



**Idaho's
National Pollutant Discharge
Elimination System (NPDES)
Program
Informational Meeting**

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EPA, Region 10, NPDES Permits Unit

Idaho NPDES Program Authorization

Summary

The Idaho Department of Environmental Quality (IDEQ) is seeking approval to administer the Idaho Pollutant Discharge Elimination System (IPDES) program regulating discharges of pollutants into waters of the United States under its jurisdiction.

If EPA approves the IPDES program, the IDEQ will administer this program in place of the National Pollutant Discharge Elimination System (NPDES) program currently administered by the EPA. If approved, NPDES program authority will transfer from EPA to IDEQ on or after July 1, 2018.

EPA will retain authority for NPDES permits for discharges to tribal waters.

EPA is Seeking Comments on Idaho's Application

60-day public comment period ends October 10

The EPA will consider comments on the IPDES program application before making a final decision. You may submit comments by any of the following methods through October 10, 2017:

- Email: IdahoNPDEScomments@epa.gov
- Mail/Hand Delivery/Courier: U.S. EPA, Attn: Idaho NPDES Comments, Office of Water and Watersheds, Mail Stop OWW-191, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101-3140.

Schedule for Public Meetings and Hearings



September 11, 2017

[Central Public Library Exit](#)

457 W. Broadway, Idaho Falls, ID 83402

September 12, 2017

[Twin Falls Public Library Exit](#)

201 Fourth Ave. East, Twin Falls, ID 83301

September 13, 2017

[Boise Public Library Exit](#)

715 S Capitol Blvd., Boise, ID 83702

September 14, 2017

Lewiston Community Center (Lewiston Parks and Recreation)

1424 Main St., Lewiston, ID 83501

September 15, 2017

[Coeur d'Alene Public Library Exit](#)

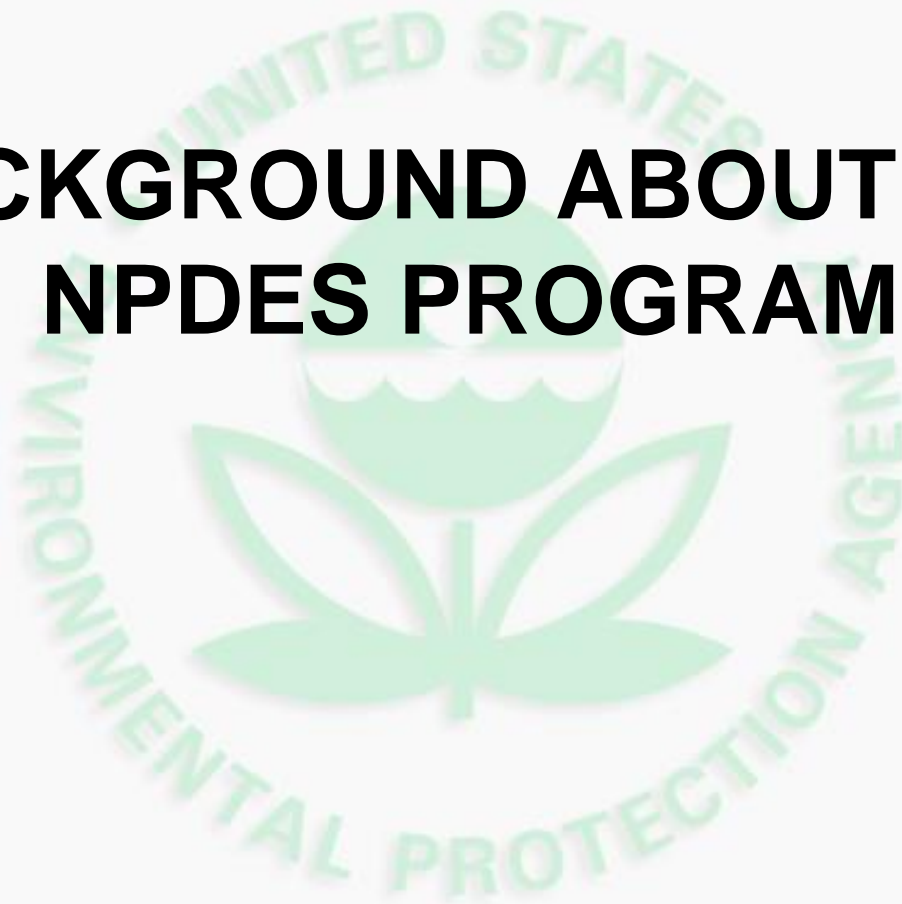
702 E Front Ave., Coeur d'Alene, ID 83814

Agenda



1. Background about the NPDES Program
2. Overview of NPDES Program Delegation Process
3. Overview the IPDES Program Development and EPA's Program Approval Process
4. EPA's Oversight Role for State Programs
5. EPA's and Tribal NPDES Permits
6. Presentation by IPDES Program Manager
7. Public Hearing

BACKGROUND ABOUT THE NPDES PROGRAM





National Pollutant Discharge Elimination System (NPDES)

What is NPDES?

The NPDES permit program addresses water pollution by regulating point sources that discharge pollutants to waters of the United States.

Created in 1972 by the Clean Water Act, the NPDES permit program is authorized to state governments by EPA to perform many permitting, administrative, and enforcement aspects of the program.



- 1
- 2
- 3
- 4

About NPDES



Program Areas



Technical Resources



33 U.S. Code Sec. 1251-1387

Commonly called the Clean Water Act (CWA)



Title I – Research and Related *Programs*

Ex: Section 106, grant program to support state pollution control programs.

Title II – Grants for Construction of Treatment Works.

Title III – Standards for Enforcement

Ex: 301-Unlawful to discharge of pollutants unless it complies with this and other Section. 303-Water Quality Standards. 309-Broad enforcement authority.

Title IV – Permits and Licenses

Ex. Section 402 NPDES

Title V – General Provisions

Ex: 505-Allows citizens to take legal action against the dischargers or EPA to enforce provisions of the CWA.

Title VI – State Water Pollution Control Revolving Funds

State Water Programs



**NPDES Permits, Inspections,
Compliance, Enforcement**

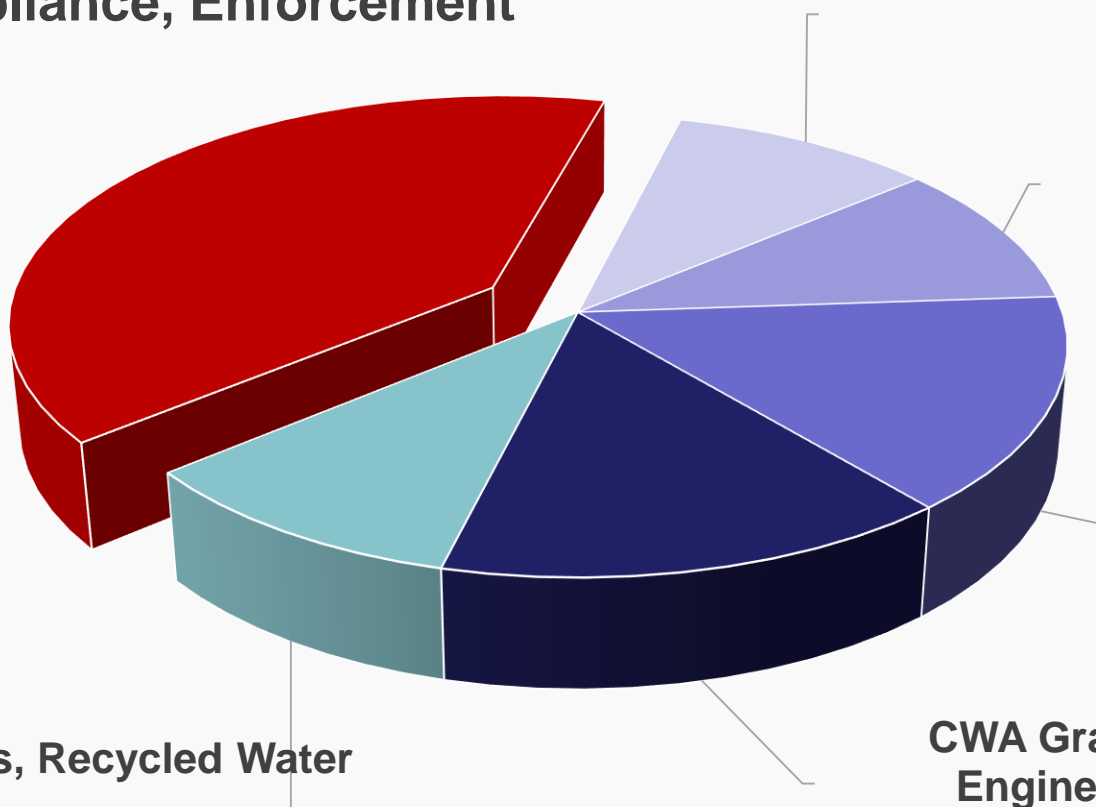
**Management, Policies, Data
Management, Administration, Etc.**

**State Water Quality
Standards**

**Waters Assessments,
Impairments, Total
Maximum Daily Load
(TMDL)**

State Permits, Recycled Water

**CWA Grants and Loans,
Engineering Reviews**





OVERVIEW OF NPDES PROGRAM DELEGATION

LEGAL FRAMEWORK



Section 402 Clean Water Act

EPA Promulgated Federal
NPDES Regulations

40 CFR 123 -
State Program

Subpart B –
State
*Program
Submission*

Clean Water Act NPDES Delegation



EPA may authorize qualified state, territorial, or tribal government agencies to implement all or parts of the NPDES program. States, territories, or tribes are authorized through a process defined by the CWA section 402(b) and NPDES regulations Part 123.

States may apply for the authority to issue one or more of the following five types of NPDES authorization:

- NPDES Base Program for individual municipal and industrial facilities
- General Permit Program
- Pretreatment Program
- Federal Facilities Program
- Biosolids Program

Section 402(b) Clean Water Act

At any time after the promulgation of the guidelines required by subsection (i)(2) of section 304 of this Act, **the Governor of each State desiring to administer its own permit program for discharges into navigable waters within its jurisdiction may submit to the Administrator a full and complete description of the program it proposes to establish and administer under State law or under an interstate compact.** In addition, such State shall submit a statement from the attorney general (or the attorney for those State water pollution control agencies which have independent legal counsel), or from the chief legal officer in the case of an interstate agency, that the laws of such State, or the interstate compact, as the case may be, provide adequate authority to carry out the described program. **The Administrator shall approve each such submitted program unless he determines that adequate authority does not exist: ...**

Regulatory Framework of the NPDES Program



EPA has developed regulations to implement the NPDES program. Many of these regulations apply to both EPA and states that have authorized programs.

Part 123 pertains to the State program requirements.

Regulation

(40 CFR)

Part 121

Part 122

Part 123

Part 124

Part 125

Part 129

Part 130

Part 131

Part 133

Part 135

Part 136

Part 257

Part 401

Part 403

Parts 405-471

Part 501

Part 503

Subject

State certification

The federal NPDES permit program

State program requirements

Procedures for decision making

Technology standards

Toxic pollutant effluent standards

Water quality planning and management

Water quality standards

Secondary treatment regulations

Citizen suits

Analytical procedures

State sludge disposal regulations

General provisions for effluent limitations guidelines and standards (effluent guidelines)

General pretreatment regulations

Effluent guidelines

State sewage sludge management program requirements

Standards for use or disposal of sewage sludge

PART 123—STATE PROGRAM REQUIREMENT



Subsection B of Part 123 includes the elements of a program submission and the requirements for state programs.

Subpart C address aspects of EPA's oversight of delegated NPDES programs.

Subpart D pertains to the approval process and other changes to state program.

IDEQ developed regulations that meet the requirements of federal regulations.

IDAPA 58 TITLE 01 CHAPTER 25

58.01.25 - RULES REGULATING THE IDAHO POLLUTANT DISCHARGE ELIMINATION SYSTEM PROGRAM

Subpart A—General

[§ 123.1 Purpose and scope.](#)

[§ 123.2 Definitions.](#)

[§ 123.3 Coordination with other programs.](#)

Subpart B—State Program Submissions

[§ 123.21 Elements of a program submission.](#)

[§ 123.22 Program description.](#)

[§ 123.23 Attorney General's statement.](#)

[§ 123.24 Memorandum of Agreement with the Regional Administrator.](#)

[§ 123.25 Requirements for permitting.](#)

[§ 123.26 Requirements for compliance evaluation programs.](#)

[§ 123.27 Requirements for enforcement authority.](#)

[§ 123.28 Control of disposal of pollutants into wells.](#)

[§ 123.29 Prohibition.](#)

[§ 123.30 Judicial review of approval or denial of permits.](#)

[§ 123.31 Requirements for eligibility of Indian Tribes.](#)

[§ 123.32 Request by an Indian Tribe for a determination of eligibility.](#)

[§ 123.33 Procedures for processing an Indian Tribe's application.](#)

[§ 123.34 Provisions for Tribal criminal enforcement authority.](#)

[§ 123.35 As the NPDES Permitting Authority for regulated small MS4s, what is my role?](#)

[§ 123.36 Establishment of technical standards for concentrated animal feeding operations.](#)

Subpart C—Transfer of Information and Permit Review

[§ 123.41 Sharing of information.](#)

[§ 123.42 Receipt and use of Federal information.](#)

[§ 123.43 Transmission of information to EPA.](#)

[§ 123.44 EPA review of and objections to State permits.](#)

[§ 123.45 Noncompliance and program reporting by the Director.](#)

[§ 123.46 Individual control strategies.](#)

Subpart D—Program Approval, Revision, and Withdrawal

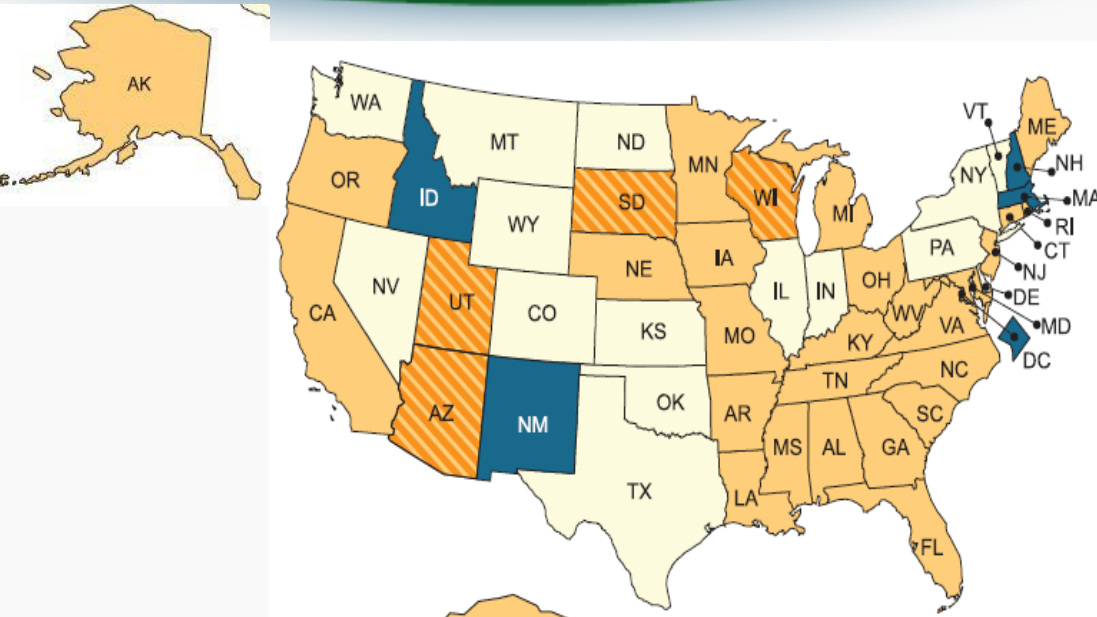
[§ 123.61 Approval process.](#)

[§ 123.62 Procedures for revision of State programs.](#)





[§ 123.63 Criteria for withdrawal of State programs.](#)

[§ 123.64 Procedures for withdrawal of State programs.](#)

NPDES Program Status



State NPDES Program Status

-  Fully authorized
-  Fully authorized, including an approved biosolids program
-  Partially authorized ([click here for details](#))
-  Unauthorized

R10 States	Approved State NPDES Permit Program	Approved to Regulate Federal Facilities	Approved State Pretreatment Program	Approved General Permits Program	Approved Biosolids Program
Alaska Phased by Sector	10/31/08 – 10/1/12	10/31/09	10/31/09	10/31/08 – 10/1/12	
Idaho Proposed schedule	7/1/18 Muni. IP 7/1/19 Ind. IP 7/1/21 SW IP	7/1/21	7/1/18	7/1/20 Others 7/1/21 SW GP	7/1/21
Oregon	09/26/73	03/02/79	03/12/81	02/23/82	
Washington	11/14/73		09/30/86	09/26/89	



OVERVIEW OF IPDES PROGRAM DEVELOPMENT AND EPA APPROVAL PROCESS

IPDES Program Development



2014

- Idaho legislative mandate to develop program for EPA approval.

2015

- Developed IPDES regulations using Idaho's negotiated rulemaking process.

2016

- Developed required documents for the program submission.

2017

- Develop permitting, compliance and enforcement guidance. **EPA Public Process**

2018

- Anticipate Idaho Legislative Actions and EPA approval.

IDPES Regulations



- <https://adminrules.idaho.gov/rules/current/58/0125.pdf>
- Throughout 2015, DEQ held negotiated rulemaking meetings to develop the IPDES rules.
- The IPDES rules incorporate federal rules by reiteration of federal rules and incorporation by reference.
- The IPDES rules are not identical to federal rules in terms of order and content, but are deemed to be as stringent as federal regulations.
- Additional rulemaking is wrapping up now to incorporate recent changes to federal regulations.

Program Description (PD)



- Scope,
- Organization Structure,
- Coverage, and
- Permitting, compliance, & enforcement processes

Memorandum of Agreement (MOA)



1. Transfer
2. EPA Review of permits
3. Reports to EPA
4. Compliance & enforcement activities
5. Joint processing of permits
6. Modifying MOA

State Attorney General Statement



- Demonstrate adequate authority
- Cite statutes, rules, and judicial decisions
- Crosswalk between federal & state regulations



Program Approval Process

- ✓ Completeness determination
- ✓ Statutory review period
- Public participation
- Tribal consultation
- HQ review
- EPA determination

Program Approval Next Steps



- ❑ Complete the public process, tribal consultation, etc.
– by end of 2017
- ❑ IDEQ complete legislative actions required for approval – early 2018
- EPA R10 requests concurrence from EPA HQ offices
- ❑ OECA and OGC – following IDEQ's legislative actions
- ❑ Anticipate IPDES program approval and first phase transfer on July 1, 2018.

Phased Transfer



Phase Sector

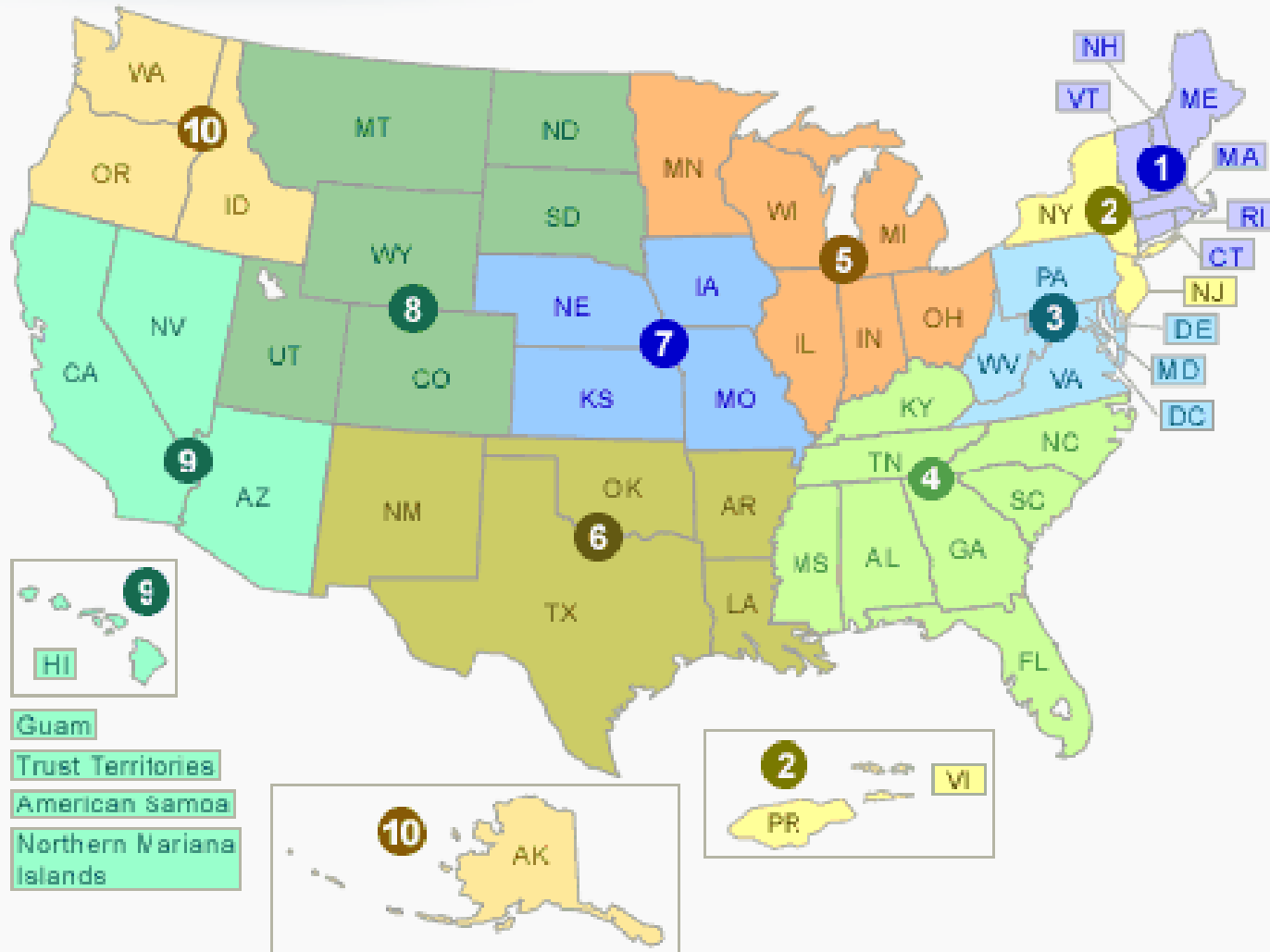
- I Municipal & pretreatment
- II Industrial Individual
- III General Permits
- IV Storm water, Biosolids, Federal Facilities

IPDES Capacity Development



- Training
- Job shadowing with EPA
- Familiarity with EPA tools
- Shadow writing of EPA permits
- Development of IPDES database
- Development of guidance material

NPDES State Oversight Role



Summary of Roles



Before state program approval

EPA

✓ issues permits

✓ conducts compliance and monitoring activities

✓ enforces

DEQ

✓ reviews permits and grants CWA section 401 certification

Summary of Roles



After state program approval

EPA

- ✓ provides administrative, technical and legal support

- ✓ ensures state program meets federal requirements

- ✓ reviews permits and, as necessary, comments or objects

- ✓ offers NPDES program training

- ✓ oversees enforcement of permits, and also retains concurrent enforcement authority

DEQ

- ✓ issues permits

- ✓ conducts compliance and monitoring activities

- ✓ enforces

NPDES Oversight Role



- Memorandum of Agreement (MOA)
- Performance Partnership Agreement (PPA)
- EPA's Permit Quality Review (PQR) - Permit
- EPA's State Review Framework (SRF) – C, I&E
- Integrated Reviews
- Performance Metrics – Backlog and Priority Permits
- Real-time Permit Reviews – review of draft permits
- Internal and External Technical Assistance
- Coordination with EPA HQ on issued and rules

Permit and Program Quality Review (PQR)



- EPA reviews:
 - permit language,
 - fact sheets,
 - calculations,
 - supporting documents in the administrative record, and
 - state permitting program initiatives.
- More information:
 - [PQR Procedures](#)
 - [PQR Findings \(State PQR Reports\)](#)
 - [Central Tenets of the NPDES Permitting Program](#)



Compliance

Compliance Home

How We Monitor Compliance

Compliance Monitoring Programs

CAA

CERCLA

CWA

FIFRA

RCRA

SDWA

TSCA

Good Laboratory Practices (GLP)

State Review Framework

NPDES Electronic Reporting

Compliance Assistance Centers

National Enforcement Training Institute (NETI)

State Review Framework for Compliance and Enforcement Performance

The State Review Framework (SRF) consistently assesses EPA and state enforcement of the Clean Water Act (CWA), the Clean Air Act (CAA), and Resource Conservation and Recovery Act (RCRA). Designed collaboratively in 2004 by EPA and the [Environmental Council of the States \(ECOS\)](#), EPA works in partnership with each state to create a final SRF report. These SRF reports allow EPA to identify recommendations for improvement to ensure fair and consistent enforcement and compliance programs across the states.

State Review Framework Reports and Recommendations

This map shows which states are responsible for implementation of the CAA, CWA and RCRA programs and provides access to the SRF reports for individual states.

View Trends Data in State Dashboards

- [Air \(CAA\)](#)
- [Hazardous Wastes \(RCRA\)](#)
- [Water \(CWA\)](#)

Frequent Questions

Who uses the State Review Framework?

How are the



TRIBAL CONSULTATION AND TRIBAL PERMITS

Tribal Consultation Process

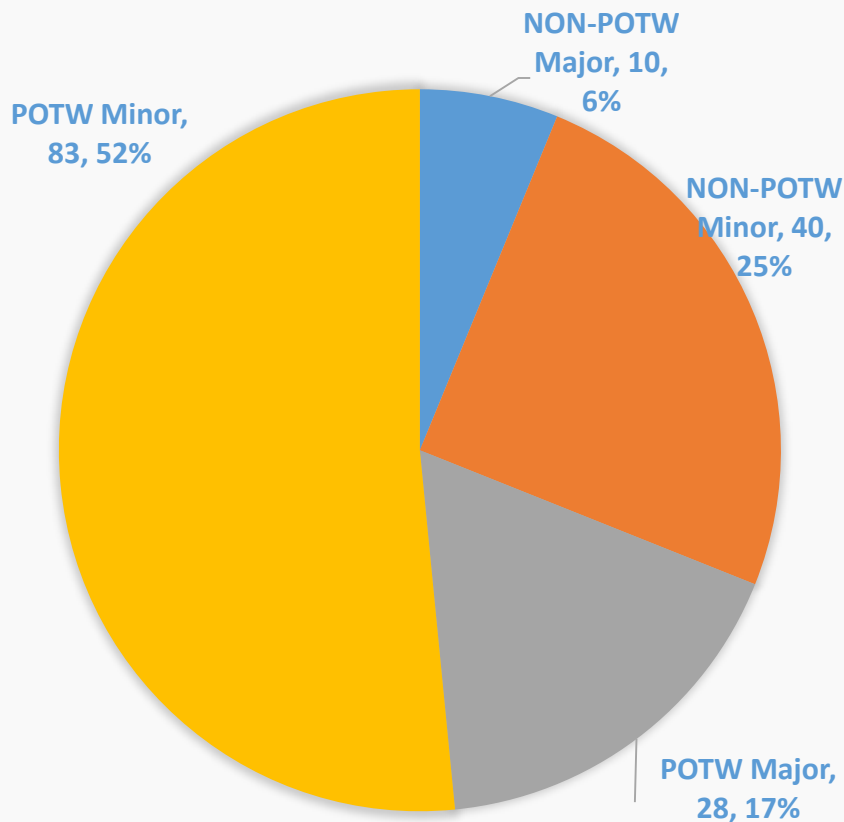


- ✓ Informational Meeting
- ✓ Invitation for Government-to-Government consultation on the IPDES application.
- If formal consultation is requested, complete Gov. to Gov. consultation with EPA.
- Formal consultation will commence during week of scheduled hearings. Tentatively Sept. 11-15, 2017.
- In addition, tribes may provide comments on the application and/or participate in public hearings.

Permit Universe (Individual Permits)



Overall Permit Universe



List of Tribal Permits

NPDES ID	Permit Name
ID0028347	LAPWAI VALLEY WASTEWATER TREATMENT PLANT (aka Nez Perce Tribe Water Resources)
ID0000019	POTLATCH LAND AND LUMBER LLC
ID0001058	OROFINO, CITY OF
ID0020150	OROFINO, CITY OF
ID0020184	CITY OF WINCHESTER
ID0020397	NEZPERCE, CITY OF
ID0021237	RIVERSIDE WATER AND SEWER DISTRICT
ID0021288	CRAIGMONT, CITY OF
ID0021814	KOOSKIA, CITY OF
ID0022713	WORLEY, CITY OF
ID0022781	CITY OF PLUMMER
ID0022799	ST. MARIES, CITY OF
ID0024490	CULDESAC, CITY OF
ID0024503	THE RIVERSIDE WATER AND SEWER DISTRICT
ID0025101	TENSED, CITY OF
ID0025224	ASAHKA WATER AND SEWER DISTRICT
ID0028002	KAMIAH, CITY OF
ID0028461	CITY OF KAMIAH WATER TREATMENT PLANT

Question and Answer



FOR FURTHER INFORMATION CONTACT:

Visit <https://www.epa.gov/npdes-permits/idaho-npdes-program-authorization> or contact Karen Burgess, NPDES Permits Unit, EPA Region 10; (206) 553-1644; burgess.karen@epa.gov.