zone for flowing waters or surface area for nonflowing water bodies will be described. The permit writer will use the *Idaho Pollutant Discharge Elimination System Effluent Limit Development Guidance*, section 3.4.3 (DEQ 2017b) and *Idaho Mixing Zone Implementation Guidance* (DEQ 2016c) to develop

the mixing zone criteria, when appropriate. The permittee must monitor and report the effluent and, in most instances, the background receiving water concentration of all pollutants with authorized mixing zones. Monitoring and reporting requirements are included in the effluent and receiving water monitoring sections of the permit.

If the applicant wants to request a mixing zone, they must provide a request in writing. The request must include analytical results for all COCs in the receiving water body immediately upstream of the influence of the discharge. If more data are available, it should be submitted with the NOI. Low flow statistics for the receiving water body must be calculated, and the analysis should indicate how those statistics were generated. Calculations for a dilution factor for the receiving water body should be provided.

The applicant must include a statement along with the NOI that the owner/operator of the facility will not use dilution as a form of treatment to comply with the concentration-based effluent limits in the GWGP.¹⁰

4.1.7.7 Additional Information

DEQ may request any additional information to evaluate whether the discharge is consistent with the authorization criteria under the GWGP.

4.1.8 Effluent Limitations

The standard effluent limitations applicable to all IPDES permits are contained in the GWGP:

- Do not discharge hazardous materials in concentrations that pose a threat to public health or impair the beneficial uses of the receiving water.
- Do not discharge chemicals or toxic pollutants in concentrations that impair the beneficial uses of the receiving water.
- Do not discharge deleterious materials in concentrations that impair the beneficial uses of the receiving water.
- Do not discharge floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or that may impair the beneficial uses of the receiving water.
- Do not discharge excess nutrients that can cause visible slime growth or other nuisance aquatic growths impairing beneficial uses of the receiving water.
- Comply with the effluent limits for all COCs that pertain to the self-identified category of ground water remediation facility.
- Dilution of effluent as a form of treatment, or as a means to comply with concentration-based effluent limitations, is prohibited.
- Do not discharge sediment in quantities that impair beneficial uses.
- pH values must not be less than 6.5 standard units or greater than 9.0 standard units.
- Use a sufficiently sensitive analytical method for all effluent monitoring.

In addition to these limitations, six tables in the GWGP, one for each category of ground water remediation facility, contain the COCs and their associated limits.

4.1.9 Whole Effluent Toxicity Testing Requirements

Whole effluent toxicity (WET) is the aggregate toxic effect an effluent has on the receiving water and is measured directly using an aquatic toxicity test. These tests are laboratory experiments that measure the biological effect (e.g., survival, growth, or reproduction) of effluents or receiving water on aquatic organisms. In aquatic toxicity tests, groups of organisms of a particular species are held in test chambers and exposed to different concentrations of an aqueous test sample. Observations are made at predetermined times to test the effect of exposure on the aquatic organisms. At the end of the test, the responses of the test organisms are used to estimate any toxic impacts from the effluent.

The GWGP contains WET testing requirements for noncontinuous, intermittent, and seasonal discharges as well as for continuous discharges. If a facility discharges continually for ≥ 1 hour in any 24-hour period, a WET test, as described in the GWGP testing section, must be conducted.

4.1.10 Special Conditions

4.1.10.1 Quality Assurance Project Plan

All operators of facilities seeking coverage under the GWGP must develop (or update) and implement a quality assurance project plan (QAPP) that conforms to the quality assurance/quality control (QA/QC) requirements of 40 CFR 136.7 for all monitoring required by the permit. The QAPP should be consistent with *EPA Requirements for Quality Assurance Project Plans: QA/R-5* (EPA 2001) and *Guidance for Quality Assurance Project Plans: QA/G-5* (EPA 2002).

The QAPP must be retained on site and made available to DEQ upon request.

4.1.10.2 Best Management Practices Plan

The permittee must develop and implement a best management practices (BMP) plan that incorporates practices to achieve the objectives and specific requirements listed in the permit. Review the *Guidance Manual for Developing Best Management Practices (BMP)* (EPA 1993) for more information.

The BMP plan should be an iterative process the permittee uses to prevent or minimize the generation and the potential for release of COCs. Written notification of all new or altered BMP plans must be provided to DEQ by the authorized signatory official for the facility or activity.

New permittees must implement their BMP plan before any discharge and provide notification to DEQ, certified by the authorized signatory official for the facility or activity. Permittees with coverage under the existing GWGP must update their BMP plans when changes occur and notify DEQ an update was made.

BMP plan requirements include the following:

- Number and quantity of COCs and the toxicity of the effluent generated, discharged, or potentially discharged.

- Permittee must ensure the proper operation and maintenance of water management and wastewater treatment systems, and the control of the discharge or potential release of COCs to the receiving water.
- Evaluation for the control of COCs:
 - Each facility component or system must be examined for waste minimization opportunities and for the potential to cause a release of significant amounts of COCs.
 - If a reasonable potential exists for equipment failure or natural conditions or other circumstances resulting in significant amounts of pollutants reaching surface waters of the United States, the plan should predict the direction, rate of flow, and total quantity of pollutants that could be released as a result of each condition or circumstance.

The GWGP requires the BMP plan to adhere to the following:

- Written in narrative form and include any necessary system schematics, drawings, or maps, and developed according to good engineering practices.
- Organized and written with the following structure:
 - Statement of BMP policy
 - Name and location of the facility or activity
 - Description of potential pollutant sources
 - Specific management practices and standard operating procedures
 - Modification of equipment, facilities, technology, processes, and procedures
 - Reformulation or redesign of products
 - Substitution of materials
 - Improvement in management, inventory control, materials handling, or general operational phases of the facility
 - Risk identification and assessment of discharges
 - Reporting of BMP failures
 - Materials compatibility
 - Good housekeeping
 - Preventative maintenance and repair
 - Inspections
 - Security
 - Record keeping and reporting
 - Employee training
 - Prior evaluations of any planned modification
 - Any final constructed site plans drawings and maps
- Establish specific BMPs
 - Proper management of solid and hazardous waste
 - Requirements for air emissions
- Include the following minimum BMPs:
 - Ensure solids, sludges, or other pollutants removed during treatment or control of water and wastewaters are disposed in a manner that prevents any pollutant from the materials from entering waters of the United States
 - Minimize ground water remediation system upsets
 - Reduce spillage and leaks from the remediation system
 - Use local containment devices

The permittee must maintain a copy of the BMP plan on site and amend the BMP plan whenever a change occurs in the facility and/or related activities increase the generation of COCs or their release or potential release. The BMP plan must be reviewed annually by the plant manager and appropriate staff, and a statement must be submitted to DEQ certifying the annual review occurred.

Implementing the BMP plan should prevent or minimize the generation and potential release of pollutants from the ground water remediation facility to waters of the United States through normal operations and ancillary activities and ensure the methods of pollution prevention, control, and treatment will be applied to all wastes and other substances discharged.

4.1.10.3 Methylmercury Monitoring Requirements

Methylmercury monitoring is required for all permittees. The goal of the monitoring plan is to determine if fish concentrations of methylmercury are compliant with Idaho's fish tissue criterion of 0.3 milligrams per kilograms.

Methylmercury monitoring plans should include the following:

- Location where fish tissue samples will be collected, at least one location upstream of the discharge and at least one location downstream
- Name and address of the organization collecting and analyzing fish tissue samples
- Sample target species, sample number and size, timing of sample collection, and all essential fish collection, handling, and shipping information
- All protocols related to sample preparation methods and analytical methods to be used
- QA/QC section identifying the techniques for sample collection and handling

Monitoring for methylmercury must occur within the time frame specified in the permit, currently within 2 years of the effective date of the permit or permit coverage. Monitoring must continue at least once every 2 years. After three cycles of sampling, the frequency may be decreased.

In conjunction with fish tissue sampling, water column mercury sampling is required. Results of the water column monitoring must be submitted to DEQ and any other agencies specified in the permit.

4.1.10.4 Methylmercury Minimization Plan

A methylmercury minimization plan is not included in the existing permit, although it is referenced in the fact sheet. This section may be required in the permit if methylmercury is detected in the discharge. A methylmercury minimization plan should be developed according to the *Implementation Guidance for the Idaho Mercury Water Quality Criteria* (DEQ 2005) and *Guidance for Implementing the January 2001 Methylmercury Water Quality Criterion* (EPA 2001).

4.2 DEQ Notice of Intent Processing

Upon receipt of an NOI, DEQ will review the supplied materials and notify the applicant if coverage is granted, denied, or if additional information is required. If coverage is not granted,

DEQ will advise the applicant on the appropriate course of action, such as applying for an individual permit.

4.3 Technology-Based Effluent Limits Development

Technology-based effluent limits (TBELs) require a minimum level of treatment of pollutants based on the available treatment technologies. These TBELs are incorporated into permits either by relying on national effluent limitation guidelines and standards established by EPA or using best professional judgement. EPA has not developed an effluent limit guideline (ELG) for ground water remediation facilities, or similar facilities. TBELs for the GWGP were developed based on best professional judgement. EPA reviewed multiple documents when determining TBELs including, but not limited to, the previous permit, ELGs for facilities that may have caused the contamination, and Idaho's rules.

4.4 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft GWGP is developed. Additional guidance on the process is outlined in the User's Guide Volume 1 (DEQ 2017a).

For NOIs received after the GWGP has been issued, DEQ will publish a notice that an owner of a facility is seeking coverage under this permit.

4.5 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector (User's Guide Volume 1, section 9 [DEQ 2017a]). DEQ compliance monitoring is expected to be conducted on 5% of facilities annually. DEQ compliance monitoring activities are described in the *Idaho Pollutant Discharge Elimination System Compliance Monitoring Strategy* (DEQ 2017c). Nothing precludes EPA from conducting an inspection independent of DEQ.

5 Drinking Water Treatment Facilities General Permit

This section discusses permits for drinking water treatment facilities. Currently, Idaho has one drinking water treatment facilities general permit (DWGP) (IDG380000).

5.1 Permit Coverage

The DWGP provides CWA coverage for specific facilities that discharge treated wastewater from water treatment filtration processes (i.e., filter backwash, sedimentation/presedimentation wash-down, sedimentation/clarification, or filter to waste) and their delivery systems to surface waters in Idaho. Specific facility eligibility and limitations on the facility type are provided below.

5.1.1 Permit Eligibility

Eligibility for coverage under the DWGP includes facilities using drinking water treatment filtration processes and their delivery systems. The wastewater discharges covered under the general permit may include microfiltration, coagulation/sedimentation with filter backwash storage/treatment, and coagulation/sedimentation without filter backwash storage/treatment. Process flows contributing to the discharge include filtration reject water, filter backwash, decant sludge dewatering, influent screen backwash, and miscellaneous waste streams (e.g., processed potable water and wastewater from water supply pipeline and tank disinfection). Currently, seven facilities are covered under the general permit.

5.1.2 Facilities Ineligible for Coverage

Drinking water treatment facilities not covered under this permit use batch regenerated potassium permanganate iron removal, sodium zeolite softening, or reverse osmosis. Facilities that discharge to a receiving water and use any of these listed process should seek an individual permit. Facilities with a discharge that is 100 yards or less upstream from either a state or international boundary or Indian reservation boundary are not covered under this general permit. Any facility discharging to receiving waters designated as either an ORW by the Idaho Legislature or under the Wild and Scenic Rivers Act is not eligible for coverage under this general permit. As of 2019, no designated ORWs exist in Idaho. A facility discharging to a receiving water with an EPA-approved TMDL that does not appear in Appendix C is ineligible for coverage under the DWGP.

5.1.3 Notice of Intent Requirements

All operators of facilities covered under a currently effective DWGP must submit an NOI 180 days before expiration of the permit. If a facility is owned by one company or person and operated by another company or person, the operator is responsible for submitting the NOI. Owner/operators of multiple drinking water facilities must submit a complete NOI for each facility.

A new discharger seeking coverage under the DWGP must submit an NOI 180 days before the anticipated start of discharge. Operators of new facilities denied coverage under this permit will be directed to apply for an individual permit. Operators of new facilities applying for coverage under the DWGP that would discharge to a receiving water with an EPA-approved TMDL, may be included in Appendix C of the permit once DEQ determines it is appropriate and after the public comment period.

The DWGP outlines 11 sections required for the NOI. Currently, EPA does not have a standard NOI form so applicants must submit a legible document containing all 11 sections. NOIs and related application materials must be submitted electronically through the IPDES E-Permitting system. DEQ will develop an NOI form within the IPDES E-Permitting system that provides the required information so it is clear to applicants and to increase efficiency of processing the NOIs.

5.1.3.1 Facility Information

The NOI must contain the following information:

- Facility name, address, and telephone number—Indicate if the facility is located in Indian country. Indicate if the facility name has changed within the last 5 years. If the name has changed, provide the previous name and the date of the change.
- Location map of the facility with the map resolution of at least 1:24,000—The map should identify all wells, springs, other surface water bodies and drinking water wells located within the map area. If a USGS map is used, provide the title and catalog number.
- Plant's physical location and locations of all outfalls with latitude and longitude with accuracy within 15 seconds of a degree. New facilities should include the date the facility will start discharging (date should be no sooner than 180 days after the NOI is submitted).
- List all permits or construction approvals received or applied for under any of the following programs:
 - Hazardous Waste Management under the Resource Conservation and Recovery Act
 - Underground Injection Control Program under the Safe Drinking Water Act
 - Prevention of Significant Deterioration program under the Clean Air Act
 - Any other relevant environmental permits under the CWA, Clean Air Act, or state law.

The facility information section should identify the water rights number assigned by IDWR and provide any ESA listing determinations (if any) related to the receiving waters.

5.1.3.2 Operations and Production Information

The NOI must include a flow diagram defining the path water flows through the facility. Provide a system water balance that includes any operations contributing wastewater to the effluent and all treatment units. If a water balance cannot be determined, provide a pictorial description of the nature and amount of any water sources and collection and treatment measures used at the facility.

5.1.3.3 Pollutant Characterization

Existing facilities must submit a data table with the NOI, summarizing the pollutants present within the effluent. The facilities must submit data on pollutant concentrations in a separate spreadsheet or a text-format electronic file.

New drinking water facilities applying for coverage under the DWGP must submit the treatment system design criteria and/or the anticipated effluent concentrations of all known pollutants expected to be present.

5.1.3.4 Discharge Description

In the NOI, include the following information on the drinking water treatment system's discharge:

- In the discharge description, provide the design flow in gallons per day and the overall continuous duration of the discharge. If the discharge is not continuous, provide the schedule of discharge and the duration of the batch discharges. If not indicated, DEQ will assume the discharge is continuous.

- When available, provide the temperature of the discharge, including the minimum, average, and maximum temperatures and corresponding times of year when they occur.

5.1.3.5 Receiving Water Information

In the NOI, include the following information on the receiving water:

- Name of the receiving water body and any other receiving water within 1 mile downstream of the discharge.
- Designated beneficial uses of the water from IDAPA 58.01.02.110–160. Idaho's water quality standards are found at <https://adminrules.idaho.gov/rules/current/58/580102.pdf>.
- Presence of any federally listed threatened, endangered, or candidate species in the receiving water. Information is on the US Fish and Wildlife Service's web page at <https://www.fws.gov/endangered/>.
- Minimum and maximum measured flow of the receiving water in cubic feet per second. If adequate flow data are available, the NOI should include critical low flow values (e.g., 1Q10 and 7Q10) and how they were calculated. Stream flow data are available from the USGS's National Water Information System database and/or the IDWR stream gage database.
- Indicate if the receiving water has been included on the state's §303(d) list of impaired water bodies. If so, indicate what pollutant impairments are listed and state whether any of the pollutants discharged by the facility cause or contribute to the listing.

5.1.3.6 Mixing Zone Request

For operators of facilities requesting a mixing zone, additional information must be submitted in the NOI:

- Result of at least one ambient background sample analyzed for each pollutant for which a mixing zone is requested. Collect the samples from the receiving water immediately upstream of the outfall. Include any additional receiving water data in the mixing zone request.
- Applicable receiving water critical low flows and the source of the flow data. Calculate dilution factors according to the IPDES Effluent Limit Development Guidance, Equation 25 (DEQ 2017b). The dilution factor calculations must be approved by DEQ.

The NOI must include a statement from the owner/operator that the facility will not use dilution to comply with effluent limits.¹¹

5.1.3.7 Additional Information

The applicant can provide additional information for DEQ to consider when processing the NOI. DEQ may also request additional information to evaluate if the facility's discharge can comply with the DWGP criteria.

5.1.3.8 Signatory Requirements

The NOI must be signed by the principle owner/operator and must include the following statement:

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.

5.1.4 Special Conditions

5.1.4.1 Quality Assurance Project Plan

All operators of facilities seeking coverage under the DWGP must develop (or update) and implement a QAPP that conforms to the QA/QC requirements of 40 CFR 136.7 for all monitoring required by the permit. The QAPP should be consistent with *EPA Requirements for Quality Assurance Project Plans: QA/R-5* (EPA 2001) and *Guidance for Quality Assurance Project Plans: QA/G-5* (EPA 2002).

The QAPP must be retained on site and made available to DEQ upon request.

5.1.4.2 Best Management Practices Plan

BMPs prevent or reduce the discharge of pollutants to waters of the United States. BMPs focus on good housekeeping measures and good management techniques to avoid contact between pollutants and water as a result of leaks, spills, and improper waste (e.g., solid, liquid, and hazardous) disposal. The permittee must operate the facility according to the BMP plan to prevent or minimize the generation and potential release of pollutants from the facility.

The minimal requirements for the BMP are found in the DWGP, section III.B.

BMPs or BMP plans may include the following:

- Methods or processes to minimize the number and quantity of pollutants and the toxicity of effluent generated, discharged, or potentially discharged from the facility
- Evaluations for pollutants of concern
- Prohibitions of practices
- Maintenance procedures
- Treatment requirements
- Operating procedures and practices to control
 - Plant site runoff
 - Spillage or leaks
 - Sludge or waste disposal
 - Drainage from raw material storage areas

The permittee must maintain a copy of the BMP plan on site and amend the BMP plan when a change occurs in the facility and/or when related activities increase COC generation or their release or potential release. The BMP plan must be reviewed annually by the plant manager and appropriate staff.

Implementing the BMP plan should prevent or minimize the generation and the potential for release of pollutants from the drinking water treatment facility to waters of the United States

through normal operations and ancillary activities and ensure methods of pollution prevention, control, and treatment will be applied to all wastes and other substances discharged.

5.2 DEQ Notice of Intent Processing

Upon receipt of an NOI, DEQ will review the supplied materials and notify the applicant if coverage is granted, denied, or if additional information is required. If coverage is not granted, DEQ will advise the applicant on the appropriate course of action, such as applying for an individual permit.

5.3 Technology-Based Effluent Limits Development

EPA has not developed an ELG for drinking water facilities but has identified an ELG as a candidate for rulemaking. The TBEL for total suspended solids (TSS) is based on best professional judgment and follows the effluent limits set in existing individual water treatment facilities permits. EPA also relied on a study of 76 individual water treatment plants and found the 95th-percent occurrence of monthly average and the 99th-percent occurrence of daily average for TSS were 28.1 milligrams per liter (mg/L) and 44.4 mg/L, respectively. Further analysis found the best practicable control technology currently available was equal to the best conventional pollutant control technology. TSS limits were set at 30 mg/L for the monthly average and 45 mg/L for the daily average.

5.4 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft DWGP is developed. Additional guidance on the process is outlined in the User's Guide Volume 1 (DEQ 2017a).

For NOIs received after the DWGP has been issued, DEQ will publish a notice that a facility owner is seeking coverage under the DWGP. The public notification and participation process will include a public comment period on the applicant's coverage under the DWGP and the associated limits based on the information provided in the NOI.

5.5 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector (User's Guide Volume 1, section 9 [DEQ 2017a]). DEQ compliance monitoring is expected to be conducted on 5% of facilities annually. DEQ compliance monitoring activities are described in the IPDES Compliance Monitoring Strategy (DEQ 2017c). Nothing precludes EPA from conducting an inspection independent of DEQ.

6 Aquaculture—Concentrated Aquatic Animal Production and Fish Processors Associated with Aquaculture Facilities General Permits

Fish processing facilities and concentrated aquatic animal production (CAAP) facilities are defined in IDAPA 58.01.25.010 as a “hatchery, fish farm, or other facility which meets the criteria in Appendix C of 40 CFR Part 122, or which the Department designates under 40 CFR 122.24(c).” Currently, Idaho has two CAAP general permits (IDG130000 and IDG131000). The fish processing facilities are permitted under IDG132000.

6.1 Permit Coverage

The CAAP general permits (IDG130000 and IDG131000) cover production facilities for cold water and warm water species. Fish processing facility discharges are authorized under permit IDG132000.

6.1.1 Permit Eligibility

Eligibility requirement for coverage under the CAAP and/or fish processors general permits is explained below.

6.1.1.1 Aquaculture Facilities Meeting Criteria in 40 CFR 122, Appendix C

Facilities eligible for coverage under these general permits must discharge pollutants to surface waters of the United States during at least 30 days per year. The facility must contain, grow, or hold fish in raceways, ponds, or other similar structures and meet at least one the following criteria:

- For cold water aquatic species, the facility must produce 20,000 pounds or more of cold water aquatic species per year and feed at least 5,000 pounds of food in any one calendar month.
- For warm water aquatic species, the facility must produce more than 100,000 pounds of warm water aquatic species per year.

6.1.1.2 Aquaculture Facilities Designated as CAAP on a Case-by-Case Basis under 40 CFR 122.24(c)

A facility not meeting the above requirements may still be required to seek coverage if DEQ determines the facility is a significant contributor. After an on-site visit, DEQ will consider the following when determining if a facility is a significant contributor:

- Location and quality of the receiving water
- Holding, feeding, and production capacities of the facility
- Quantity and nature of the pollutants discharged
- Other relevant factors, such as TMDL determinations for the watershed

6.1.1.3 Fish Processors Associated with Aquaculture Facilities in Idaho—Permit IDG132000

Fish processing facilities in Idaho associated with aquaculture facilities process fish for packaging and distribution. Fish processing facilities covered under this general permit receive live fish from CAAP or smaller facilities and maintain the fish alive until processing. Pollutants discharged to the receiving water resulting from facility processes, waste streams, and normal operations identified in the NOI are the pollutants of concern in the general permit.

6.1.2 Facilities Ineligible for Coverage

DEQ may require a facility to seek coverage under an individual permit if the conditions in section 6.1.1 are not met or if any of the following apply:

- The single discharge is, alone or with others, a significant contributor of pollutants.
- The permittee is not in compliance with the terms and conditions of the general permit.
- Circumstances have changed since the request for coverage, and the discharger is no longer appropriately controlled under the general permit.
- A new TMDL was completed for a water body, or a segment of a water body and the waste load allocation is not incorporated into the general permit.

EPA will remain the permitting authority for facilities located within Indian country. These facilities will not transfer to state authority on July 1, 2020.

6.1.3 Notice of Intent Requirements

CAAP facilities and fish processors associated with aquaculture facilities must submit an NOI by the dates specified in the general permits. Currently, the NOI forms and required information are in Appendix A of the 2007 NPDES general permits. As DEQ gains primacy over the general permits, NOIs will be submitted electronically. DEQ is working with EPA on developing an electronic form that will be located in EPA's NeT electronic reporting system. Facilities seeking coverage will log into EPA's NeT to fill out an electronic NOI. If a permit has been administratively continued for substantial amount of time, facilities seeking coverage may be required to submit an updated NOI to reflect operational changes.

6.1.4 Special Conditions

6.1.4.1 Quality Assurance Project Plan

All operators of facilities seeking coverage under the CAAP and fish processors general permits must develop (or update) and implement a QAPP that conforms to the QA/QC requirements of 40 CFR 136.7 for all monitoring required by the permits. The QAPP should be consistent with *EPA Requirements for Quality Assurance Project Plans: QA/R-5* (EPA 2001) and *Guidance for Quality Assurance Project Plans: QA/G-5* (EPA 2002).

The QAPP must be retained on site and made available to DEQ upon request.

6.1.4.2 Best Management Practices Plan

BMP plans prevent or reduce the discharge of pollutants to waters of the United States. BMPs focus on good housekeeping measures and good management techniques to avoid contact between pollutants and water as a result of leaks, spills, and improper waste (e.g., solid, liquid, and hazardous) disposal. Permittees are required by the permit to operate the facility according to the BMP plan to prevent or minimize the generation and potential for release of pollutants from the facility. For more information on BMPs, refer to the *Idaho Waste Management Guidelines for Aquaculture Operations* at http://www.deq.idaho.gov/media/488801-aquaculture_guidelines.pdf

Each aquaculture general permit has specific requirements for BMP plans, which vary by permit. Refer to the BMP requirement section within each permit for these requirements.

BMPs or BMP plans may include the following:

- Record keeping
- Chemical storage
- Structural maintenance
- Training requirements
- Operational requirements:
 - Minimize the discharge of unconsumed food.
 - Clean and maintain treatment equipment to prevent bypass.
 - Exclude fish from quiescent zones, full-flow, and off-line settling basins. Fish that have entered these areas must be removed as soon as practicable.
 - Use of all approved drugs and pesticides must follow the applicable label direction except for other conditions established in the respective permits under specific drug and other chemical use requirements.
 - Use procedures to prevent chemicals, disinfectants, or cleaning agents from discharging to waters of the United States.
 - Develop procedures to remove mortalities from raceways on a regular basis.
 - Develop and implement procedures to collect, store, and dispose of solid wastes.

If the BMP plan calls for a modification of the existing facilities, the permittee must refer to the requirements of Idaho Code §39-118(5). Any new facility being built should refer to Idaho Code §39-118(5) and comply with the statute.

The permittee must maintain a copy of the BMP plan on site and amend the BMP plan when a change in the facility occurs and/or related activities increase the generation of pollutants or their release or potential release. The BMP plan must be reviewed annually by the facility manager and appropriate staff. A certified statement that the annual review has occurred appears in the annual report of operations, which is submitted by January 20 each year.

6.1.4.3 Annual Reporting Requirements

Annual reports are required by all three aquaculture permits. Each general permit identifies the required annual report content and is addressed in the general permit in the appendices. A certified statement that the annual review has occurred appears in the annual report of operations, which is submitted by January 20 each year.

6.2 Inactive Status

Regulatory provisions do not allow inactivation of an NPDES or IPDES aquaculture permit. In the case of temporary suspension of operations or inactivity where the facility would require permit coverage in the future, the facility should maintain its permit coverage and not submit a notice of termination. The facility must follow all monitoring and reporting requirements within the permit, including submitting discharge monitoring reports (DMR). During the shutdown period, if there is no discharge from the facility, use the no discharge (no data indicator [NODI]) code of “c” on the DMR. If a source water discharge occurs, but the facility is not operating, report a NODI code of “9” on the DMR.

6.3 DEQ Notice of Intent Processing

When CAAP or fish processor general permits are reissued, DEQ will include an existing facility with coverage under a general permit if the facility submitted a renewed NOI before the expiration of the previous general permit. The general permit will specify the date the renewal NOI must be submitted for these facilities with coverage under an existing general permit.

New facilities seeking coverage under a general permit must submit an NOI before commencing discharge. DEQ will review the NOI and notify the applicant, in writing, if coverage under the general permit is granted, denied, or if additional information is required. A new facility that is denied coverage under the general permit will need to apply for an individual permit. DEQ will advise the applicant on the appropriate course of action.

6.4 Technology-Based Effluent Limits Development

TBELs establish a minimum level of pollutant treatment based on the available treatment technologies. TBELs are incorporated into permits either by relying on national effluent limitation guidelines and standards established by EPA or using best professional judgement. Section 6.6 explains how DEQ implements TBELs and WQBELs.

6.4.1 Aquaculture Facilities—Permits IDG130000 and IDG131000

EPA developed the ELG in 2004 for cold water and warm water aquaculture facilities producing at least 100,000 pounds of aquatic species/year (40 CFR 451). While the ELG does not provide numerical effluent requirement, they do require narrative effluent limits and reporting requirements. EPA determined that BMPs for solids controls would also control other pollutants of concern when developing the ELG. The 2007 permits required all facilities to comply with the ELG requirements regardless whether or not the production threshold of 100,000 pounds was met.

In 1999, EPA Region 10 included numeric TBELs for TSS and total phosphorus in the aquaculture general permits. In 1977 the Idaho Department of Health and Welfare's Division of Environmental Quality contracted with Hydrosience Inc. and in 1984 EPA contracted with JRB Associates to provide information necessary to develop TBELs applicable to Idaho aquaculture facilities. The Idaho Policy Advisory Committee reviewed the studies and recommended incorporating new limits into Idaho's State Water Quality Management Plan. Based upon the

assessments and the actions of the advisory committee, EPA determined through best professional judgment to develop numeric TBELs for the 1999 permit. Although EPA propagated new ELG in 2004, the numeric limits were still incorporated into the 2007 permit due to antibacksliding requirements (40 CFR 122.44). In 2007, the TSS and total phosphorus limits for warm water facilities were revised based on more recent data from multiple facilities.

6.4.2 Fish Processing Facilities—Permit IDG132000

EPA developed ELGs for certain fish processing facilities. The ELGs are found at 40 CFR 408. Subpart A provides ELGs for facilities that process farm-raised catfish and may apply to any facility that seeks coverage under the fish processing general permit. Facilities constructed or modified after 1975 are subject to the ELGs.

In the 1999 permit, EPA Region 10 included numerical TBELs for TSS, 5-day biochemical oxygen demand, and oil and grease. In the 2007 permit, EPA developed additional numerical TBELs for total phosphorus and total residual chlorine. The numerical TBELs are based on best professional judgment and data collected from the facilities.

6.5 Water Quality-Based Effluent Limits Development

WQBELs are calculated using water quality standards in relation to the designated and existing beneficial uses. Water quality standards can be narrative-based and/or numeric-based (IDAPA 58.01.02).

Some facilities have WQBELs derived from TMDL waste load allocations. The TMDLs, written by DEQ's water quality staff, are designed to reduce the overall pollutant load to impaired water bodies. Wasteload allocations are assigned to each facility's discharge and used by IPDES permit writers to calculate appropriate permit limits.

6.6 Final Effluent Limits and Trading

When effluent limits are considered by the permit writer, the more protective between the WQBEL and TBEL will be applied. Final effluent limits for TSS and total phosphorus are net effluent limits. Net effluent limits are based on the net concentration (effluent - influent) of either TSS or total phosphorus, which accounts for the concentrations in the water entering the facility. In some cases, the reported number for the net concentration may be negative, indicating the facility is removing all of the pollutant produced by the facility and removing some of pollutant from the source water. When this occurs, the concentrations are lower than if the source water bypassed the facility and entered the receiving water.

Under Idaho's water quality standards,¹² pollutant trading (or water quality trading) may be conducted in conjunction with developing or implementing water quality improvement plans (i.e., TMDLs), which are designed to restore water quality-limited water bodies to meet water quality standards and support beneficial uses. A framework for phosphorus pollutant trading was developed in the 2007 IDG130000 permit for the Upper Snake-Rock subbasin (hydrologic unit code 17040212). The ratio of trading was 1:1 or 1 pound in for 1 pound out. In 2016, after reviewing an analysis done in 2014, DEQ determined this ratio was not adequate and revised the

ratio to 2:1 (a facility must purchase 2 pounds for every 1 pound to meet their limit). The buyer of credits is limited to an upper limit of the alternate TBEL for raceways and full flow settling basin discharges. The complete framework is in Appendix A of the *Water Quality Trading Guidance* (DEQ 2016a) (<http://www.deq.idaho.gov/media/60179211/water-quality-trading-guidance-1016.pdf>).

6.7 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft CAAP general permit is developed. Additional guidance on the process is outlined in the User's Guide Volume 1 (DEQ 2017a).

For NOIs received after a permit has been issued, DEQ will publish a notice that an owner/operator of a facility is seeking coverage under the permit.

6.8 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector (User's Guide Volume 1, section 9 [DEQ 2017a]). DEQ compliance monitoring is expected to be conducted on aquaculture facilities classified as major once every 2 years and all other aquaculture facilities once every 5 years. DEQ compliance monitoring activities are described in IPDES Compliance Monitoring Strategy (DEQ 2017c). Nothing precludes EPA from conducting an inspection independent of DEQ.

7 Concentrated Animal Feeding Operations General Permit

This section discusses the background of the CAFO general permit and describes the requirements for obtaining and complying with permit coverage. After transfer of general permit authority to the state on July 1, 2020, DEQ will continue general permit coverage. If an applicant believes an individual permit is more applicable in their specific situation, they may request coverage under an individual permit. DEQ may determine an applicant who submitted an NOI for general permit coverage is better served by an individual permit and will require an application for an individual permit instead.

Animal feeding operations (AFO) are facilities where “animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period and where vegetation is not sustained in the confinement area during the normal growing season.”¹³ An AFO is a CAFO if it meets the regulatory definition of a large or medium CAFO,¹⁴ or DEQ has designated it as a CAFO.¹⁵

7.1 Permit Coverage

This general permit offers coverage for discharges from CAFOs in Idaho. CAFOs are point sources subject to the IPDES permitting program if a discharge occurs to a water of the United States in Idaho, or a facility chooses to submit an NOI seeking coverage under a general permit

or an individual permit application. Discharges composed entirely of return flows from irrigated agriculture shall not require coverage under an individual or general permit (CWA §§402(l)(1)).

The CAFO general permit covers all areas of Idaho except Indian country. CAFOs in Indian country will continue to be governed by EPA after DEQ takes primacy for this sector.

7.1.1 Permit Eligibility

CAFOs must not discharge to waters of the United States unless that discharge is authorized by an IPDES permit. As an AFO increases in size, the permit requirements increase, from a medium CAFO requiring permit coverage, to a large CAFO requiring the most stringent permit coverage. To complement DEQ's leading role in jurisdictional evaluations, the Idaho State Department of Agriculture (ISDA) will provide DEQ with information about AFOs to help DEQ determine if the AFO needs coverage under an IPDES permit.

7.1.1.1 Large CAFOs

An AFO is classified as a large CAFO if it stables or confines equal to or more than the number of animals specified in Table 1 for 45 days or more in a 12-month period.

Table 1. Large CAFOs.

Number of Animals	Type of Animal
700	Mature dairy cows, whether milked or dry
1,000	Veal calves
1,000	Cattle, other than mature dairy cows or veal calves (Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs.)
2,500	Swine, each weighing 55 pounds or more
10,000	Swine, each weighing less than 55 pounds
500	Horses
10,000	Sheep or lambs
55,000	Turkeys
30,000	Laying hens or broilers, if the AFO uses a liquid-manure handling system
125,000	Chickens (other than laying hens), if the AFO uses other than a liquid-manure handling system
82,000	Laying hens, if the AFO uses other than a liquid-manure handling system
30,000	Ducks, if the AFO uses other than a liquid-manure handling system
5,000	Ducks, if the AFO uses a liquid-manure handling system

The thresholds for chicken and duck AFOs in the CAFO definitions are based on the type of litter or manure-handling system used (i.e., a liquid-manure handling system or other-than-a-liquid-manure handling system). The animal number thresholds that determine whether the system is a CAFO for chicken or duck AFOs using a liquid-manure handling system are lower than the thresholds for CAFOs that use other-than-liquid-manure handling systems.

A chicken or duck AFO is considered to have a liquid-manure handling system if it uses pits, lagoons, flush systems (usually combined with lagoons), or holding ponds, or has systems such as continuous overflow watering, where the water comes into contact with manure and litter. Chicken or duck operations that stack or pile manure are considered to have other than a liquid-

manure handling systems. These systems include those operations that remove litter from the confinement area and stockpile or store it uncovered in remote locations for even 1 day.

Duck operations are considered a liquid-manure handling system for the following:

- The ducks are raised outside with swimming areas or ponds or with a stream running through an open lot.
- The ducks are raised in confinement buildings where fresh or recycled water is used to flush the manure to a lagoon, pond, or other storage structure.

A duck operation that stacks manure or litter as described above for other dry poultry operations is considered a liquid-manure handling system.

Dry-lot duck operations include the following:

- Use confinement buildings and handle manure and litter exclusively as dry material.
- Use a building with a mesh or slatted floor over a concrete pit from which manure is scraped into a solid manure storage structure.
- Use dry bedding on a solid floor.

Dry-lot duck operations are generally considered operations that use other than a liquid-manure handling system.

7.1.1.2 Medium CAFOs

An AFO is a medium CAFO if it meets both parts of a two-part definition: (1) the number of animals confined and (2) specific discharge criteria. DEQ can designate a medium-sized AFO as a CAFO as described in section 7.1.1.5 and 7.1.1.6. If an AFO confines the number of animals listed in Table 2 for 45 days or more in a 12-month period, it meets the first part of the definition for a medium CAFO.

Table 2. Medium CAFOs.

Number of Animals	Type of Animal
200–699	Mature dairy cows, whether milked or dry
300–999	Veal calves
300–999	Cattle, other than mature dairy cows or veal calves (Cattle includes but is not limited to heifers, steers, bulls, and cow/calf pairs.)
750–2,499	Swine, each weighing 55 pounds or more
3,000–9,999	Swine, each weighing less than 55 pounds
150–499	Horses
3,000–9,999	Sheep or lambs
16,500–54,999	Turkeys
9,000–29,999	Laying hens or broilers, if the AFO uses a liquid-manure handling system
37,500–124,999	Chickens (other than laying hens), if the AFO uses other than a liquid-manure handling system
25,000–81,999	Laying hens, if the AFO uses other than a liquid-manure handling system
10,000–29,999	Ducks, if the AFO uses other than a liquid-manure handling system
1,500–4,999	Ducks, if the AFO uses a liquid-manure handling system

To be defined as a medium CAFO, actual discharge of pollutants must occur to waters of the United States. An AFO meets the discharge criteria for the second part of the medium CAFO definition if pollutants are discharged in one of the following ways:

- Into waters of the United States through a man-made ditch, flushing system, or other similar man-made device.
- Directly into waters of the United States that originate outside the facility and pass over, across, or through the facility or otherwise come into direct contact with the confined animals.¹⁶

The term *man-made device* means a conveyance (e.g., pipes, ditches, and channels) constructed or caused by humans that transports wastes (e.g., manure, litter, or process wastewater) to waters of the United States. The man-made device does not need to extend the entire distance to waters of the United States, but the structure must be sufficient enough for the discharged wastes to flow through the device. For example, a culvert is a man-made device that facilitates the flow of wastewater from one side of a road to another (and subsequently into a water of the United States). A flushing system is a device that uses fresh or recycled water to move manure from the point of deposition or collection to another location.

Tile drains in the production area are another example of a man-made device. Tile drains are underground pipes that collect subsurface water for transport away from the site. If tile drains discharge manure to waters of the United States from the production area of a medium-sized AFO, the facility meets discharge criterion for the medium CAFO. Another example is a continuous-flow-through water trough system that could discharge to waters of the United States.

The medium CAFO definition addresses discharges directly into a water of the United States, which originate outside the facility and pass over, across, or through the facility. The discharge criterion is also met if animals in confinement at an AFO come into direct contact with waters of the United States. *Production area* means part of an AFO that includes the animal confinement area, manure storage area, raw materials storage area, and waste containment areas. The animal confinement area includes, but is not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cow yards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes, but is not limited to, lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes, but is not limited to, feed silos, silage bunkers, and bedding materials. The waste containment area includes but, is not limited to, settling basins and areas within berms and diversions, which separate uncontaminated storm water. The definition also includes production facilities, such as egg-washing or egg-processing, and any area used in for storing, handling, treating, or disposing of mortalities.

7.1.1.3 Animal Numbers at Operations under Common Ownership

Under 40 CFR 122.23(b)(2), two or more AFOs under common ownership are considered one operation for the purposes of determining the number of animals at an operation if, they adjoin each other (including facilities separated only by a right-of-way or a public road), or if they use a common area or system for managing wastes. For example, operations generally meet the criterion where manure, litter, or process wastewater are commingled (e.g., stored in the same

pond, lagoon, or pile) or are applied to the same cropland. For facilities under common ownership that either adjoin each other or use a common area or system for waste disposal, the cumulative number of animals confined is used to determine if the combined operation is a large CAFO, and is used with the discharge criteria in section 7.1.1.2 to determine if the combined operation is a medium CAFO.

7.1.1.4 Operations with Multiple Animal Types

Once an operation is defined as a CAFO on the basis of a single animal type, all the manure generated by all animals confined at the operation are subject to IPDES requirements. If waste streams from multiple livestock species subject to different regulatory requirements are commingled at a CAFO, any IPDES permit for the facility must include the more stringent ELG requirements.

In situations where immature animals (e.g., heifers and swine weighing less than 55 pounds) are confined along with mature animals, determining whether the operation is defined as a CAFO depends on whether the mature or immature animals separately meet the applicable threshold. Operations that specialize in raising only immature animals (swine weighing less than 55 pounds and veal calves) have specific thresholds under the regulations. Once an AFO is defined as a CAFO, manure generated by all the animals in confinement would be addressed by the CAFO's IPDES permit if it is a permitted CAFO.

7.1.1.5 AFOs Designated as CAFOs

The NPDES regulations for CAFOs provide authority and standards for DEQ to designate any AFO as a CAFO if the AFO meets one of the criteria in 40 CFR 122.23(c)(3)(i)-(ii) and is determined to be a significant contributor of pollutants to waters of the United States. Potential CAFO designations will be considered on a case-by-case basis. AFOs that may be considered for designation include the following:

- A small AFO (i.e., confines fewer than the number of animals defined in Table 2) that meets one of the criteria in 40 CFR 122.23(c)(3)(i)-(ii) and is determined to be a significant contributor of pollutants to waters of the United States.
- An AFO that raises animals other than species identified in the regulatory definitions of large and medium CAFOs (e.g., geese, emus, ostriches, llamas, minks, bison, or alligators), satisfies one of the discharge criteria, and is determined to be a significant contributor of pollutants to waters of the United States.

7.1.1.6 Process for Designating an AFO as a CAFO

To designate an AFO as a CAFO, there must be an on-site inspection of the AFO, the AFO must satisfy one of the discharge criteria in 40 CFR 122.23(c)(3), and either EPA or DEQ must determine the AFO is a significant contributor of pollutants to waters of the United States.¹⁷ The designation should be based on accurate information. Once an operation is designated as a CAFO, it must seek coverage under an IPDES permit and develop and implement a nutrient management plan (NMP).

To determine whether an AFO is a significant contributor of pollutants to waters of the United States, DEQ considers the factors specified in 40 CFR 122.23(c)(2) (Table 3). As shown in Table

3, case-by-case designation factors are assessed during the designation inspection. The assessment of regulatory factors may be based on visual observations and water quality monitoring and other sources of relevant information. If the facility does not discharge to a water of the United States, the AFO will not be designated as a CAFO and will not require an IPDES permit.

DEQ will provide the facility with a written response describing the results of the inspection and whether the facility will be designated as a CAFO. The response will explain IPDES rules regarding coverage under an IPDES permit if it is designated. Once the facility has a reasonable opportunity to respond with any questions or concerns, DEQ will send the facility a final designation letter. The letter will indicate whether the site qualifies for the general permit or whether an individual permit application should be submitted by a specific date.

Table 3. Example factors for case-by-case CAFO designation.

Designation Factor	Example Factors for Inspection Focus
Size of the operation and amount of wastes reaching waters of the United States	Number of animals Type of feedlot surface Feedlot design capacity Waste handling/storage system design capacity
Location of the operation relative to waters of the United States	Location of water bodies Location of floodplain Proximity of production area and land application area to waters of the United States Depth to ground water, direct hydrologic connection to waters of the United States Located in an impaired watershed
Means of conveyance of animal wastes and process wastewaters into waters of the United States	Identify existing or potential man-made (including natural and artificial materials) structures that could convey waste Direct contact between animals and waters of the United States
Slope, vegetation, rainfall, and other factors affecting the likelihood or frequency of discharge of manure and process waste waters into waters of the United States	Slope of feedlot and surrounding land Type of feedlot (concrete or soil) Climate (arid or wet) Type and condition of soils (sand or karst) Drainage controls Storage structures Amount of rainfall Volume and quantity of runoff High water table Buffers
Other relevant factors	History of noncompliance Use of conservation practices to minimize nutrient transport to waters of the United States Working with US Department of Agriculture or Soil and Water Conservation District to improve operation

7.1.2 Facilities Ineligible for Coverage

DEQ may require an applicant who submitted an NOI for the general permit to apply for an individual permit instead. The following factors may influence DEQ's decision:

- Facility size
- Historical compliance problems

- Significant site-specific environmental concerns
- Areas of significant environmental concern or with particular water quality impairment
- Facilities subject to voluntary alternative performance standards for the production area
- Facilities subject to additional state requirements that apply to specific areas or operations
- Operations subject to other NPDES/IPDES permits, the complexity of which warrants consolidation of multiple types of permit into a single, comprehensive, individual permit

The following CAFOs are not eligible for coverage under the existing CAFO general permit and must instead apply for an individual permit:

- CAFOs notified by EPA or DEQ to apply for an individual permit
- CAFOs notified by EPA or DEQ that they are ineligible for coverage under the general permit due to a past history of noncompliance
- CAFOs seeking coverage that will adversely affect species federally-listed as endangered or threatened under the ESA or adversely modify critical habitats of those species
- CAFOs seeking coverage that will have the potential to affect historic properties. CAFO owners/operators must determine whether their permit-related activities have the potential to affect a property listed or eligible for listing on the National Register of Historic Places
- New dischargers and new sources to water quality impaired waters on the CWA §303(d) list, unless the owner/operator:
 - Prevents discharges that contain the pollutants for which the water body is impaired and includes documentation of the procedures used to prevent such discharges in the NMP.
 - Documents in the NMP that the pollutants for which the water body is impaired are not present at the facility.
 - Before submitting the NOI, provides DEQ with data to support the discharges are not expected to cause or contribute to an exceedance of water quality standards and documents it in the NMP.
- CAFOs with discharges subject to New Source Performance Standards (NSPS) at 40 CFR 412.
- CAFOs with discharges to a designated ORW determined by DEQ.

7.1.3 Notice of Intent Requirements

In addition to the standard information required for NOIs (section 2), the NOI for the CAFO general permit follows EPA NPDES Form 2B, or DEQ equivalent, which requires the applicant to describe the following:

- Whether the facility is a CAFO operation and/or CAFO production facility
- Whether the facility is existing or proposed
- The type and number of animals in open confinement and housed under roof
- Quantity of manure, litter, and/or wastewater production and use
- Topographic map
- Type of containment, storage, and capacity
- NMP
- Land application BMPs

Submit NOI coverage under the CAFO general permit to DEQ's State Office and the appropriate regional office. DEQ will determine if an applicant qualifies for coverage under the general permit, and if their NOI is complete. DEQ will seek comment from ISDA about the NMP and its adequacy in meeting CWA requirements.

Any CAFO seeking an IPDES permit must submit an NMP in its NOI to be covered by the general permit.¹⁸ The NMP must meet the requirements of 40 CFR 122.42(e). NMPs for large CAFOs subject to 40 CFR 412, subparts C or D must also meet the requirements of 40 CFR 412.4(c), as applicable.¹⁹ ISDA may provide additional expertise to DEQ in reviewing the NMP effectiveness for a particular facility.

An NMP is a manure and wastewater management tool that every permitted CAFO must use to properly manage discharges from production or land application areas. The requirements for an NMP are discussed in section 7.1.4, and in the IPDES general permit (IDG010000).

7.1.4 Nutrient Management Plan

An NMP is a detailed planning document identifying conservation practices and management activities that, when implemented, help to ensure both production and natural resource protection goals are achieved.

As part of a CAFO permit, the NMP must include, at a minimum, BMPs necessary to achieve the nine minimum requirements of 40 CFR 122.42(e)(1)(i)-(ix) and other effluent limits and standards, to the extent applicable.²⁰ The minimum measures that apply to both the production and land application areas consist of the following:

- Ensure adequate storage of manure, including procedures for ensure proper operation and management of the storage facility.
- Manage mortalities to ensure they are not disposed of in a liquid manure, storm water, or process wastewater storage or treatment system not specifically designed to treat animal mortalities.
- Ensure clean water is diverted, as appropriate, from the production area.
- Prevent direct contact of confined animals with waters of the United States.
- Ensure chemicals and other contaminants handled on site are not disposed of in any manure, litter, process wastewater, or storm water storage or treatment system unless specifically designed to treat such chemicals and other contaminants.
- Identify appropriate site-specific conservation practices to be implemented, including buffers or equivalent practices, that control runoff of pollutants to waters of the United States.
- Identify protocols for testing manure, litter, process wastewater, and soil.
- Establish protocols to land apply manure, litter, or process wastewater according to site-specific nutrient management practices to ensure appropriate agricultural use of the nutrients in the manure, litter, or process wastewater.
- Identify specific records that will be maintained to document the implementation and management of the minimum elements described above.

CAFOs must submit a site-specific NMP to DEQ as part of their NOI when seeking permit coverage. DEQ may seek comment from ISDA on submitted NMPs, and DEQ may require the

CAFO operator change its NMP before permit coverage is granted.²¹ Once coverage is granted, the permittee must implement the NMP approved by DEQ.

7.1.5 Agricultural Storm Water Exemption for Permitted CAFO

All permits issued to CAFOs that land apply manure must contain terms and conditions that, when implemented, ensure all precipitation-related discharges from land application are composed entirely of agricultural storm water. CWA §502(14) excludes agricultural storm water discharges from the definition of a point source. The CAFO regulations establish when a discharge from a land application area under the control of a CAFO is considered exempt agricultural storm water, as opposed to a point source discharge from the CAFO. A precipitation-related discharge from a CAFO's land application area is considered agricultural storm water only when the manure was applied according to site-specific nutrient management practices that "ensure appropriate agricultural utilization of the nutrients" in the manure to be applied.²² For CAFOs, the agricultural storm water exemption applies only to discharges from land application areas. Discharges occurring during dry weather can never be discharges of agricultural storm water.

Criteria for site-specific nutrient management practices for land application are specified in 40 CFR 122.42(e)(1)(vi)-(ix). For permitted CAFOs, the permit must provide the "site-specific nutrient management practices" that will be implemented for each requirement of 40 CFR 122.42(e)(1)(vi)-(ix). Under 40 CFR 122.42(e)(1)(vii), all permitted CAFOs must establish field-specific application rates for manure. The site-specific land application rates are established as enforceable terms in the facility's NPDES permit following either the linear approach described in 40 CFR 122.42(e)(5)(i), or the narrative rate approach described in 40 CFR 122.42(e)(5)(ii).

7.2 DEQ Notice of Intent Processing and Public Participation

The NPDES regulations for CAFOs establish public participation requirements to ensure adequate opportunity for public review of both a CAFO's NMP and the terms of the NMP that will be incorporated into the permit before any CAFO may obtain authorization to discharge under an NPDES general permit.²³ In addition to the initial public comment period provided for the general permit itself, a second round of public notice and comment is necessary when a CAFO applies for coverage under the general permit. This CAFO-specific application process provides the public an opportunity to review the CAFO's site-specific NMP and provide comment to DEQ.²⁴

DEQ must review the NOI submitted by a CAFO owner/operator to ensure the NOI includes the information required by IDAPA 58.01.25.130.05.vi. The NOI must include an NMP that meets the requirements of 40 CFR 122.42(e), and applicable effluent limits and standards, including those specified in 40 CFR 412. The standards in 40 CFR 122.23(h)(1) also provide that if, on review, DEQ determines additional information is necessary to complete the NOI or clarify, modify, or supplement previously submitted material, DEQ will notify the CAFO owner/operator and request the appropriate information. When the NOI is complete, DEQ must proceed with the public notification process required by the rule.

DEQ entered into an agreement with ISDA regarding the review of NMPs. This agreement acknowledges ISDA's established relationships with the agricultural community and uses ISDA's knowledge and experience assisting the agricultural community to develop and implement NMPs. ISDA's assistance in the NMP review process further enhances DEQ's ability to ensure the terms of the NMP are effective, meet the applicable requirements, and properly address comments.

After a preliminary determination that the NOI meets the requirements of 40 CFR 122.21(i)(1) and 122.42(e), DEQ will provide public notification on DEQ's website, in local newspapers, and through other electronic means. DEQ may provide notice of multiple NMPs at one time if all applicable procedural and substantive permitting requirements are satisfied.

Under the NPDES regulations for CAFOs, DEQ also has discretion to establish an appropriate period for public review of the NOI and draft terms of the proposed NMP. Factors DEQ might consider when establishing an appropriate period include the following:

- Number of NOIs for which public notice is being given at a time
- Complexity of the material made available for public review
- Expected level of public interest based on prior notices of CAFOs seeking coverage
- Opportunity for the public to request an extension of the comment period for one or more facilities
- Whether individuals can request and receive individual notification of CAFOs seeking authorization to discharge under the permit in a timely fashion

DEQ must also provide an opportunity for the public to request a hearing.²⁵ The procedures for requesting and holding a hearing on the terms of the NMP that will be incorporated into the general permit are provided in IDAPA 58.01.25.109.

DEQ must respond to all significant comments received during the comment period²⁶ and will seek input from ISDA as necessary. DEQ may require a CAFO owner/operator to revise the pertinent sections of the NMP to address significant issues raised during the review process. Once DEQ determines the CAFO's NMP is appropriate and complete, the agency will make the final decision whether to grant permit coverage to the CAFO under the general permit. If coverage is granted, DEQ will incorporate the relevant terms of the NMP into the general permit and inform the CAFO owner/operator and the public that coverage has been authorized.²⁷ Notification is necessary to ensure the applicant and interested individuals are aware of DEQ's final decision on granting authorization to discharge under the general permit. The specific CAFO coverage and site-specific NMP terms will be incorporated into the general permit in an appendix. Once a CAFO obtains authorization to discharge under the IPDES permit, it must implement the terms and conditions of the NMP as incorporated in the permit, as of the date of permit coverage authorization.²⁸

Information specifically required in the NOI does not qualify as confidential business information. Information submitted to support the NOI that is not specifically required by the NOI may be classified as confidential business information.²⁹

7.3 Technology-Based Effluent Limits Development

TBELs and standards for CAFOs must address all pollutant discharges to waters of the United States from a CAFO.³⁰ Technology-based standards have been established through national ELGs for some CAFO discharges. ELGs have been promulgated for only those operations that meet the regulatory definition of a large CAFO and apply to the production area for subparts A, B, C, and D and land application area for subparts C and D. ELGs do not exist for small or medium CAFOs or for exotic animal species. All other discharges must be addressed through TBELs developed on a case-by-case basis by the permit writer using best professional judgement, or a combination of the two methods.³¹ CAFO permits generally include limits for process wastewater discharges from the CAFO's production and land application areas.

The production area at a CAFO includes the animal confinement areas and other parts of the facility, such as manure storage, raw materials storage, and waste containment areas.³² The land application area means all land under the control of the CAFO owner/operator, including where the CAFO owns, rents, or leases land to apply manure from the production area,³³ and where a CAFO determines when and how much manure is applied to fields not owned, rented, or leased by the CAFO.

Regulation 40 CFR 412 contains the ELGs applicable to CAFOs and establishes the TBELs and NSPS for those operations that meet the regulatory definition of a large CAFO.

7.3.1 Effluent Limit Guidelines for Animal Sectors

Because the TBELs are based on information about different sectors in the industry, the ELGs for CAFOs are broken into the following subparts addressing specific animal sectors:

- Subpart A: Horses and Sheep
- Subpart B: Ducks
- Subpart C: Dairy Cows and Cattle other than Veal
- Subpart D: Swine, Poultry, and Veal Calves

Table 4 provides a summary of the ELG applicable to each animal sector.

Table 4. Effluent limit summary.

Animal Sector	ELG Technology-Based Limits
Large CAFOs	40 CFR 412
Subpart A – Horses and Sheep	40 CFR 412.13
Subpart B – Ducks	40 CFR 412.22
Subpart C – Dairy Cows and Cattle other than Veal Calves	40 CFR 412.33, 412.37
Subpart D – Swine, Poultry, and Veal Calves	40 CFR 412.45, 412.47

All four subparts include specific discharge limits. Subparts A and B contain technology-based requirements for the production area only. Subparts C and D include technology-based requirements for both production and land application areas under the control of the CAFO owner/operator. Exotic animal species are those not specifically identified in the ELG (e.g., llamas, geese, or ostriches). For any other permitted facility, the CWA requires that an NPDES permit for small, medium, and exotic animal CAFOs include TBELs. Where ELGs have not

been promulgated, TBELs in the permit are determined by the permit writer using best professional judgement.

7.3.2 New Source CAFOs

New source is defined in 40 CFR 122.2. The tests that determine a new source are identified in 40 CFR 122.29(b)(1). In the definition, any building, structure, facility, or installation from which there is a discharge of pollutants to waters of the United States and construction commenced after promulgation of applicable standards of performance is potentially a new source. NSPS for large CAFOs were promulgated on April 14, 2003. Once a facility meets the definition of *new source* in 40 CFR 122.2, the tests in 40 CFR 122.29(b)(1) are used to determine which are defined as new sources.

The first test for identifying a new source is whether the facility meeting the 40 CFR 122.2 definition is also constructed at a location where no other source exists. Any large CAFO that is newly built at a site where no other source exists would be a new source CAFO subject to NSPS. An AFO constructed after establishing the NSPS that later expands to become a CAFO would be considered a new source if it meets either of the two tests below.

A second way a facility meeting the 40 CFR 122.2 definition can qualify as a new source is when new construction at the facility replaces the process or production equipment that causes the discharge of pollutants at an existing source. For CAFOs, this can include the following:

- Replacement of animal housing
- Overhaul of the facility's production process
- Substantial replacement of production equipment or waste-handling system that causes the discharge of pollutants

Confinement housing and barns at CAFOs are periodically replaced, allowing the opportunity to install improved systems that provide increased environmental protection. Modern confinement housing used at many swine, dairy, veal, and poultry farms is designed so the waste handling and storage generates little or no process water. Such systems negate the need for traditional flush systems and storage lagoons, reduce the risks of uncontrollable spills, and decrease the costs of transporting manure. Similarly, the replacement of an old dairy parlor with a new one would likely result in the facility being considered a new source, particularly where it is accompanied by a change in the size of the dairy herd.

In a third test, a facility can qualify as a new source CAFO if, when the CAFO was built, its production area and processes are substantially independent of an existing source at the same site. For example, CAFOs could construct new or additional production areas on one contiguous property, without sharing waste management systems or commingling waste streams. Separate production areas could also be constructed for biosecurity reasons. New production areas could also be constructed for entirely different animal types, in which case, the more stringent NSPS for that animal subpart would apply to the separate and newly constructed production area for any other subparts of animals. In determining whether production processes and waste-handling systems are substantially independent, DEQ will consider factors such as extent the new production areas are integrated with the existing production areas, and the extent the new operation is engaging in the same general type of activity as the existing source.

A CAFO designated as a new source is subject to the NSPS found in the appropriate subpart of 40 CFR 412. These regulations contain applicable ELGs and establish TBELs. NSPS and the applicable dates associated with achieving those standards are provided in 40 CFR 412.46.

7.3.3 Technology-Based Requirements for the Production Area of Large CAFOs

7.3.3.1 Subpart A—Horses and Sheep

The ELG requirements for 40 CFR 412.10-15, subpart A address the production area only. Any additional technology-based requirements for discharges from the large CAFO will be developed using best professional judgement.

Existing and new large CAFOs that confine horses and sheep may not discharge manure or process wastewater (including horse wash down water) to waters of the United States (i.e., no-discharge standard). The only exception to the no-discharge standard is an overflow that occurs from a facility that is designed, constructed, operated, and maintained to contain all process wastewater plus the runoff from a 25-year, 24-hour return frequency storm event for the CAFO's location.³⁴

7.3.3.2 Subpart B—Ducks

The ELG requirements for 40 CFR 412.20-26, subpart B address the production area only. The ELG distinguishes between two types of manure-handling systems in the production area of duck operations (wet lot and dry lot). Additional technology-based requirements for discharges from the large CAFO will be developed based on best professional judgement.³⁵

All duck operations constructed before 1974 subject to the ELG must meet specific discharge limits established by 40 CFR 412.22, which are the only numeric limitations in the CAFO ELGs.

All large duck CAFOs constructed after 1974 are new sources subject to a no-discharge standard that is identical to the best available technology standard for 40 CFR 412.25, subpart A (Horses and Sheep). Subpart B CAFOs may not discharge process wastewater into waters of the United States, except for an overflow of process wastewater caused by rainfall events from a facility designed, constructed, operated, and maintained to contain all process-generated wastewater plus the runoff from a 25-year, 24-hour return frequency storm event.³⁶

7.3.3.3 Subpart C—Dairy Cows and Cattle other than Veal Calves

The ELG requirements for 40 CFR 412.30-37, subpart C address both the production and land application areas. Land application requirements are found in section 7.3.4 and addresses the technology-based requirements associated with the production area. Subpart C includes requirements for large CAFOs that confine dairy cattle and cattle other than veal calves. The requirements in subpart C are identical for existing sources and new sources. Existing and new sources subject to subpart C may not discharge manure into waters of the United States from the production area.³⁷ The only exception to the no-discharge standard is when precipitation causes an overflow, provided the production area is designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater including the runoff and direct precipitation from a 25-year, 24-hour return frequency storm event.

To meet the no-discharge requirement, the CAFO must operate the production area according to additional measures and record-keeping requirements specified in 40 CFR 412.37(a)-(b):

- Routine visual inspections of the production area
- Use of depth markers for liquid impoundments
- Corrective action when deficiencies are identified
- Mortality handling

Records must be maintained on site, including records for each of the above measures, and records documenting the design of storage structures and any overflows that occur.

7.3.3.4 Subpart D—Swine, Poultry, and Veal Calves

The ELG requirements for 40 CFR 412.40-47, subpart D address both the production and land application areas. Subpart D includes large CAFOs that confine swine, poultry, and veal calves. The requirements in subpart D differ for existing and new sources.

Existing sources subject to subpart D are subject to a no-discharge requirement. Those operations may not discharge manure into waters of the United States from the production area.³⁸ The only exception to the no-discharge standard is when precipitation causes an overflow, provided the production area is designed, constructed, operated, and maintained to contain all manure, litter, and process wastewater including the runoff and direct precipitation from a 25-year, 24-hour return frequency storm event.

To meet the no-discharge requirement, the CAFO must operate the production area according to additional measures and record-keeping requirements specified in 40 CFR 412.37(a)-(b) and 412.47(a)-(b):

- Routine visual inspections of the production area
- Use of depth markers for liquid impoundments
- Corrective action when deficiencies are identified
- Mortality handling

Records must be maintained on site, including records for each of the above measures, and records documenting the design of storage structures and any overflows that occur.

The CAFO's NSPS require specified information on the design, construction, and operation and maintenance of the system to be included in the CAFO's NMP. CAFOs must submit a site-specific analysis to DEQ.³⁹ The site-specific design, construction, and operation and maintenance measures are enforceable requirements of the CAFO's permit. As long as the CAFO complies with the requirements, the CAFO is presumed to meet the no-discharge requirement. If a discharge occurs, the CAFO may rely, to the extent applicable, on the IPDES upset and bypass provisions of IDAPA 58.01.25.300.13 and 58.01.25.300.14.

7.3.4 Technology-Based Requirements for the Land Application Area of Large CAFOs

Each large CAFO subject to the ELG requirements in subparts C and D that land applies manure must do so according to practices constituting TBELs for the land application area.⁴⁰ The operator shall ensure the following:

- Develop and implement a field-specific NMP that fully incorporates the other requirements of 40 CFR 412.4 concerning land application.
- Land-apply manure at application rates that minimize nitrogen and phosphorus transport from the field to waters of the United States in compliance with the technical standards for nutrient management, which includes the following:
 - A field-specific assessment of the potential for nitrogen and phosphorus transport from the field to waters of the United States.
 - The form, source, amount, timing, and method of application of nutrients on each field must achieve realistic production goals while minimizing nitrogen and phosphorus movement to waters of the United States.
 - Appropriate flexibility for any CAFO to implement nutrient management practices to comply with the standard, such as considering multiyear phosphorus applications to fields that do not have a high potential for phosphorus runoff to waters of the United States and phased implementation of phosphorus-based nutrient management, as determined appropriate by DEQ's director.
- Analyze manure at least once a year for nitrogen and phosphorus content and soil at least once every 5 years for phosphorus content. The results of the analyses will be used to determine application rates for manure, litter, and other process wastewater.
- Periodically inspect equipment used for land application of manure for leaks (recommended before each application to ensure the manure is delivered at the proper rate of application).
- Implement a minimum setback for manure application of 100 feet from surface waters and conduits to surface waters, or substitute the setback with a 35-foot vegetated buffer, or another alternative where the CAFO demonstrates equivalent pollutant reductions.
- Complete on-site records documenting implementation of all required BMPs and any additional records specified by the permit.

7.4 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector (User's Guide Volume 1, section 9 [DEQ 2017a]). DEQ compliance monitoring will be conducted on 5% of facilities annually as described in the IPDES Compliance Monitoring Strategy (DEQ 2017c). Nothing precludes EPA from conducting an inspection independent of DEQ. The compliance inspection requirements DEQ must comply with may be completed by ISDA according to the memorandum of understanding. According to their rules, ISDA inspects all AFOs in Idaho annually. When those inspections involve a regulated CAFO, ISDA inspectors, certified by DEQ to conduct IPDES inspections, can evaluate practices associated with the land application of manure, litter, and process wastewater to determine if all land application discharges may be classified as exempt agricultural storm water.

7.5 Special Conditions

This section describes special conditions in the CAFO general permit.

7.5.1 Nutrient Management Plan

As discussed in section 7.1.4, the NMP identifies conservation practices and management activities that help to ensure both production and natural resource protection goals are achieved.

7.5.2 Facility Closure

Lagoons and other earthen- or synthetic-lined basins and other manure, litter, or process wastewater storage and handling structures may only be closed following the permit requirements, which typically include the following:

- No lagoon or other earthen- or synthetic-lined basin shall be permanently abandoned.
- Lagoons and other earthen- or synthetic-lined basins shall be maintained at all times until closed in compliance with the permit condition.
- All lagoons and other earthen- or synthetic-lined basins must be properly closed if the permittee ceases operations.
- All closure of lagoons and other earthen- or synthetic-lined basins must be consistent with the Natural Resource Conservation Service's Conservation Practice Standard Code 360.
- Completing the closure for lagoons and other earthen- or synthetic-lined basins shall occur as promptly as practicable after the permittee ceases to operate.

7.5.3 Requirements for Transfer of Manure, Litter, and Process Wastewater to Other Persons

If CAFO-generated manure, litter, or process wastewater is sold or given away, the permittee must maintain records for at least 5 years showing the date; amount of manure, litter, or wastewater sold; name and address of the recipient; and information that represents the nutrient content of the manure, litter, and/or process wastewater.

7.5.4 Liner Requirements

CAFOs constructing new wastewater or manure storage structures or modifying existing wastewater or manure storage structures should ensure all wastewater or manure storage structure design and construction will, at a minimum, adhere to the National Resource Conservation Service standards for Idaho. IDAPA 02.04.31 also includes setbacks for wastewater or manure storage.

7.5.5 Wastewater or Manure Storage Structure Dewatering

Develop a schedule for liquid waste removal from the wastewater or manure storage structure. A log must be kept indicating weekly inspection of the wastewater or manure in the structure, including a specific measurement of the wastewater level.

7.5.6 Spills

Take appropriate measures to prevent and cleanup spills of toxic, hazardous, or other pollutants. Procedures for materials handling, storage, and spill cleanup must be specified in the NMP and the equipment to clean up spills shall be available to facility personnel.

7.5.7 Employee Training

Employees responsible for permit compliance must be regularly trained or informed of any information pertinent to the proper operation and maintenance of the facility and waste disposal. Training topics include land application of wastes, proper operation and maintenance of the facility, good housekeeping and material management practices, necessary record-keeping requirements, and spill response and cleanup. The NMP shall identify dates for such training.

8 Pesticide General Permit

EPA took a general permit approach to pesticide permitting due to the similarity of discharges, similar type of operations, and large number of pesticide operations requiring permit coverage. DEQ intends to continue the general permit approach for pesticide operations.

8.1 Permit Coverage

The pesticide general permit (PGP) covers the application of biological or chemical pesticides that leave a residue. These pesticides may enter surface water when applied for mosquito and other flying insect pest control, weed and algae pest control, animal pest control, or forest canopy pest control use. An *operator* is any entity associated with applying pesticides that results in a discharge to waters of the United States in Idaho:

1. Operator—applies a pesticide or has day-to-day control of the application.
2. Decision maker—controls the decision to apply a pesticide including modifying the decision.

Applicants granted coverage under the PGP must follow all other applicable laws; the PGP does not replace or negate the requirements of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

When DEQ takes primacy for general permits in 2020, the 2016 PGP will transfer to DEQ. At that time, the PGP will cover pesticide operations that discharge within Idaho; Indian country is excluded and will remain under EPA authority.

8.1.1 Permit Eligibility

The PGP covers any discharges of biological or chemical pesticides (collectively *pesticides*) that leave a residue, when the application is for one of the following pesticide use patterns:

- Mosquito and other flying insect pest control—to control public health/nuisance and other flying insect pests that develop or are present during a portion of their life cycle in or above standing or flowing water. Public health/nuisance and other flying insect pests in this use category may include mosquitos and black flies.
- Weed and algae pest control—to control weeds, algae, and pathogens that are pests in water and at water's edge, including ditches and/or canals.
- Animal pest control—to control animal pests in water and at water's edge. Animal pests in this use category may include fish, lamprey, insects, mollusks, and pathogens.

- Forest canopy pest control—to control the population of a pest species (e.g., insect or pathogen) in a forest canopy where, to target the pests effectively, a portion of the pesticide will be applied over and deposited to water.

Dischargers applying a pesticide as part of pesticide research and development are automatically covered by the PGP without submitting an NOI. Decision makers required to submit an NOI to obtain coverage are described in Table 5. Eligible discharges that do not meet the requirement to submit an NOI described in Table 5 are automatically covered.

8.1.2 Facilities Ineligible for Coverage

The following sections describe some of the restrictions to obtaining coverage under the PGP.

8.1.2.1 Discharges to Water Quality Impaired Waters

Discharges are not eligible for coverage under the PGP if the pesticide application will discharge to a water of the United States that is identified as impaired by a substance which is either an active ingredient in the pesticide or is a degradant of an active ingredient. If a discharge from a pesticide application is not eligible under the PGP because the water is listed as impaired for that specific pesticide, but evidence shows the water is no longer impaired, operators may submit this information with the application and request coverage be allowed.

8.1.2.2 Discharges to Waters Designated as Tier 3 for Antidegradation Purposes

Discharges are not eligible for coverage under the PGP if the water is designated as Tier 3 for antidegradation purposes. Exceptions for discharges to Tier 3 waters from pesticide applications may include the following, if the discharge does not degrade water quality or only degrades water quality on a short-term or temporary basis:

- To restore or maintain water quality
- To protect public health or the environment

Table 5. Pesticide application and NOIs.

PGP Part/Pesticide Use	Decision Makers Required to Submit NOIs	Pesticide Application Areas
All four use patterns	Any decision maker with an eligible discharge to a Tier 3 water (ORW)	Activities resulting in a discharge to a Tier 3 water
All four use patterns	Any decision maker with an eligible discharge to waters of the United States containing NMFS-listed resources of concern	Activities resulting in a discharge to waters of the United States containing NMFS-listed resources of concern
Mosquito and other flying insect pest control	Any agency for which pest management for land resource stewardship is an integral part of the organization's operations	All mosquito and other flying insect pest control activities resulting in a discharge to waters of the United States
	Mosquito control districts or similar pest control districts	All mosquito and other flying insect pest control activities resulting in a discharge to waters of the United States
	Local governments or other entities that exceed the annual treatment area threshold	Adulticide (pesticide treatment to control or combat adult mosquitos, an outbreak of mosquito-borne disease, or a very heavy nuisance infestation of mosquitos) treatment if more than 6,400 acres during a calendar year
Weed and algae pest control	Any agency for which pest management for land resource stewardship is an integral part of the organization's operations	All weed and algae pest control activities resulting in a discharge to waters of the United States
	Irrigation and weed control districts or similar pest control districts	All weed and algae pest control activities resulting in a discharge to waters of the United States
	Local governments or other entities that exceed the annual treatment area threshold	Treatment during a calendar year if more than either 20 linear miles or 80 acres of water
Animal pest control	Any agency for which pest management for land resource stewardship is an integral part of the organization's operations	All animal pest control activities resulting in a discharge to waters of the United States
	Local governments or other entities that exceed the annual treatment area threshold	Treatment during a calendar year if more than either 20 linear miles or 80 acres of water
Forest canopy pest control	Any agency for which pest management for land resource stewardship is an integral part of the organization's operations	All forest canopy pest control activities resulting in a discharge to waters of the United States
	Local governments or other entities that exceed the annual treatment area threshold	Treatment of more than 6,400 acres during a calendar year

8.1.2.3 Discharges Currently or Previously Covered by Another Permit

Discharges are not eligible for coverage under the PGP in the following cases:

- Discharge is covered by another IPDES permit.
- Discharge was included in a permit that in the past 5 years has been or is in the process of being denied, terminated, or revoked (this does not apply to the routine reissuance of permits every 5 years).

8.2 Authorization Requirements

PGP operators may be automatically authorized to discharge by the PGP. Operators with eligible discharges resulting from research and development of pesticides may be automatically authorized, as well as other operators who would be eligible for coverage but are not required to submit an NOI, as described in the PGP.

Operators who are required to submit NOIs based on the 2016 PGP, and the pesticide applications they are required to submit NOIs for, are described in Table 5.

8.2.1 Notice of Intent Requirements

The NOI should be submitted using EPA's electronic notice of intent (eNOI) system, even after DEQ takes primacy for general permits.

The NOI includes the owner/operator information, and the facility location and description (section 2). In addition, an NOI for the PGP includes the following.

- Name of the pest management area
- Mailing address of the pesticide applicator
- Pesticide use patterns included in the pest management area
- Receiving water in the pest management area
 - Rationale for determining the pesticide discharge is necessary to protect water quality, the environment, and/or public health, and the discharge will not degrade water quality or will degrade water quality only on a short-term or temporary basis for any Tier 3 receiving water.
 - Evidence the receiving water is no longer impaired, despite the receiving water being on the Idaho's impaired water body list.

8.2.2 Pesticide Discharge Management Plan

Decision makers who are large entities (any entity that exceeds the small business administration's size standard at 13 CFR 121.201 or a local government that serves a population greater than 10,000) and are submitting an NOI must prepare a pesticide discharge management plan (PDMP) by the time the NOI is filed. Two exceptions exist to the PDMP requirement:

1. Any application responding to a declared pest emergency situation
2. Any decision maker who is required to submit an NOI solely because their application results in a point source discharge to waters of the United States that contains NMFS-listed resources of concern

The PDMP documents how decision makers will implement the effluent limits, including the evaluation and selection of pest management measures to meet the effluent limits and minimize discharge. The PDMP includes the following:

- Pesticide discharge management team
- Problem identification
- Pest management options evaluation
- Response procedures
- Spill response procedures

- Adverse incident response procedures
- Documentation to support eligibility considerations under other laws
- Signature requirements

The PDMP should be kept at the address included in the NOI. The permittee should supply the PDMP to DEQ, EPA, or local governing agencies upon request. DEQ will request to see the PDMP during inspections, but will not retain the document in DEQ's possession.

8.3 DEQ Notice of Intent Processing

Any operator with eligible discharges is automatically authorized to discharge under the PGP without submitting an NOI, except those specifically required to submit an NOI for the PGP (Table 5). The timeline for DEQ to grant discharge authorization varies based on the type of activity seeking coverage. For declared emergency pest situations, authorization can be granted immediately upon discharge. For operators who will exceed any annual treatment area threshold or are otherwise required to submit an NOI, authorization to discharge will be granted no earlier than 10 days after DEQ posts receipt of a complete and accurate NOI.

8.4 Technology-Based Effluent Limits Development

TBELs are established in ELGs or by using best professional judgement. Until ELGs are developed for pesticide operators, best professional judgement must be used to develop the limits in the PGP.

Pesticide discharges to surfaces are often short in duration, highly variable, and from many locations, making it difficult to establish a numeric limit at each location. The precise location for which a numeric effluent limit would apply is unclear. Due to these factors, nonnumeric TBELs are used in the PGP.

Requirements for TBEL nonnumeric effluent limits within the scope of the PGP are as follows:

- Identify the problem.
 - Establish pest and/or site-specific action thresholds.
 - Identify target pests to develop pest management measures.
- Select and implement efficient and effective means of pest management measures that minimize discharges resulting from the application of pesticides to control pests, ranging from no action, up to pesticide application.
- Conduct surveillance of the pesticide application area to assess when to best apply the pesticide.
- Reduce the impact by applying pesticides only if an action threshold has been met based on surveillance.

8.4.1 Decision Maker's Responsibilities

Decision makers have specific responsibilities regarding pesticide application, although their responsibilities vary by pesticide use pattern. The decision maker should minimize the discharge of pesticides to waters of the United States by using pest management measures. Pest

management measures are used to meet the effluent limitations that comply with manufacturer specifications, industry standards, and recommended industry practices related to pesticide application. Decision makers should preferentially choose pesticides that will only affect the target pest and minimize the effect on nontarget species.

8.4.2 Applicator's Responsibilities

Applicators also have specific responsibilities for pesticide application:

- Minimize the discharge of pesticides to waters of the United States by using pest management measures.
- Use only the amount of pesticide and frequency of application necessary to control the target pest.
- Maintain the pesticide application equipment in proper operating condition to prevent leaks, spills, or other unintended discharges.
- Assess weather conditions in the treatment area to ensure application is consistent with all federal requirements.

8.5 Water Quality-Based Effluent Limits Development

Control discharges as necessary to prevent exceedances of applicable numeric or narrative state water quality standards. If an operator becomes aware or DEQ or EPA determines the operator's discharge causes or contributes to an exceedance of applicable water quality standards, the operator must take corrective actions. Operators should consider monitoring for pH, dissolved oxygen, ammonia, and temperature depending on the pesticide chosen and the beneficial uses of the receiving water to ensure compliance with Idaho's water quality standards.

8.6 Additional Conditions

The following conditions may apply to prevent or control the release of pesticides.

8.6.1 Conditions Applicable to All Pesticide Use Patterns

If an unauthorized release of hazardous materials to waters of the United States occurs, the operator should do the following:

1. Stop the spill.
2. Contain the spilled material.
3. Call 911 then notify the local DEQ office.
4. Collect, remove, and properly dispose of the material.

8.6.2 Conditions Applicable to Applications of Aquatic Chemical Pesticides

If the pesticide is applied directly into navigable waters, subject to the jurisdiction of the CWA, that contain public drinking water system surface water intakes, the operator should follow the notification requirements in the permit. The appropriate DEQ regional office administrator and the drinking water system operator/owner should be notified at least 14 days before application if following occurs:

1. The pesticide contains at least one of the following chemicals: endothall, diquat, 2,4-D, or glyphosate.
2. The targeted pest control area is within 600 feet of the intake or within the distance restrictions (associated with domestic use) specified on the label, whichever is greater.

Pesticide applications into jurisdictional tributaries of waters of the United States with public drinking water system intakes should also follow the notification requirements above if the application falls within the distance specified. Waters of the United States with public drinking water system intakes are available on DEQ's website. Contact information for the DEQ regional offices is provided at <http://www.deq.idaho.gov/regional-offices-issues>.

If a chemical pesticide containing endothall, diquat, glyphosate, or 2,4-D is applied directly into waters of the United States within the distance specified in item 2 above, the operator must monitor water quality as described in the permit.

If the pesticide is applied directly into waters of the United States subject to appropriation under Idaho's laws, the operator must provide advanced notice to owners of water rights and water permits for domestic and agricultural use, which are on record with IDWR, with an authorized point of diversion located within the distance specified in item 2 above. Information about water rights or water permit owners is provided at <https://idwr.idaho.gov/apps/ExtSearch/WRAJSearch/WRADJSearch.aspx>.

If a pesticide is applied into waters of the United States used for recreational activities, the operator must post notices at boat launches and public swimming beaches. The operator must also follow the FIFRA label instructions, where applicable, for posting requirements. If the FIFRA label does not have specific requirements for posting notices, the operator should follow these guidelines:

1. Place the notice at locations accessible by the public and limit the extent of the posting to the target pest control area.
2. Post the notice at least 14 days before treatment.
3. On the notice, indicate the dates of application, product used, purpose of the application, any water use restrictions, and operator phone number.
4. Remove the notice within 2 weeks after the pest control application is completed.

When chemical pesticides are applied to waters of the United States to eradicate vertebrate animals, the operator must notify the appropriate DEQ regional office administrator 30 days before the application. Notifications should include the following:

- Operator name and telephone number
- Map with targeted pest control area defined
- Anticipated schedule of applications
- Pesticides that will be used
- Any water use restrictions associated with the pesticide labeling information

Notifications to the DEQ regional office administrator should be in writing and submitted via email, hand delivery, or ground mail.

These conditions do not apply to operators applying pesticides to man-made waterways they own, operate, or maintain for irrigation water delivery or drainage purposes.

8.7 Record Keeping and Annual Reporting

Record-keeping and annual reporting requirements may vary depending on the type of operator, population served by the decision maker, and reason for submitting an NOI. All operators should keep information related to adverse incidents, corresponding corrective action, and spills or leaks. For-hire applicators should keep records on equipment calibration and information on each treatment area where pesticides are discharged. Small entity decision makers should keep a copy of their NOI and related correspondence with DEQ or EPA, equipment calibration, and information on each treatment area where pesticides are discharged.

Large entities required to submit an NOI must provide annual reports to DEQ by the date specified in the PGP. The annual report must include all pesticide activities covered by the PGP that occurred in the previous calendar year. When a decision maker first exceeds an annual threshold, the annual report should include the pesticide activities that occurred after exceeding the threshold, and all subsequent pesticide application activities in subsequent years until permit coverage is terminated. Large entity decision makers should keep the same documents as small entities, as well as copies of annual reports and the PDMP.

Small entities required to submit an NOI for discharging to a NMFS-listed resource of concern are also required to submit an annual report to DEQ.

Annual reports should be submitted through the IPDES E-Permitting system and contain the following:

1. Decision maker's name and contact information
2. NPDES permit tracking number
3. Contact person's name, title, and contact information
4. Description of each treatment area and pesticide use pattern

8.8 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft PGP is developed. Additional guidance on the process is outlined in the User's Guide Volume 1 (DEQ 2017a).

8.9 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector (User's Guide Volume 1, section 9 [DEQ 2017a]). There is no set national compliance monitoring frequency goal for pesticide operators subject to the IPDES Program. DEQ intends to conduct compliance monitoring activities in response to tips and complaints and other available information relevant to compliance, as described in IPDES Compliance Monitoring Strategy (DEQ 2017c). Nothing precludes EPA from conducting an inspection independent of DEQ.

9 Small Suction Dredge Mining General Permit

The small suction dredge mining general permit (SDMGP) specifies limits on maximum nozzle size and cumulative horsepower rating. Additional permits for the operation of small suction dredge mining are required by IDWR and may be required by the USACE, US Forest Service, or the Bureau of Land Management.

9.1 Permit Coverage

The SDMGP covers recreational suction dredging for waters in Idaho open to mining. The SDMGP contains a list of waters open to suction dredge operations. IDWR has a separate list of open and closed waters for their letter permit. These two lists do not always overlap so a permittee must check both permits to see if the intended site of dredging operations is open.

9.1.1 Waters Closed by General Permit

Any water closed by the general permit, regardless of IDWR's open/closed status, will not be granted the CWA coverage under the general permit. The waters closed by the permit are broken down into several categories:

- Nationally protected areas
- Tribal reservations
- National wild and scenic rivers
- Endangered species habitat areas
- Withdrawn river segments by Idaho Department of Lands
- State protected rivers
- Mercury- or sediment-impaired streams without a waste load allocation for suction dredging

Nationally protected and designated critical habitat areas may be open under the general permit if a federal agency has completed an ESA section 7 consultation, which finds this activity acceptable. These areas are considered closed unless an ESA consultation has been done by the appropriate federal agency. DEQ does not perform ESA section 7 consultations for proposed operations.

9.1.2 IDWR Letter Permit

IDWR provides information on their web page for waters open under their letter permit. A map of these waters is found at <https://idwr.idaho.gov/streams/map.html>. Waters closed by IDWR from coverage under their letter permit are not precluded coverage under the SDMGP; additional permitting (i.e., joint application) by IDWR and USACE is required. DEQ does not process these joint applications, and they cannot be used to replace an NOI. Coverage under an IPDES permit (general or individual) must be attained before starting suction dredge mining. For more information about the IDWR permitting process, contact the IDWR stream channel protection team at idwrinfo@idwr.idaho.gov with "Stream Channel Alteration or Recreational Mining Questions" in the subject line or visit the website at <https://idwr.idaho.gov/streams/contacts.html>.

Additional restrictions might be in place by federal land managers (i.e., US Forest Service and Bureau of Land Management). The permittee is responsible for checking with the appropriate federal agency and obtaining any additional permits before dredging operations begin.

9.1.3 Permit Eligibility

Eligibility for coverage under the SDMGP is restricted to specifically listed open waters and by equipment requirements listed in the general permit. For proposed operations on closed waters or those that do not meet the equipment restrictions, DEQ will work with the applicant to determine whether CWA coverage is possible under an individual industrial permit. More information is provided in the *Idaho Pollutant Discharge Elimination System User's Guide to Permitting and Compliance, Volume 3—Non-POTW* (User's Guide Volume 3 [DEQ 2018]) at <http://www.deq.idaho.gov/media/60182385/ipdes-user-guide-ipdes-permitting-compliance-vol3-18.pdf>.

9.1.4 Equipment Requirements

The SDMGP restricts the dredging equipment eligible for CWA coverage. The general permit restricts the cumulative nozzle diameter to 5 inches, and the combined pump cannot exceed 15 horsepower. These restrictions are the same as found in IDWR's letter permit. Multiple nozzles are not excluded as long as the diametrical equivalent is no more than 5 inches.

9.1.5 Notice of Intent Requirements

The NOI should be submitted to DEQ electronically through IPDES E-Permitting system after July 1, 2020. No further action is required for the dredging season if the application for the 2020 dredging season, where annual NOIs are required (i.e., Grimes, Elk, and Mores Creeks and South Fork Clearwater River), has been submitted to EPA before July 1, 2020. The electronic form will require the same information that is currently required on the paper NOI form. After December 21, 2020, any applicant that wants to submit a paper NOI must first request a waiver from DEQ to be exempt from EPA's eNOI requirement. This request must be submitted each time the applicant wants to submit a paper NOI (i.e., if the proposed dredging site is Grimes, Elk, and Mores Creeks or South Fork Clearwater River, the request must be made annually before submitting a paper NOI).

NOIs for the South Fork Clearwater River drainage are due 60 days before dredging operations begin. Currently, EPA restricts general permit coverage to the first 15 complete NOIs for the South Fork Clearwater River. All NOIs received for Grimes, Elk, and Mores Creeks will be allocated dredging hours based on the number of NOIs received.

If a permittee had coverage in either the South Fork Clearwater River drainage or Grimes, Elk, and Mores Creeks during the previous year, the annual report must be submitted before new coverage is granted. Annual reports should be submitted electronically through the IPDES E-Permitting system, or, if an electronic filing waiver has been granted for the mining season, a paper copy may be sent to the appropriate DEQ regional office:

- South Fork Clearwater River—DEQ's Lewiston Regional Office.
- Grimes, Elk, and Mores Creeks—DEQ's Boise Regional Office.

9.2 DEQ Notice of Intent Processing

When a new SDMGP is issued, DEQ will process all NOIs received and send letters of approval or denial. Letters of approval will include the miner's identification number that must be displayed on the dredge and in the miner's vehicle.

For the yearly NOIs, DEQ will process the NOIs for Grimes, Elk, and Mores Creeks first and then process the NOIs for the South Fork Clearwater River. The process for allocating hours to Grimes, Elk, and Mores Creeks is based on the number of NOIs received and hours requested in the NOIs. DEQ will distribute the allowable hours equitably based on the number of NOIs received and the total hours available.

9.3 Technology-Based Effluent Limits Development

TBELs are derived from EPA-developed ELGs. EPA developed ELGs for the gold placer mining industry, but these guidelines are for mechanical placer mining and large dredging operations. Due to the size and nature of the small suction dredging operations, with discharge consisting of stream water and bed material, numerical TBELs have not been developed. Using best professional judgement, EPA determined BMPs should be established to minimize the impacts from small suction dredge mining.

9.3.1 Pollutants of Concern and Pollution

The pollutants of concern from small suction dredge mining include, but are not limited to, TSS, mercury mobilization, and fuel spills. Additional concerns include, but are not limited to, introducing invasive species, inhibiting fish passage, and impacting spawning fish and spawning habitat. BMPs should be used to minimize impacts.

9.3.2 Best Management Practices

Suction dredge mining operations are required to implement the following BMPs.

9.3.2.1 *Silt and Clay Areas*

The general permit restricts suspended solids plumes downstream of the dredging operations. Visible increases in turbidity above background levels must not extend beyond 500 feet downstream from the suction dredge operations. Dredging of concentrated silt and clay should be avoided. Reasonable care must be applied to avoid dredging silt and clay materials that would result in a significant increase in suspended solids. Reasonable care includes moving the suction dredge to a new location or reducing the volume of effluent discharge by limiting operation speed of the suction dredge.

9.3.2.2 *Mercury*

Elemental mercury (quicksilver) has been used in the past to accumulate gold in sluice mining operations. Consequently, mercury may be dredged from stream sediments. If mercury is found during suction dredging (i.e., mercury is collected in the sluice box), the operator must do the following:

- Keep the mercury contained and do not release the collected mercury, which will require stopping suction dredge operations immediately to collect the mercury.
- Work with the appropriate DEQ regional office to properly collect, store, transport, and dispose of the mercury.

The operator should also consult DEQ's *Best Management Practices for Mercury Collection from Suction Dredging Activities* at <http://www.deq.idaho.gov/media/60181379/suction-dredge-mining-activities-mercury-collection-bmps.pdf>. This BMP explains how to safely remove mercury from dredging equipment, safely contain any mercury collected, and safely dispose of the collected mercury. Contact DEQ's regional office where the dredging activity is occurring for further information or for a copy of the BMP.

9.3.2.3 Separation Distance

To ensure compliance with the 500-foot mixing zone for all small suction dredge operations, there should be at least 800 feet from another suction dredge operation. The additional 300 foot buffer ensures the mixing zones do not overlap. Suction dredging should not occur within 500 feet above the confluence with a water body that is impaired for sediment or mercury.

9.3.2.4 Fish Passage, Spawning Fish, and Spawning Habitat

Suction dredging and discharging are prohibited within 500 feet of locations where fish are spawning, redds (spawning beds) occur, or alevins (fry with a yoke sack still present) are known to exist. To protect spawning gravels, suction dredging must not occur in gravel bar areas at the tail of pools or where discharges of suspended solids result in fine sediments settling onto gravel bars.

The permittee shall ensure there is adequate passage for fish around and through the suction dredging area at all times. Intake for the suction dredge pump shall be covered with screening mesh. If fry-sized salmonids are not present at the site, the screen mesh openings shall not exceed 1/4 inch in size. If fry-sized salmonids are present, the screen mesh openings shall not exceed 3/32 inch in size.

9.3.2.5 Stream Channel Alterations

Suction dredge operations must occur within the wetted channel. Before new holes can be created, dredging materials must be used to fill any holes previously created. Dredging cannot create a change in the banks that causes bank erosion (collapse) or undercuts the banks. Boulders and logs in the channel cannot be moved by motorized winches or machines. The general permit does not authorize stream channel damming or diversions; these activities require a §404 permit from the USACE.

9.3.2.6 Refueling and Hazardous/Deleterious Material Storage

The general permit outlines a specific BMP for refueling and hazardous/deleterious material storage that includes the following from the permit:

- a. *Care shall be taken by the operator during refueling of equipment to prevent spillage. When using a fuel container without a nozzle, a funnel must be used while pouring.*

Absorbent material, such as a towel, must be placed under the fuel tank to catch any spillage from refueling operations. A spill kit that includes material for minimizing the effects of a spill, such as sorbent pads and a boom, must be available in case of accidental spills.

- b. Suction dredges must be checked for leaks, and all leaks repaired, prior to the start of operations each day. Equipment must be in proper working order and shall not leak petroleum products.*
- c. Spill Reports. Spills of petroleum products must be reported to DEQ as required below:*

Owners and operators shall contain and immediately clean up an above ground spill or overflow of petroleum only after identifying and mitigating any fire, explosion and vapor hazards.

- i. If an above ground spill or overflow of petroleum results in a release that exceeds twenty-five (25) gallons or that causes a sheen on nearby surface water, within twenty-four (24) hours, the owners and operators shall report the spill to DEQ and begin corrective action.*
- ii. If an above ground spill or overflow of petroleum results in a release that is less than twenty-five (25) gallons and does not cause a sheen on nearby surface water, the owners and operators shall report the spill to the DEQ only if cleanup cannot be accomplished within twenty-four (24) hours.*

Any other spills shall be noted in the log and reported on the AR.

- d. All chemical or petroleum products shall be stored in a safe and secure location at all times. Fuel not stored and dispensed with an American National Standards Institute (ANSI) or Underwriter Laboratory (UL) approved safety container must be maintained more than 100 feet from the mean (ordinary) high water mark. The USFS requires secondary containment for fuel storage within the National Forest system.*

Hazardous and deleterious material must not be stored, disposed of, or accumulated adjacent to or in the immediate vicinity of state waters or waters of the United States unless adequate measures and controls are provided to ensure that those materials will not enter these waters as a result of high water, precipitation runoff, wind, storage facility failure, accidents in operation, or unauthorized third party activities.

- e. Suction dredges must be anchored to the streambank during refueling, so that fuel does not need to be carried out into the stream.*
- f. Owners and operators may transfer fuel over water in a detachable fuel tank or in an approved container for proper storage on the opposite bank (see d., above).*

In the event of a reportable spill, see Appendix A for DEQ contact information. Outside of regular business hours, report to the State Communications Center at (800) 632-8000 or (208) 846-7610.

9.3.2.7 *Invasive Species*

Equipment must be decontaminated for invasive species before placing on or entering a water body. When traveling to a site, if the permittee passes an invasive species inspection station (watercraft inspection station) they must stop to have their equipment inspected. If the equipment has been in waters known to be infested by Quagga and/or Zebra Mussels, within 30 days document the decontamination of the equipment before using the equipment in Idaho waters (IDAPA 02.06.09.202.02). If decontamination has not been completed and documented, the permittee must go to an inspection station to have the equipment decontaminated (free of charge).

9.4 Special Conditions

The special conditions within the general permit are a result of the TMDLs for the South Fork Clearwater River and Grimes, Elk, and Mores Creeks drainages.

For the South Fork Clearwater River drainage, special conditions are as follows:

- Dredging is only allowed in the drainage above the Harpster Bridge from July 15 to August 15.
- Currently, only 15 dredges will be authorized under this general permit per dredging season. If authorization has **not** been granted from this general permit, regardless of permits issued by other agencies, do not dredge. DEQ may review how the TMDL wasteload allocation is being applied in future permits.
- The NOI is not accepted until April 1 of each year and must be received 60 days before the planned dredging start date.
- Permittees are limited to processing an average of 2 cubic yards per hour over an 8-hour period each day.
- Background turbidity is 50 nephelometric turbidity units (NTUs) or less. Turbidity downstream from the mixing zone shall not exceed background turbidity by more than 5 NTU.
- When background turbidity is more than 50 NTU, turbidity downstream from the mixing zone shall not exceed background turbidity by more than 10% and shall not exceed a maximum increase of 25 NTU.
- To ensure compliance with the permit, the permittee should own and properly operate a nephelometer when background turbidity must be monitored.

For the Grimes, Elk, and Mores Creeks drainages, special conditions are as follows:

- The TMDL limits the number of allowable dredging hours per drainage (if the TMDL is revised in the future, the number of allocated hours may change accordingly):
 - Grime Creek drainage—336 hours
 - Elk Creek drainage—44 hours
 - Mores Creek drainage—240 hours
- Dredging season is from May 1 to April 30 of the following year.
- NOIs must be submitted by April 1 of each year.
- NOI must be submitted for each season.
- Permittees are limited to processing an average of 2 cubic yards per hour.

- Grimes Creek allocation applies to the main stem of Grimes Creek and all tributaries.
- Elk Creek allocation applies to the main stem of Elk Creek and the tributaries above Eldorado Gulch.
- Mores Creek allocation applies to the main stem of Mores Creek and the tributaries (except Grimes and Elk Creeks) below Boulder Creek.

9.5 Public Participation

The public participation process specified in IDAPA 58.01.25.109 will be followed when a new draft suction dredge mining general permit is developed. Additional guidance on the process is outlined on in the User's Guide Volume 1 (DEQ 2017a).

9.6 Permit Compliance and Inspection

The process for determining permittee compliance does not differ by permit sector (User's Guide Volume 1, section 9 [DEQ 2017a]). DEQ compliance monitoring will be conducted on 5% of the permitted dredge sites annually. DEQ compliance monitoring activities are described in IPDES Compliance Monitoring Strategy (DEQ 2017c). Nothing precludes EPA from conducting an inspection independent of DEQ.

10 Potential Future General Permits

DEQ may write general permits for other groups of permittees that DEQ feels are better covered by a general permit.

References

- DEQ (Idaho Department of Environmental Quality). 2005. *Implementation Guidance for the Idaho Mercury Water Quality Criteria*. Boise, ID: DEQ.
- DEQ (Idaho Department of Environmental Quality). 2012. Draft. *Idaho Antidegradation Implementation Procedures*. Boise, ID: DEQ. <http://www.deq.idaho.gov/media/792352-antidegradation-implementation-procedures-draft-0112.pdf>
- DEQ (Idaho Department of Environmental Quality). 2016a. *Water Quality Trading Guidance*. Boise, ID: DEQ.
- DEQ (Idaho Department of Environmental Quality). 2016b. *Idaho Pollutant Discharge Elimination System Public Participation in the Permitting Process*. Boise, ID: DEQ. <http://www.deq.idaho.gov/media/60178029/ipdes-public-participation-permitting-process-0216.pdf>
- DEQ (Idaho Department of Environmental Quality). 2016c. *Idaho Mixing Zone Implementation Guidance*. Boise, ID: DEQ. <http://www.deq.idaho.gov/media/60179492/mixing-zone-implementation-guidance-1216.pdf>

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- EPA (US Environmental Protection Agency). 2001. *EPA Requirements for Quality Assurance Project Plans: EPA/QA/R-5*. Washington, DC: Office of Environmental Information. EPA/240/B-01/003.
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- EPA (US Environmental Protection Agency). 2001. *Guidance for Implementing the January 2001 Methylmercury Water Quality Criterion*. Washington DC: Office of Science and Technology. EPA-823-R-10-001.

Key Terms

Citations for key terms used in this guide are provided below. To see the official definition for a term, users should go directly to the rule that is referenced.

Term	IDAPA, CFR, or CWA Citation
Discharge	IDAPA 58.01.25.010.27.
Effluent Limit Guideline (ELG)	IDAPA 58.01.25.003.02.y
Existing Source	IDAPA 58.01.25.010.36
General Permit	IDAPA 58.01.02.010.40
Idaho Pollutant Discharge Elimination System (IPDES)	IDAPA 58.01.25.010.42
Industrial Wastewater	IDAPA 58.01.25.010.46
Major Facility	IDAPA 58.01.25.010.51
National Pollutant Discharge Elimination System (NPDES)	IDAPA 58.01.25.010.56
New Discharger	IDAPA 58.01.25.010.57
New Source	IDAPA 58.01.25.010.58
Notice of Intent (NOI) to Obtain Coverage Under an IPDES General Permit	IDAPA 58.01.25.010.60
Permit	IDAPA 58.01.25.010.63
Person	IDAPA 58.01.25.010.64
Pollutant	IDAPA 58.01.25.010.66
Pretreatment	IDAPA 58.01.25.010.68
Process Wastewater	IDAPA 58.01.25.010.71
Reuse	IDAPA 58.01.16.010.71
Sewage Sludge	IDAPA 58.01.25.010.84
Silvicultural Point Source	IDAPA 58.01.25.010.87
Storm Water	IDAPA 58.01.25.010.94
Technology-Based Effluent Limit (TBEL)	IDAPA 58.01.25.010.95
Total Maximum Daily Load (TMDL)	IDAPA 58.01.02.010.100
TMDL WLA	IDAPA 58.01.02.010.108
Variance	IDAPA 58.01.25.310
Wasteload Allocation (WLA)	IDAPA 58.01.25.010.104
Water Quality-Based Effluent Limit (WQBEL)	IDAPA 58.01.25.010.107
Waters of the United States	IDAPA 58.01.25.003.02.aa
Watershed	IDAPA 58.01.02.010.115
Whole Effluent Toxicity (WET)	IDAPA 58.01.25.010.110

Endnotes: IDAPA and CFR References

- ¹ IDAPA 58.01.02.051 (Antidegradation Policy)
- ² IDAPA 58.01.02.051 (Antidegradation Implementation)
- ³ IDAPA 58.01.25.050 (Computation of Time)
- ⁴ IDAPA 58.01.25.102.02 (Operator's Duty to Obtain a Permit)
- ⁵ IDAPA 58.01.25.130.05 (Administration)
- ⁶ IDAPA 58.01.25.130.05.d
- ⁷ IDAPA 58.01.25.130.06 (Case-by-case Requirements for Individual Permits)
- ⁸ IDAPA 58.01.25.204 (Appeals Process)
- ⁹ IDAPA 58.01.25.109 (Public Notification and Comment)
- ¹⁰ IDAPA 58.01.25.303.06 (Mass Limitations)
- ¹¹ IDAPA 58.01.25.303.06 (Mass Limitations)
- ¹² IDAPA 58.01.02.055.06
- ¹³ 40 CFR § 122.23(b)(1)
- ¹⁴ 40 CFR 122.23 (b)(4) or (6)
- ¹⁵ 40 CFR 122.23(c)
- ¹⁶ 40 CFR 122.23(b)(6)(ii)
- ¹⁷ 40 CFR 122.23(c)
- ¹⁸ 40 CFR 122.23(h), 122.42(e)(1)
- ¹⁹ 40 CFR §§ 122.21(i)(1)(x), 122.23(h)
- ²⁰ 40 CFR 122.42(e)(1)
- ²¹ 40 CFR § 122.23(h)
- ²² 40 CFR § 122.23(e)
- ²³ 40 CFR 122.23
- ²⁴ 40 CFR § 122.23(h)
- ²⁵ 40 CFR 122.23(h)(1)
- ²⁶ 40 CFR 124.17
- ²⁷ 40 CFR 122.23(h)
- ²⁸ 40 CFR 122.42(e)(5)
- ²⁹ IDAPA 58.01.25.002
- ³⁰ 40 CFR § 122.42(e)
- ³¹ 40 CFR § 125.3
- ³² 40 CFR § 122.23(b)(8)
- ³³ 40 CFR § 122.23(e)(3)
- ³⁴ 40 CFR 412.13, 412.15
- ³⁵ 40 CFR § 125.3(a)
- ³⁶ 40 CFR §§ 412.25(b), 26(b)
- ³⁷ 40 CFR 412.31(a), 412.32(a), 412.33(a)
- ³⁸ 40 CFR 412.43(a), 412.44(a), 412.45(a)
- ³⁹ 40 CFR § 412.46(a)(1)
- ⁴⁰ 40 CFR 412.4, 412.37(c)