



## SCHEDULE

### 1. Stormwater Management Program Document

Maintain updated SWMP Document(s) on at least one publicly accessible website - See Part 2.5.5 and Part 3.1.8 **October 1, 2022**

### 2. Stormwater Management Program Control Measures

Implement all SWMP Control Measures as directed by the Permit - See Part 3 **April 3, 2026**

### 3. Monitoring and Evaluation Reports

Submit Stormwater Outfall Monitoring Report

See Part 6.2.1 and 6.4.3

Submit the Subwatershed Monitoring Report **April 3, 2026**

See Part 6.2.2 and 6.4.5

Submit Structural, Nonstructural Control/Green Stormwater Infrastructure Effectiveness Evaluation Report

See Parts 6.2.3 and 6.4.5

### 4. Annual Reports

See Part 6.4, and Table 6.4.1

**January 30 of each year, beginning  
Calendar Year 2023**

### 5. Twenty-Four Hour Notice of Noncompliance

Permittee must report certain noncompliance by phone. See Part 7.9.

Within 24 hours from when Permittee becomes aware of circumstances

### 6. NPDES Permit Renewal Application

See Part 8.2.

**April 3, 2026**

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**ACRONYMS**

ACHD	Ada County Highway District
BMP	Best Management Practice
BSU	Boise State University
CFR	Code of Federal Regulations
CGP	Construction General Permit, i.e., the most current version of the <i>NPDES General Permit for Stormwater Discharges from Construction Activities in Idaho</i>
CWA	Clean Water Act
DD3	Ada County Drainage District #3
ERP	Enforcement Response Policy
EPA	United States Environmental Protection Agency, Region 10
FR	Federal Register
GIS	Geographic Information System
IDAPA	Idaho Administrative Procedures Act
IDEQ	Idaho Department of Environmental Quality
ITD3	Idaho Transportation Department District #3
µg/L	Micrograms per Liter
mg/L	Milligrams per Liter
ML	Minimum Levels
MS4	Municipal Separate Storm Sewer System
MSGP	Multi-Sector General Permit, i.e., the most current version of the <i>NPDES Multi-Sector General Permit for Stormwater Discharges Associated with Industrial Activities in Idaho</i>
NPDES	National Pollutant Discharge Elimination System
O&M	Operation and Maintenance
PDF	Portable Document Format
POTW	Publicly Owned Treatment Works
QAPP	Quality Assurance Project Plan
QA/QC	Quality Assurance/Quality Control
SWMP	Stormwater Management Program
SWPPP	Stormwater Pollution Prevention Plan
TMDL	Total Maximum Daily Load
TSS	Total Suspended Solids
US	United States
USC	United States Code
WD	EPA Region 10 Water Division

## **1 APPLICABILITY**

### **1.1 Permit Area**

This Permit covers all areas within the corporate boundaries of the City of Boise and Garden City, Idaho, which are served by the municipal separate storm sewer systems (MS4s) owned or operated by the Ada County Highway District (ACHD), Ada County Drainage District #3 (DD3), Boise State University (BSU), City of Boise, City of Garden City, and the Idaho Transportation Department District #3 (ITD3) [hereinafter, the Permittees].

### **1.2 Discharges Authorized Under this Permit**

During the effective dates of this Permit, the Permittees are authorized to discharge stormwater to waters of the United States from all portions of the MS4s identified in Part 1.1, subject to the conditions set forth herein.

Pursuant to Part 2.4. below, this Permit also conditionally authorizes the discharges from the Permittee's MS4s that are categorized as allowable non-stormwater discharges.

## **2 LIMITATIONS AND CONDITIONS**

### **2.1 Compliance with Water Quality Standards**

If the Permittees comply with all the terms and conditions of this Permit, it is presumed that the Permittees are not causing or contributing to an excursion above the applicable Idaho Water Quality Standards.

If monitoring or other information shows that a pollutant in the Permittee's MS4 discharge is causing or contributing to an excursion above the applicable Idaho Water Quality Standard, the Permittee must comply with the notification and other requirements outlined in Part 5 (*Required Response to Excursions of Idaho Water Quality Standards*), except where a pollutant of concern in the MS4 discharge is the result of an illicit discharge and subject to the Permittee response as outlined in Part 3.2.6 (*Follow-up*).

### **2.2 Snow Disposal to Receiving Waters**

The Permittees are not authorized to dispose of snow plowed in the geographic area of permit coverage directly into waters of the United States, or directly into the MS4(s). Discharges from any Permittee's snow disposal and snow management practices are authorized under this Permit only when such practices and disposal sites are conducted, operated, designed, and maintained to reduce pollutants in the discharges pursuant to Part 3.5 (*Stormwater Infrastructure and Street Management*) so as to avoid excursions above the Idaho Water Quality Standards.

### **2.3 Stormwater Discharges Associated with Industrial or Construction Activity**

The Permittees are not authorized to discharge stormwater associated with industrial activity (as defined in 40 CFR § 122.26(b)(14)), and/or stormwater associated with construction activity (as defined in 40 CFR § 122.26(b)(14)(x) and (b)(15)), unless the discharges are otherwise authorized under the *NPDES General Permit for Stormwater Associated with Construction Activities in Idaho* (Idaho CGP), the *NPDES Multi-Sector General Permit for Stormwater Associated with Industrial Activities in Idaho* (MSGP), or another appropriate NPDES permit.

## 2.4 Non-Stormwater Discharges

The Permittees are not authorized to discharge non-stormwater from the MS4, except where such discharges satisfy one of the following conditions:

- 2.4.1 The non-stormwater discharge is in compliance with a separate NPDES permit; or
- 2.4.2 The discharge originates from emergency firefighting activities; or
- 2.4.3 The non-stormwater discharge results from a spill, and/or is the result of an unusual and severe weather event where reasonable and prudent measures have been taken to prevent and minimize the impact of such discharge; or
- 2.4.4 The non-stormwater discharge consists of emergency discharges required to prevent imminent threat to human health or severe property damage, provided that reasonable and prudent measures have been taken to prevent and minimize the impact of such discharges; or
- 2.4.5 The non-stormwater discharge falls under one of the allowable categories listed in Part 2.4.5.1 below, and the discharge is not a source of pollution to waters of the United States as defined in Part 2.4.5.2.

### 2.4.5.1 Categories of Allowable Non-Stormwater Discharges include:

- 2.4.5.1.1 Uncontaminated water line flushing;
- 2.4.5.1.2 Landscape irrigation (provided all pesticides, herbicides and fertilizer have been applied in accordance with manufacturer's instructions);
- 2.4.5.1.3 Diverted stream flows;
- 2.4.5.1.4 Uncontaminated ground water infiltration (as defined at 40 CFR § 35.2005(20)) to separate storm sewers;
- 2.4.5.1.5 Rising ground waters;
- 2.4.5.1.6 Uncontaminated pumped ground water;
- 2.4.5.1.7 Discharges from potable water sources;
- 2.4.5.1.8 Foundation drains and footing drains (where flows are not contaminated with process materials such as solvents);
- 2.4.5.1.9 Uncontaminated air conditioning or compressor condensate;
- 2.4.5.1.10 Irrigation water;
- 2.4.5.1.11 Springs;
- 2.4.5.1.12 Water from crawlspace pumps;
- 2.4.5.1.13 Lawn watering;
- 2.4.5.1.14 Individual residential car washing;
- 2.4.5.1.15 Flows from riparian habitats and wetlands;
- 2.4.5.1.16 Dechlorinated swimming pool discharges;
- 2.4.5.1.17 Routine external building washdown which does not use detergents;
- 2.4.5.1.18 Street and pavement washwaters where no detergents are used and no spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed); and
- 2.4.5.1.19 Fire hydrant flushing.

### 2.4.5.2 Sources of Pollution to Waters of the United States

A discharge is considered a source of pollution to waters of the United States if it contains:

- 2.4.5.2.1 Hazardous materials in concentrations found to be of public health significance or to impair beneficial uses in receiving waters. (“*Hazardous materials*” is defined in IDAPA 58.01.02.010.47 and Part 9 of this Permit); and/or
- 2.4.5.2.2 Toxic substances in concentrations that impair designated beneficial uses in receiving waters. (“*Toxic substances*” is defined at IDAPA 58.01.02.010.99 and Part 9 of this Permit); and/or
- 2.4.5.2.3 Deleterious materials in concentrations that impair designated beneficial uses in receiving waters. (“*Deleterious materials*” is defined at IDAPA 58.01.02.010.21 and Part 9 of this Permit); and/or
- 2.4.5.2.4 Radioactive materials or radioactivity at levels exceeding the values listed in 10 CFR § 20 in receiving waters; and/or
- 2.4.5.2.5 Floating, suspended, or submerged matter of any kind in concentrations causing nuisance or objectionable conditions or in concentrations that may impair designated beneficial uses in receiving waters; and/or
- 2.4.5.2.6 Excessive nutrients that can cause visible slime growths or other nuisance aquatic growths that impair designated beneficial uses in receiving waters; and/or
- 2.4.5.2.7 Oxygen-demanding materials in concentrations that would result in anaerobic water conditions in receiving waters; and/or
- 2.4.5.2.8 Sediment above quantities specified in IDAPA 58.01.02.250.02.e or in the absence of specific sediment criteria, above quantities that impair beneficial uses in receiving waters; and/or
- 2.4.5.2.9 Material in concentrations that exceed applicable natural background conditions in receiving waters (IDAPA 58.01.02.200.09). Temperature levels may be increased above natural background conditions when allowed under IDAPA 58.01.02.401.

## 2.5 Permittee Responsibilities

### 2.5.1 Individual Responsibility

Each Permittee is individually responsible for Permit compliance related only to portions of the MS4 operated solely by that Permittee, or where the Permit requires the specific Permittee to take an action.

### 2.5.2 Joint Responsibility and Joint Agreements

The Permittees must work together under a joint agreement established pursuant to this Permit. Each Permittee is jointly responsible for compliance with this Permit:

- 2.5.2.1 Related to portions of the MS4 where operational or stormwater management control measure implementation authority has been transferred from one



Permittee to another, in accordance with the written and enforceable agreement between the Permittees as described in this Part;

- 2.5.2.2 Related to portions of the MS4 where Permittees jointly own or operate a portion of the MS4;
- 2.5.2.3 Related to the submission of reports or other documents required by Parts 3, 5, and 6 of this Permit; and
- 2.5.2.4 Where this Permit requires action, and a specific Permittee is not named.

The Permittees must maintain an intergovernmental agreement between the parties. The written agreement must describe each organization's respective roles and responsibilities related to this Permit and identify all aspects of stormwater management where the entities will share implementation responsibility, including the areas served by the MS4(s) where the Permittees agree to share such responsibility.

Any previously signed agreement may be updated, as necessary, to comply with this requirement. Any such agreement must be described in the Permittees' Stormwater Management Program (SWMP) Document (Permit Part 2.5.5.) and a copy of the agreement between the Permittees related to this Permit must be available to EPA and/or IDEQ upon request.

### **2.5.3 Shared Implementation with Outside Entities**

The Permittees may share or delegate implementation of one or more of the stormwater management control measures required by this Permit to another entity other than the Permittees. A Permittee may rely on another entity if:

- 2.5.3.1 The other entity, in fact, implements the stormwater management control measure, or component thereof;
- 2.5.3.2 The particular stormwater management control measure, or component thereof, is at least as stringent as the corresponding Permit requirement; and
- 2.5.3.3 The other entity agrees to implement the stormwater management control measure, or component thereof, on the Permittee's behalf.

The Permittee(s) and the outside entity must maintain a written and binding agreement between the parties. The written agreement must describe each organization's respective roles and responsibilities related to this Permit and identify all aspects of stormwater management where the entities will share or delegate implementation responsibility. Any previously signed agreement may be updated, as necessary, to comply with this requirement. Any such agreement must be described in the Permittee's SWMP Document (Part 2.5.5., *SWMP Document*), and a copy of the agreement between parties must be available to EPA and/or IDEQ upon request. The Permittees remain responsible for compliance with the permit obligation if the other entity fails to implement the stormwater management control measure (or component thereof).

### **2.5.4 Maintain Adequate Legal Authority**

The Permittee must maintain relevant regulatory mechanisms to control pollutant discharges into and from its MS4 and comply with this Permit.

In the SWMP Document required by Part 2.5.5, the Permittee must summarize all of its legal authorities that address the six criteria listed below.

If existing regulatory mechanisms are insufficient to meet the criteria, the Permittee must

adopt new regulatory mechanisms. Each Permittee must utilize all relevant regulatory mechanisms available to it as allowed pursuant to applicable Idaho state law. In such cases, the Permittee must report on its progress towards adopting or utilizing available regulatory mechanisms, in each Annual Report required by Part 6.4.2.

To the extent allowable pursuant to the respective authority granted the individual Permittee under applicable Idaho state law, the Permittee must operate to:

- 2.5.4.1 Prohibit and eliminate, through statute, ordinance, policy, permit, contract, court or administrative order, or other similar means, illicit discharges to the MS4;
- 2.5.4.2 Control, through statute, ordinance, policy, permit, contract, court or administrative order, or other similar means, the discharge to the MS4 of spills, dumping or disposal of materials other than stormwater, pursuant to Part 3.2.3 (*Illicit Discharge Detection and Elimination –Regulatory Mechanism*);
- 2.5.4.3 Control the discharge of stormwater and pollutants from land disturbance and development, both during the construction phase and after site stabilization has been achieved, consistent with Parts 3.3 (*Construction Site Runoff Control Program*) and 3.4 (*Stormwater Management for Areas of New Development and Redevelopment*);
- 2.5.4.4 Control through interagency agreements among Permittees as necessary or appropriate, the contribution of pollutants from one MS4 to another interconnected MS4;
- 2.5.4.5 Require compliance with conditions in statutes, ordinances, permits, contracts, or orders; and
- 2.5.4.6 Carry out all inspection, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with these Permit conditions, including the prohibition of illicit discharges to the MS4.

#### **2.5.5 SWMP Document**

Each Permittee must maintain a written SWMP Document, or documents, to describe in detail how the Permittee complies with the required stormwater management (or SWMP) control measures in this Permit. Each SWMP Document must provide a current narrative physical description of the Permittee's MS4, illustrative maps or graphics, and a citation or description of all related ordinances, policies and activities as implemented within their jurisdiction

Each Permittee's current SWMP Document must be available through the website(s) required in Part 3.1.8 (*Publicly Accessible Website*).

Each Permittee must submit their updated SWMP Documents with the Permit Renewal Application. See Part 8.2.1.

#### **2.5.6 SWMP Information and Statistics**

The Permittees must maintain a method of gathering, tracking, and using SWMP information to set priorities and assess Permit compliance. The Permittees must track activities and document program outcomes to illustrate progress on the respective SWMP control measure (e.g., the number of inspections, official enforcement actions, and/or types of public education actions, etc.), and cite relevant information and statistics, reflecting the specific reporting period, in each Annual Report.

### 2.5.7 SWMP Resources

The Permittees must provide adequate finances, staff, equipment and other support capabilities to implement the control measures and other requirements outlined in this Permit. The Permittees must report on total costs associated with SWMP implementation over the prior 12-month reporting period in each Annual Report. Permittees are encouraged to consider establishing consistent funding sources for continued program implementation.

### 2.5.8 Transfer of Ownership, Operational Authority, or Responsibility for SWMP Implementation

The Permittees must implement the required SWMP control measures of this Permit in all new areas added or transferred to the Permittee's MS4 (or for which the Permittee becomes responsible for implementation of SWMP control measures) as expeditiously as practicable, but not later than one (1) year from addition of the new areas. The Permittee must notify EPA and IDEQ in the next Annual Report of any additions or changes and schedules for implementation in new areas and must update their SWMP Document accordingly.

### 2.5.9 Best Management Practice (BMP) Selection<sup>1</sup>

Best management practices must be designed, implemented, monitored, and maintained by the Permittees to fully protect and maintain the beneficial uses of waters of the United States and to improve water quality at least to the maximum extent practicable.<sup>1</sup>

When selecting best management practices the Permittees must consider and, if practicable, utilize practices identified in the Idaho Department of Environmental Quality's *Catalog of Stormwater Best Management Practices* (<https://www.deq.idaho.gov/water-quality/wastewater/storm-water/>).<sup>1</sup>

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<sup>1</sup> This provision is a condition of the IDEQ's *Final §401 Water Quality Certification for the IDS027561 Boise-Garden City Area Municipal Separate Storm Sewer Systems (MS4)*, NPDES Permit# IDS027561, dated March 29, 2021.

### **3 STORMWATER MANAGEMENT PROGRAM CONTROL MEASURES**

#### **3.1 Public Education and Outreach on Stormwater Impacts**

The Permittees must continue to conduct, or contract with other entities to conduct, an ongoing joint education, outreach, and public involvement program based on stormwater issues of significance in the Permittees' jurisdictions. When applicable, the individual Permittee must comply with State and local public notice requirements when conducting public involvement activities.

##### **3.1.1 Compliance Dates**

No later than **April 3, 2026**, the Permittee must fully implement all required components described in Parts 3.1.2 through 3.1.8 below.

##### **3.1.2 Conduct a Public Education, Outreach and Involvement Program**

The Permittees' joint education and outreach program must include coordination and educational efforts targeting at least one of the four audiences listed in Part 3.1.4 below. The goal of the education and outreach program is to reduce the behaviors and practices that cause or contribute to adverse stormwater impacts on receiving waters by increasing audience understanding of actions they can take to prevent pollutants in stormwater runoff entering the MS4 and into local receiving waters.

The public involvement program must inform and engage interested stakeholders in the Permittee's development and implementation of the SWMP control measures, to the extent allowable pursuant to authority granted the individual Permittee under Idaho state law.

To be considered adequate, the Permittees' implementation of the public education, outreach and involvement program must include the activities in Parts 3.1.3 through 3.1.8 below.

##### **3.1.3 Stormwater Education Activities**

The Permittees must distribute and/or offer at least eight (8) educational messages or activities over the permit term to the selected audience(s) identified in Part 3.1.4 below.

Educational messages or activities may include printed materials such as brochures or newsletters; electronic materials such as websites; mass media such as newspaper articles or public service announcements; targeted workshops or other educational events; or other viable format. The Permittees may use existing materials if the materials convey the message the Permittee chooses to deliver. The Permittees may develop its own educational materials and means of delivering its message(s). Based on the target audience's demographic, the Permittee must consider delivering its selected messages and/or activities in an appropriate manner in language(s) other than English.

##### **3.1.4 Target Audience(s) and Topics**

The Permittees must, at a minimum, select at least one audience and focus its efforts on conveying relevant messages using one or more of the topics listed below for the selected target audience. Topics listed are not exclusive, and the Permittees may focus their efforts on one or more audience(s) and topics most relevant to the community.

If the Permittee does not have legal authority over private property (i.e., a college, university, highway district, state department of transportation, school district, drainage district, and/or other public entity), the term "target audience" is clarified to mean any employees, consultants, students, clients or members of the public for whom the Permittee

provides its services.

- 3.1.4.1 General Public (including homeowners, homeowner's associations, landscapers, and property managers)
- General impacts of stormwater flow into surface water, and appropriate actions to prevent adverse impacts;
  - Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts;
  - Yard care techniques protective of water quality, such as composting;
  - Best management practices (BMPs) for proper use, application and storage of pesticides, herbicides, and fertilizers;
  - Litter and trash control and recycling programs;
  - BMPs for power washing, carpet cleaning and auto repair and maintenance;
  - Low Impact Development/green infrastructure techniques, including site design, pervious paving, retention of mature trees/vegetation, landscaping and vegetative buffers;
  - Appropriate maintenance of landscape features providing water quality benefits;
  - Source control BMPs and environmental stewardship;
  - Impacts of illicit discharges and how to report them;
  - Actions and opportunities for pet waste control/disposal;
  - Water wise landscaping, water conservation, water efficiency.
- 3.1.4.2 Business/Industrial/Commercial/Institutions (including home based and mobile businesses)
- General impacts of stormwater flow into surface water, and appropriate actions to prevent adverse impacts;
  - Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts;
  - BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, vehicle wash soaps and other hazardous materials;
  - BMPs for power washing, carpet cleaning and auto repair and maintenance;
  - BMPs for proper use, application and storage of pesticides, herbicides, and fertilizers;
  - Low Impact Development/green infrastructure techniques, including site design, pervious paving, retention of mature trees/vegetation, landscaping and vegetative buffers;
  - Appropriate maintenance of landscape features providing water quality benefits;
  - Impacts of illicit discharges and how to report them;
  - Litter and trash control and recycling programs;
  - Water wise landscaping, water conservation, water efficiency.
- 3.1.4.3 Construction/Development (e.g., Engineers, Contractors, Developers, Landscape Architects, Site Design Professionals)
- General impacts of stormwater flow into surface water, and appropriate

- actions to prevent adverse impacts;
- Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts;
- Stormwater treatment and volume control practices;
- Technical standards for stormwater site plans, including appropriate selection, installation, and use of required construction site control measures;
- Low Impact Development/green infrastructure techniques, including site design, pervious paving, retention of mature trees/vegetation, landscaping and vegetative buffers;
- Appropriate maintenance of landscape features providing water quality benefits;
- Water wise landscaping, water conservation, water efficiency.

#### 3.1.4.4 Elected Officials, Land Use Policy and Planning Staff

- General impacts of stormwater flow into surface water, and appropriate actions to prevent adverse impacts;
- Impacts from impervious surfaces and appropriate techniques to avoid adverse impacts;
- Low Impact Development/green infrastructure techniques, including site design, pervious paving, retention of mature trees/vegetation, landscaping and vegetative buffers.

#### 3.1.5 Assessment

The Permittees must begin to assess, or participate in one or more efforts to assess, the understanding of the relevant messages and adoption of appropriate behaviors by their target audience(s). The resulting assessments must be used to direct future stormwater education and outreach resources most effectively. Information summarizing the Permittee's incremental assessment of any specific education, outreach and/or public involvement activities conducted over the relevant reporting period must be included in each Annual Report.

#### 3.1.6 Tracking

The Permittees must track and maintain records of their education, outreach and public involvement activities and include descriptive summary of their activities in the corresponding Annual Report.

#### 3.1.7 Education on SWMP Control Measures

For each SWMP control measure listed below, the Permittees must provide educational opportunities and materials for appropriate audiences in their jurisdiction.

**3.1.7.1 Outreach/Training on Construction Site Control Measures:** At least once per year, the Permittees must provide training to local audiences on the requirements for construction operators working in their jurisdictions pertaining to the required construction site controls imposed by the Permittees as described in Part 3.3.

**3.1.7.2 Outreach/Training on Permanent Stormwater Controls:** At least once per year, the Permittees must provide training to local audiences on the

requirements for permanent stormwater management controls imposed by the Permittees as described in Part 3.4.

### 3.1.8 Publicly Accessible Website

The Permittees must maintain and promote at least one publicly accessible website with information on the Permittees' collective SWMP implementation, points of contact, and educational materials for audience(s) listed in Part 3.1.4. The website must be updated at least annually prior to the submittal of Annual Reports, and/or as new material is available. The Permittees' website(s) must incorporate the following minimum features:

- 3.1.8.1 **Phone numbers, and/or other direction** to assist the public to report illicit discharges, illicit connections, and illegal dumping activity;
- 3.1.8.2 **Reports, plans, strategies, or documents** generated by the Permittee in compliance with this Permit, in draft form when the Permittee is soliciting input from the public, and in final form when the document is completed;
- 3.1.8.3 **Information regarding policies and/or guidance** documents related to the Permittees' requirements for construction and permanent stormwater management control, including education opportunities, training, licensing, and/or permitting process for the Permittees' jurisdictions; and
- 3.1.8.4 **Permittee contact information**, including phone numbers for relevant staff, mailing addresses, and electronic mail addresses.

### 3.2 Illicit Discharge Detection and Elimination

The Permittees must continue to implement and enforce a program to detect and eliminate illicit discharges into the MS4, to the extent allowable pursuant to authority granted the individual Permittee under Idaho state law.

An illicit discharge is any discharge to an MS4 that is not composed entirely of stormwater. Any exceptions are conditional as identified in Part 2.4 (*Non-stormwater Discharges*).

#### 3.2.1 Compliance Dates

No later than **April 3, 2026**, the Permittees must update their existing illicit discharge management program, if necessary, to include the required components described in Parts 3.2.2 through 3.2.9 below.

#### 3.2.2 MS4 Map and Outfall Inventory

The Permittees must update and maintain a map of their MS4(s) and all associated outfall locations under its operational control in the Permit Area.

The Permittees must maintain an outfall and interconnection inventory to accompany the MS4 map(s). The purpose of the inventory is to identify each outfall and interconnection discharging from the Permittee's MS4; record its location (by latitude and longitude) and overall physical condition; and provide a framework for the Permittee to track its outfall inspections, dry weather discharge screenings, maintenance, and other activities required by this Permit.

The Permittees may integrate these efforts into any existing asset management program, provided the Permittee explains their management approach in the SWMP Document required by Part 2.5.5.

No later than **April 3, 2026**, an electronic GIS version of the MS4 map, and the accompanying Outfall Inventory, must be submitted to IDEQ as part of the Permit Renewal Application required by Part 8.2. Prior to this date, all available GIS data layers must be shared with EPA and/or IDEQ upon request.

To be considered adequate, the MS4 Map and Outfall Inventory must depict and/or contain the following information:

- 3.2.2.1 Location of all inlets, catch basins, and outfalls owned/operated by the Permittee, including a unique identifier for each outfall, spatial location (latitude and longitude, with a minimum accuracy of +/-30 feet), and general information regarding dimensions, shape, material (concrete, polyvinyl chloride, etc.);
- 3.2.2.2 Location of all MS4 collection system pipes, open channel conveyances, (laterals, mains, etc.) owned/operated by the Permittee, including locations where the MS4 is physically interconnected to the MS4 of another operator;
- 3.2.2.3 Location of structural flood control devices, if different from the characteristics listed above;
- 3.2.2.4 Waterbody Assessment Unit names and locations of waters of the U.S. that receive discharges from the inventoried MS4 outfalls, including an indication of all use impairments as identified by IDEQ in the most recent Integrated Report;
- 3.2.2.5 Location of all existing permanent stormwater controls which are part of the MS4 owned and/or operated by the Permittee, including structural or treatment



controls (e.g., detention and retention basins, infiltration systems, bioretention areas, swales, oil/water separators and/or other proprietary systems);

- 3.2.2.6 Location and characteristics of any MS4 outfalls with ongoing dry weather flows identified by the Permittee as being caused by irrigation return flows and/or groundwater seepage; and
- 3.2.2.7 Location of Permittee-owned vehicle maintenance facilities, material storage facilities, heavy equipment storage areas, maintenance yards, snow disposal sites; and Permittee-owned or operated parking lots and roads in areas served by the MS4.

### 3.2.3 Ordinance and/or Other Regulatory mechanism

The Permittees must prohibit non-stormwater discharges into the MS4 (except those conditionally allowed by Part 2.4) through enforcement of a regulatory mechanism to the extent allowable under Idaho state law. The Permittees must implement appropriate enforcement procedures and actions, including a written policy of enforcement escalation procedures for recalcitrant or repeat offenders, to ensure compliance.

To be considered adequate, the ordinance or regulatory mechanism must:

- 3.2.3.1 Authorize the Permittee to control and respond to the discharge of spills into the MS4 to the extent allowable pursuant to authority granted the individual Permittee under Idaho state law;
- 3.2.3.2 Authorize the Permittee to prohibit illicit connections, and the dumping or disposal of materials other than stormwater, into the MS4; and
- 3.2.3.3 Authorize the Permittee to prohibit, and eliminate, at a minimum, the following discharges to the MS4 to the extent allowable pursuant to authority granted the individual Permittee under Idaho state law:
  - Sewage;
  - Discharges of wash water resulting from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive services facilities;
  - Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility, including motor vehicles, cement-related equipment, and port-a-potty servicing, etc.;
  - Discharges of wash water from mobile operations, such as mobile automobile or truck washing, steam cleaning, power washing, and carpet cleaning, etc.;
  - Discharges of wash water from the cleaning or hosing of impervious surfaces in municipal, industrial, commercial, and residential areas - including parking lots, streets, sidewalks, driveways, patios, plazas, work yards and outdoor eating or drinking areas, etc., where detergents are used and spills or leaks of toxic or hazardous materials have occurred (unless all spilled material has been removed);
  - Discharges of runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials;
  - Discharges of pool or fountain water containing chlorine, biocides, or other chemicals; discharges of pool or fountain filter backwash water;
  - Discharges of sediment, pet waste, vegetation clippings, or other landscape or construction-related wastes; and

- Discharges of food-related wastes (grease, fish processing, and restaurant kitchen mat and trash bin wash water, etc.).

### 3.2.4 Illicit Discharge Complaint Report and Response Program

At a minimum, the Permittees must respond in the following manner to reports of illicit discharges from the public:

- 3.2.4.1 **Receipt of Complaints or Reports from the Public:** The Permittees must maintain a dedicated telephone number, email address, and/or other publicly available and accessible means (in addition to the website required in Part 3.1.8) for the public to report illicit discharges. This complaint/reporting function must be answered by trained staff during normal business hours. During non-business hours, a system must be in place to record incoming calls or reports, and to guarantee timely response by the Permittee. The Permittee's means of receiving complaints/reports from the public must be printed and/or advertised through the appropriate education, training, and public participation materials produced under Part 3.1 (*Public Education, Outreach and Involvement*).
- 3.2.4.2 **Response to Complaints or Reports from the Public:** The Permittees must respond to and investigate all complaints or reports of illicit discharges as soon as possible, but no later than within two (2) working days.
- 3.2.4.3 **Tracking of Complaints or Reports and Actions Taken:** The Permittees must maintain a log or other means of documenting all complaints or reports of illicit discharges into the MS4, and the response or action taken by the Permittee to address the complaint or report. Such program information must be summarized for the relevant reporting period and included in each Annual Report.

### 3.2.5 Dry Weather Outfall Screening Program

The Permittees must conduct a dry weather analytical and field screening monitoring program to identify non-stormwater flows from MS4 outfalls during dry weather. This program must emphasize screening activities to detect and identify illicit discharges and illegal connections, and to reinvestigate potentially problematic MS4 outfalls throughout the Permit Area defined in Part 1.1. At a minimum, this program must include the following SWMP control measure components:

- 3.2.5.1 **Outfall Identification and Screening Protocols:** The Permittees must use reconnaissance activities, information recorded through the complaint reporting program, and (if available) existing watershed assessment or Total Maximum Daily Load (TMDL) analyses, to prioritize and target outfalls for screening throughout their Permit Area defined in Part 1.1.
- The Permittee must develop a written plan that outlines how chemical and microbiological field screening analysis will be conducted on the dry weather flows identified during the reconnaissance and screening efforts, including field screening methodologies and associated trigger thresholds used by the Permittee for determining follow-up action(s).
- 3.2.5.2 **Number of Outfalls to be Screened:** The Permittee must conduct visual dry weather screening of their MS4 outfalls, emphasizing those outfalls or portions

of the MS4 that have not yet been inventoried or screened during the previous permit term.

Photos may be used to document and record the physical conditions associated with selected MS4 outfalls. If the individual MS4 outfall is dry (no flows or ponded runoff), the Permittee must also document and record such observations.

Permittees must conduct visual dry weather screening of at least 20% of their total outfalls per year; screening must be conducted within the June 1 and September 30<sup>th</sup> timeframe for at least one third of the total outfalls to be screened annually.

Upon the effective date of the Permit, any Permittee with less than seven outfalls shall be required to conduct visual dry weather screening of one outfall, or at least 20% of all outfalls, per year.

- 3.2.5.3 **Monitoring of Illicit Discharges:** Where dry weather flows from the MS4 are identified, the Permittees must identify the source of such flows, and take appropriate action to eliminate the flows to the extent allowable pursuant to authority granted the individual Permittee under Idaho state law. At a minimum, the Permittee must conduct sampling of dry weather flows via grab samples of the discharge for in-field analysis and identification and may elect to use the following as indicator constituents: pH; total chlorine; detergents as surfactants; total phenols; *E. coli*; total phosphorus; turbidity; temperature; and suspended solids concentrations.

Results of any field sampling must be compared to established trigger threshold levels and/or existing state water quality standards to direct appropriate follow-up actions by the Permittee in accordance with existing protocols and the regulatory mechanism established by the Permittee.

- 3.2.5.4 **Maintain Records of Dry Weather Outfall Screening Program:** In each Annual Report, the Permittees must include a general summary of the results of dry weather screening program activities conducted over the preceding reporting period.

The Permittees must keep detailed records of its dry weather screening program activities conducted throughout the permit term, including the following information for each location:

- Time since last rain event; estimated quantity of last rain event;
- Site description (e.g., conveyance type, adjacent land uses); flow estimation (e.g., width of water surface, approximate depth of water, approximate flow velocity, flow rate);
- Visual observations (e.g., odor, color, clarity, floatables, deposits/stains, vegetation condition, structural condition, and biology);
- Results and documentation of any in-field sampling; recommendations for follow-up actions to address identified problems to the extent allowable pursuant to authority granted the individual Permittee under Idaho state law; and/or completed follow-up actions taken by the Permittee.

### 3.2.6 Follow-up

Within thirty (30) days of its detection, the Permittees must investigate recurring illicit

discharges identified as a result of complaints or identified as a result of the dry weather screening investigations and sampling, to determine the source of such discharge.

The Permittees must take appropriate action to address and eliminate the source of an ongoing illicit discharge within sixty (60) days of its detection, to the extent allowable to the individual Permittee under Idaho state law.

3.2.6.1 For each MS4 outfall where the ongoing dry weather discharge is identified by one or more Permittee as being associated with irrigation return flows and/or groundwater seepage, “appropriate action” means, at a minimum, the Permittees must document in the next Annual Report the MS4 outfall location, and the facts supporting the Permittee’s determination that the source is from either irrigation return flows or groundwater seepage. See also Permit Part 3.2.2.6.

3.2.6.2 As part of the Permit Renewal Application required by Part 8.2, the Permittees must include the complete list of all Permittee-identified MS4 outfall locations with ongoing dry weather flows associated with irrigation return flows and/or groundwater seepage.

### 3.2.7 Prevention and Response to Spills to the MS4

The Permittees must maintain written spill response procedures, and must coordinate their own spill prevention, containment, and response activities with the appropriate departments, programs, and agencies in the Permit Area to prevent spill related discharges from the MS4 to waters of the U.S. The Permittees must respond to, contain, and clean up any spill of sewage and other material that may discharge into the MS4 from any source (including private laterals and/or failing septic systems) in the Permit Area to the extent allowable pursuant to authority granted the individual Permittee under Idaho state law.

3.2.7.1 The Permittees must immediately report all spills of hazardous material, deleterious material, or petroleum products which may impact waters (ground and surface) of the State, as directed in Part 7.9 (*Twenty-Four Hour Notice of Noncompliance Reporting*) and Appendix A.2 (*Reporting of Discharges Containing Hazardous Materials or Deleterious Material*).<sup>2</sup>

### 3.2.8 Proper Disposal of Used Oil and Toxic Materials

The Permittees must continue to coordinate with appropriate local entities to educate the Permittee’s employees and members of the public of the proper management, disposal, or recycling of used oil, vehicle fluids, toxic materials, and other household hazardous wastes in the Permittee’s jurisdiction.

### 3.2.9 Illicit Discharge Detection and Elimination Training for Staff

The Permittee must ensure that all persons responsible for investigating, identifying and eliminating illicit discharges and illicit connections into the MS4 are appropriately trained to conduct such activities. At a minimum, the Permittee’s construction inspectors, maintenance field staff, and code compliance officers must be sufficiently trained to conduct dry weather screening activities and to respond to reports of illicit discharges and spills into the MS4.

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<sup>2</sup> This provision is related to a condition of the IDEQ’s *Final §401 Water Quality Certification for the NPDES Permit# IDS0275617561 Boise-Garden City Area Municipal Separate Storm Sewer Systems (MS4)*, dated March 29, 2021. See also Appendix A.2.

The Permittees must provide orientation and training for new staff working on illicit discharge detection and elimination issues in the first six (6) months of employment.

Existing Permittee staff may comply with this training requirement by attending relevant and appropriate training through in-person or online training courses at least every other year.

If the Permittee utilizes outside parties to perform illicit discharge detection and elimination actions, outside staff must be appropriately trained to conduct such activities.

This training may be coordinated/combined with other Permittee staff education and training requirements in Parts 3.3.7 (*Construction Runoff Control Training for Staff*), 3.4.7 (*Permanent Stormwater Control Training for Staff*); and 3.5.10 (*Stormwater Pollution Prevention/Good Housekeeping Training for Staff*).

### 3.3 Construction Site Stormwater Runoff Control

The Permittees must implement a construction site runoff control program to reduce discharges of pollutants from public and private construction activity within its jurisdiction.

Each Permittee's construction site management program must include the control measure components in Parts 3.3.2 through 3.3.7 below.

#### 3.3.1 Compliance Dates

No later than **April 3, 2026**, the Permittees must update its existing construction site runoff control requirements, if necessary, to enact control measure components in Parts 3.3.2 through 3.3.7 below.

#### 3.3.2 Ordinance and/or Regulatory Mechanism

Through ordinance and/or regulatory mechanism available to the extent allowable under Idaho state law, the Permittees must require erosion controls, sediment controls, and waste materials management controls to be used and maintained at construction projects from initial clearing through final stabilization.

Each Permittee must require construction site operators to maintain effective controls to reduce pollutants in stormwater discharges to the MS4 from construction sites. The Permittees must use inspections and enforcement actions (for example, written warnings, stop work orders and/or fines) to ensure compliance.

**3.3.2.1 Compliance with Other NPDES Permit Requirements:** For construction projects in the Permittee's jurisdiction that disturb one or more acres (including projects that disturb less than one acre but are part of a common plan of development or sale that disturb one or more acres), the Permittee must refer project site operators to obtain NPDES permit coverage under the current version of the Idaho CGP. See also Part 2.3 (*Stormwater Discharges Associated with Industrial or Construction Activity*).

#### 3.3.3 Construction Site Runoff Control Specifications

The Permittees must require construction site operators within their jurisdiction to use erosion, sediment, and waste material management controls as defined within manuals adopted by the Permittees.

The Permittees must maintain written specifications that address the proper installation and maintenance of such controls during all phases of construction activity occurring in their jurisdiction. The Permittees may define appropriate controls for different types and/or sizes of construction activity occurring in their jurisdiction, and the individual Permittee may adopt specifications created by another entity which complies with this Part. Construction site runoff control specifications must consist of:

- 3.3.3.1 Requirements for use of erosion control, sediment control, and waste materials management/pollution prevention practices that complement, and do not conflict with, the current version of the Idaho CGP;
- 3.3.3.2 Sizing criteria, performance criteria, illustrations, and design examples, as well as recommended operation and maintenance of each practice and guidance on selection and location of construction site runoff control practices; and
- 3.3.3.3 Specifications for long term operation and maintenance of such construction site runoff control practices to ensure that the control practices continue to

perform as designed, including appropriate inspection interval and self-inspection checklists for use by the responsible party/construction site operator.

### 3.3.4 Preconstruction Site Plan Review

At a minimum, the Permittees must review and approve preconstruction site plans from construction project site activity within their jurisdictions. Permittees must ensure that the construction site operator is prohibited from commencing construction activity prior to receipt of written approval.

Site plan review procedures must include consideration of the site's potential water quality impacts and must demonstrate compliance with the regulatory mechanism required by Part 3.1.2.

Permittees must ensure that any preconstruction site plan, erosion and sediment control (ESC) plan, or Stormwater Pollution Prevention Plan (SWPPP) contains site-specific measures that meet the Permittee's runoff control specifications as outlined in Part 3.1.3 above and includes any permanent stormwater management controls as outlined in Part 3.4.3 (*Permanent Stormwater Control Specifications*).

Permittees must use individuals knowledgeable in the technical understanding of erosion, sediment, and waste material management controls to conduct such preconstruction site plan, ESC plan or SWPPP reviews.

Permittees must document the review of each ESC plan and/or SWPPP using a checklist or similar process.

### 3.3.5 Construction Site Inspection and Enforcement

At a minimum, the Permittees must inspect construction sites in their jurisdiction to ensure compliance with the Permittee's applicable requirements required by this Part.

The Permittee must establish an inspection prioritization system to identify the minimum frequency and type of inspections, using such factors as project type, total area of disturbance, location, and potential threat to water quality. The Permittee must describe its construction site inspection prioritization system in the SWMP Document required by Part 2.5.5. In each Annual Report, the Permittee must summarize the nature and number of site inspections, follow-up actions, and any subsequent enforcement actions conducted during the relevant reporting period.

Based on the findings of individual site inspections, each Permittee must take all necessary follow-up actions (i.e., re-inspection, enforcement) to ensure compliance with its applicable requirements.

Construction site inspections conducted by the Permittee, or their designated representative, must include, but not be limited to:

- 3.3.5.1 As applicable, a check for coverage under the Construction General Permit by reviewing any authorization letter or Notice of Intent (NOI) during initial inspections;
- 3.3.5.2 A review of the site plan, ESC plan, or SWPPP to determine if the intended control measures were installed, implemented, and maintained;
- 3.3.5.3 An assessment of the appropriateness of planned control measures and their effectiveness;
- 3.3.5.4 An assessment of the site's compliance with the Permittee's requirements, including the implementation and maintenance of required control measures;
- 3.3.5.5 Visual observation of any existing or potential non-stormwater discharges, illicit connections, and/or discharge of pollutants from the site, and recommendations to the site operator for follow-up if needed;
- 3.3.5.6 Education or instruction to the construction site operator related to additional stormwater pollution prevention practices, if needed; and
- 3.3.5.7 A written or electronic inspection report.

### 3.3.6 Enforcement Response Policy for Construction Site Runoff Control

Each Permittee must maintain and implement a written escalating enforcement response policy (ERP) or plan appropriate to its organization. Each Permittee must submit their current ERP for construction site runoff control with the Permit Renewal Application no later than **April 3, 2026**.

- 3.3.6.1 The ERP must address enforcement of construction site runoff controls for all construction projects in their jurisdictions, to the extent allowable under Idaho state law.
- 3.3.6.2 Each ERP must describe the Permittee's potential response to violations with appropriate educational or enforcement responses. The ERP must address repeat violations through progressively stricter responses, as needed, to achieve compliance. The ERP must describe how the Permittee will use their available techniques to ensure compliance, such as: verbal warnings; written notices; escalated enforcement measures such as stop work orders, monetary penalties; and/or other escalating measures to the extent allowable under Idaho state law.

### 3.3.7 Construction Runoff Control Training for Staff

The Permittees must ensure that all persons responsible for preconstruction site plan review, site inspections, and enforcement of the Permittee's requirements are trained or otherwise qualified to conduct such activities.

The Permittees must provide training for new staff working on construction runoff control issues in the first six (6) months of employment.

Existing Permittee staff may comply with this training requirement by attending relevant and appropriate training through in-person or online training courses at least every other year.

If the Permittees utilize outside parties to review plans and/or conduct inspections, outside staff must be trained or otherwise qualified to conduct such activities.

This training may be coordinated/combined with other Permittee staff education and training requirements in Parts 3.2.9 (*Illicit Discharge Detection and Elimination Training for Staff*); 3.4.7 (*Permanent Stormwater Control Training for Staff*); and 3.5.10 (*Stormwater Pollution Prevention/Good Housekeeping Training for Staff*).



### 3.4 Post-Construction Stormwater Management for New Development and Redevelopment

At a minimum, the Permittees must implement and enforce a program to control stormwater runoff from new development and redevelopment projects that result in land disturbance of 5,000 square feet or more, excluding individual one- or two-family dwelling development or redevelopment and the infill or redevelopment of public pedestrian infrastructure projects. This program must apply to private and public sector development, including roads and streets. The Permittees must ensure that permanent controls or practices are utilized at each new development and redevelopment site to protect water quality. Each Permittee's program must include the control measure components in Parts 3.4.2 through 3.4.7 below.

#### 3.4.1 Compliance Dates

No later than **April 3, 2026**, the Permittees must update their existing controls, if necessary, to impose the required SWMP control measure components in Parts 3.4.2 through 3.4.7 below.

#### 3.4.2 Ordinance and/or Regulatory Mechanism

Through a regulatory mechanism to the extent allowable under Idaho state law, each Permittee must continue to require the installation and long-term maintenance of permanent stormwater controls at new development and redevelopment project sites. Each Permittee must maintain their ordinance/regulatory mechanism to the extent allowed by local and state law, consistent with the individual Permittee's respective legal authority. Permittees must submit their current ordinance/regulatory mechanism as part of the Permit Renewal Application no later than **April 3, 2026**.

Required permanent stormwater controls must be sufficient to retain onsite the runoff volume produced from a 24-hour, 95th percentile storm event or to attain a pollutant removal level greater than pollutant removal expected from onsite retention of runoff volume produced from a 24-hour, 95th percentile storm event. For the purposes of this Permit, the required runoff volume that must be retained is at least the first 0.6 inches of rainfall from a 24-hour event preceded by 48 hours of no measurable precipitation.

**3.4.2.1 Treatment equivalent to the onsite stormwater design standard:** Using a continuous simulation hydrologic model or other comparable evaluation tool, the Permittee may establish stormwater treatment requirements which attain an equal or greater level of water quality benefits as onsite retention of stormwater discharges from new development and redevelopment sites. Such equivalent expressions of the onsite retention of the 95<sup>th</sup> percentile storm volume must be submitted as part of the permit renewal application required by Part 8.2.

**3.4.2.2 Alternatives for Local Compliance.** The Permittees' regulatory mechanisms may allow alternatives for project operators to comply with the Permittees' onsite retention requirement at a particular site based on factors of technical infeasibility, and/or site constraints. Such feasibility or constraint factors may include but are not limited to: shallow bedrock; high groundwater; groundwater contamination; soil instability as documented by a thorough geotechnical analysis; site/engineering based conditions such as soils that do not allow for infiltration of the required volume of stormwater runoff; and/or a land use that is inconsistent with capture, reuse and/or infiltration of stormwater.

**3.4.2.3 Green Infrastructure Strategy Implementation:** The Permittees must continue the implementation of their Green Infrastructure Strategies, and

report annually on progress to date. The Permittees must complete one update to the existing Strategy and incorporate consideration of options for additional innovative approaches to control stormwater quality and quantity. The Permittees must submit the updated document as part of the Permit Renewal Application no later than **April 3, 2026**.

3.4.2.4 **Repair of Public Streets, Roads and Parking Lots:** When public streets, roads, or parking lots without existing infiltration facilities are repaired (as defined in Part 9), the Permittees performing these repairs must evaluate the feasibility of incorporating runoff reduction techniques into the repair. In areas where existing stormwater facilities have been constructed to manage runoff from public streets, roads, or parking lots, no additional action is required.

3.4.2.5 **Plan Review and Approval:** The ordinance or other regulatory mechanism must include procedures for the Permittee's review and approval of permanent stormwater control plans for new development and redevelopment projects, consistent with Parts 3.3.4 (*Preconstruction Site Plan Review and Approval*) and 3.4.4 (*Permanent Controls Plan Review and Approval*).

### 3.4.3 Permanent Stormwater Controls Specifications

The Permittees must specify permanent stormwater controls for project sites in their jurisdictions and may define appropriate controls for different types and/or sizes of site development activity occurring in their jurisdiction.

The Permittees must maintain and/or update as necessary, any written specifications to address proper design, installation, and maintenance of required permanent stormwater controls. A Permittee may adopt specifications created by another entity that complies with this Part.

The written specifications must include:

3.4.3.1 **Specifications** for the use of site-based practices suitable to local soils and hydrologic conditions;

3.4.3.2 **Acceptable control practices**, including sizing criteria, performance criteria, illustrations, design examples, and guidance on selection and location of practices; and

3.4.3.3 **Specifications for proper long-term operation and maintenance**, including appropriate inspection interval and self-inspection checklists for responsible parties.

### 3.4.4 Permanent Stormwater Controls Plan Review and Approval

At a minimum, the Permittees must review and approve preconstruction plans for permanent stormwater controls at new development and redevelopment sites from new development and redevelopment projects that result in land disturbance of 5,000 square feet or more, excluding individual one- or two-family dwelling development or redevelopment sites and the infill or redevelopment of public pedestrian infrastructure projects. The Permittees must review plans for consistency with the ordinance/regulatory mechanism and specifications required by this Part. The Permittees must not approve or recommend for approval any plans for permanent controls that do not meet minimum requirements specified in their written specifications.

The Permittees must use individuals knowledgeable in the technical understanding of

permanent stormwater controls to conduct such plan reviews.

### 3.4.5 Permanent Stormwater Controls Inspection and Enforcement

The Permittees must ensure proper long-term operation and maintenance of all permanent stormwater management practices within the Permittees' respective jurisdictions. The Permittees must implement an inspection program and define and prioritize new development and redevelopment sites for inspections of permanent stormwater management controls. The purpose of such inspections is to ensure proper installation, and long-term operation and maintenance, of such controls.

The Permittees must implement an inspection prioritization system to identify sites for inspections of permanent control installation and operation. Factors to consider when establishing priority regarding where, and when, inspections occur may include, but are not limited to: size of new development or redevelopment drainage area; potential to discharge to portions of the MS4 discharging to impaired waters; sensitivity and/or impairment status of receiving water(s); history of non-compliance; the presence of offsite discharge; use of the property where the stormwater facilities are located; type of stormwater facility; drainage or treatment area of the stormwater facility and/or other factors.

**3.4.5.1 Inspect High Priority Locations:** At a minimum, the Permittees must identify certain permanent stormwater controls at new development and redevelopment sites as "high priority", and schedule associated inspections to occur at least once annually. The inspections must determine whether permanent stormwater management or treatment practices have been properly installed (i.e., an "as built" verification). At appropriate intervals determined by the Permittee and established in compliance with Part 3.4.6 below, scheduled inspections must evaluate the ongoing operation and maintenance of such practices, identify deficiencies, and identify potential solutions to reduce negative water quality impacts to receiving waters. The Permittees must use inspection checklists and maintain records of actions taken in response to inspections of permanent stormwater controls at high priority new development and redevelopment sites.

**3.4.5.2 Enforce Requirements:** The individual Permittee must implement an enforcement response policy similar to that required in Part 3.3.6 (*Enforcement Response Policy for Construction Site Runoff Control*) sufficient to ensure and maintain the functional integrity of permanent stormwater controls in their jurisdiction. Each Permittee must submit their ERP for permanent stormwater controls to IDEQ with the Permit Renewal Application no later than **April 3, 2026**.

### 3.4.6 Operation and Maintenance (O&M) of Permanent Stormwater Controls

The Permittees must maintain a database inventory to track and manage the operational condition of permanent stormwater controls in its jurisdiction. All available data on existing permanent controls known to the Permittees must be included in the database inventory. At a minimum, the Permittee must begin tracking at the time the Permittee takes ownership, using a database that incorporates geographic information system (GIS) information and/or developed in conjunction with the MS4 Map required in Part 3.2.2 (*MS4 Map and Outfall Inventory*). The tracking system must also include reference to the type and number of permanent stormwater controls; O&M requirements; activity and schedule; responsible party; and any applicable self-inspection schedule.

3.4.6.1 **O&M Agreements:** Where parties other than the Permittee are responsible for the O&M of permanent stormwater controls, the Permittee must require a legally enforceable and transferable O&M agreement with the responsible party, or other mechanism, that assigns permanent responsibility for maintenance of such permanent stormwater control practices.

3.4.6.2 **O&M Inspections of High Priority Locations:** Where parties other than the Permittee are responsible for the O&M of permanent stormwater controls, the Permittee must schedule and complete inspections to evaluate the ongoing operation and maintenance of such practices. The Permittee may determine the regular intervals for conducting such inspections to ensure the effective long-term operation and maintenance of such controls.

### 3.4.7 **Permanent Stormwater Controls Training for Staff**

The Permittees must ensure that all persons responsible for reviewing site plans for permanent stormwater controls, and/or for inspecting the installation and operation of permanent stormwater controls, are trained or otherwise qualified to conduct such activities.

The Permittees must provide training for new staff working on permanent stormwater control issues in the first six (6) months of employment.

Existing Permittee staff may comply with this training requirement by attending relevant and appropriate training through in-person or online training courses at least every other year.

If the Permittees utilize outside parties to review plans and/or conduct inspections, outside staff must be trained or otherwise qualified to conduct such activities.

This training may be coordinated/combined with other Permittee staff education and training requirements in Parts 3.2.9 (*Illicit Discharge Detection and Elimination Training for Staff*); 3.3.7 (*Construction Runoff Control Training for Staff*); and 3.5.10 (*Stormwater Pollution Prevention/Good Housekeeping Training for Staff*).

### **3.5 Stormwater Infrastructure and Street Management**

The Permittees must properly operate and maintain the MS4 and related facilities, using prudent pollution prevention and good housekeeping as required by this Part, to reduce the discharge of pollutants through the MS4. This maintenance requirement includes, but is not limited to, structural stormwater treatment controls, storm sewer systems, streets, roads, parking lots, snow disposal sites, waste facilities, and street maintenance and material storage facilities. The program must include the components in Parts 3.5.2 through 3.5.10.

#### **3.5.1 Compliance Date**

No later than **April 3, 2026**, the Permittees must ensure that their stormwater infrastructure and street management programs include the required SWMP control measure components described in Parts 3.5.2 through 3.5.10 below.

#### **3.5.2 Inspection and Cleaning of Catch Basins and Inlets**

The Permittees must inspect all Permittee-owned or operated catch basins and inlets in the MS4 at least once every two years and take all appropriate maintenance or cleaning action based on those inspections to ensure the catch basins and inlets continue to function as designed.

The Permittees may establish a catch basin inspection prioritization system, and establish alternate inspection frequency, provided the Permittees describe in the SWMP Document required by Part 2.5.5 all relevant factors (based on past inspection and maintenance experience) to revise the frequency and target inspections to specific areas of the MS4. Material removed from MS4 catch basins and inlets must be managed in accordance with Part 7.13 (*Removed Substances*). Records reflecting catch basin and inlet inspection, and material removal/cleaning, must be maintained by the Permittee, and the actions taken during the latest reporting period must be summarized in each Annual Report.

#### **3.5.3 Operation and Maintenance (O&M) Procedures for Streets, Roads, Highways and Parking Lots**

Where the individual Permittee is responsible for the O&M of streets, roads, highways, and/or parking lots, the Permittee must ensure those procedures are conducted in a manner to protect water quality and reduce the discharge of pollutants through the MS4. The Permittees must continue to implement appropriate O&M procedures for all streets, roads, highways, and parking lots with more than 3,000 square feet of impervious surface that are owned, operated, or maintained by the Permittees.

- 3.5.3.1 At a minimum, O&M procedures must include: practices to reduce road and parking lot debris/pollutants from entering the MS4; practices related to road deicing, anti-icing, and snow removal; operation of snow disposal areas; storage areas for street/road traction material (e.g. salt, sand, or other chemicals); and the long-term

O&M of permanent stormwater control measures associated with the Permittee's streets, roads, highways, and parking lots.

- 3.5.3.2 For each type of maintenance activity, practice, or facility, the Permittee must specify schedules for inspection and maintenance, and appropriate pollution prevention/good housekeeping actions.
- 3.5.3.3 Where site conditions allow, the Permittee must consider and utilize water conservation measures for all landscaped areas as part of these updated O&M procedures to prevent landscape irrigation water from discharging through the MS4.

#### **3.5.4 Inventory and Management of Street/Road Maintenance Materials**

Where the individual Permittee is responsible for the O&M of streets, roads, highways, and/or parking lots, the Permittee must reduce pollutants in discharges to the MS4 and waters of the U.S. from street/road maintenance material storage stockpiles (such as sand, salt, and/or sand with salt stockpiles).

The Permittee must maintain an inventory of street /road maintenance materials stored at locations within the Permit Area that drain to the MS4. The Permittee must assess the physical adequacy of each Material Storage Location to prevent potential adverse water quality impacts and must make any structural or nonstructural improvements as necessary to eliminate any such impacts.

The individual Permittee must include in the SWMP Document a complete description of Material Storage Locations in the Permit Area that drain to the MS4. The description of each Material Storage Location must, at a minimum, include a narrative of the individual location, an estimated average annual quantity of materials stored at the location; a short description of how/where the Permittee typically uses the material(s) in its jurisdiction; and a summary description of any structural or non-structural controls used by the Permittee to prevent pollutants at material storage locations from discharging to the MS4 and to waters of the U.S.

#### **3.5.5 Street, Road, Highway and Parking Lot Sweeping**

Each Permittee with street, road, highway and/or public parking lot maintenance responsibilities must maintain and update as needed their respective sweepings management plans. Each plan must designate all streets, roads, and/or public parking lots that are owned, operated or maintained by that Permittee to fit within one of the following categories for sweeping frequency based on land use, traffic volumes, or other factors:

- Residential – streets and road segments that include but are not limited to, light traffic and residential zones.
- Arterial and all other – Streets and road segments with high traffic volumes serving commercial or industrial districts.
- Public Parking Lots – large lots serving schools and cultural facilities, plazas, sports and event venues, or similar facilities.

- 3.5.5.1 Each Permittee with street, roads, highways, and/or parking lot maintenance responsibilities must maintain an inventory and/or map of all their designated streets, roads, highways and public parking lots, and must sweep according to the following schedule:

Roadway Type	Sweeping Schedule			
	Two Times per Month	Every Six Weeks	Four Times Per Year	One Time Per Year
Downtown Areas of Boise and Garden City	X			
Arterial and Collector Roadways (non-downtown)		X		
Residential Roadways			X	
Paved Alleys and Public Parking Lots				X

- 3.5.5.2 If a Permittee's existing overall street/road/parking lot sweeping program provides equivalent or greater street sweeping frequency to the requirements above, the Permittee must continue to implement its existing street/road/parking lot sweeping program.
- 3.5.5.3 For areas where sweeping is technically infeasible, the sweeping management plan must include a discussion of the reasons sweeping is infeasible, and document the alternative means the Permittee uses to minimize pollutant discharges from such areas into the MS4 and any adjacent waters of the U.S.;
- 3.5.5.4 The sweeping management plan must include an overall description of their street sweeping activities to minimize pollutant discharges into the MS4 and receiving waters, including: the types of sweepers used; number of swept curb and/or lane miles; general schedule or dates of sweeping by location and frequency category; volume or weight of materials removed; any public outreach efforts or other means to address areas that are infeasible to sweep; and the Permittee's estimate of the effectiveness of their street sweeping activities.

### 3.5.6 Operation & Maintenance Procedures for Other Municipal Areas and Activities

The Permittees must conduct their municipal O&M activities in a manner that reduces the discharge of pollutants through the MS4 to protect water quality. The Permittee must review, and update as necessary, existing procedures for inspection and maintenance schedules to ensure pollution prevention and good housekeeping practices are conducted for the following activities:

- grounds/park and open space maintenance;
- fleet maintenance and vehicle washing operations;
- building maintenance;
- snow management and snow disposal site O&M;
- solid waste transfer activities;
- municipal golf course maintenance;
- materials storage;
- heavy equipment storage areas;
- hazardous materials storage;
- used oil recycling; and
- spill control and prevention measures for municipal refueling facilities.

### 3.5.7 Requirements for Pesticide, Herbicide, and Fertilizer Applications

The Permittees must continue to implement practices to reduce the discharge of pollutants to the MS4 associated with the Permittee's application and storage of pesticides, herbicides and fertilizers in the Permit Area. At a minimum, such areas include the individual

Permittee's municipal facilities, public right-of-ways, parks, recreational facilities, golf courses, and/or landscaped areas. All employees or contractors of the individual Permittee applying pesticides must follow all label requirements, including those regarding application methods, rates, number of applications allowed, and disposal of the pesticide/herbicide/fertilizer and rinsate.

### **3.5.8 Stormwater Pollution Prevention Plans (SWPPPs) for Permittee Facilities**

The Permittees must implement site-specific SWPPPs to manage stormwater discharges from all Permittee-owned material storage facilities, heavy equipment storage areas, and maintenance yards identified in the inventory required by Part 3.2.2 (*MS4 Map and Outfall Inventory*). Permittee-owned facilities discharging stormwater associated with industrial activity, as defined in 40 CFR §122.26(b)(14), must obtain separate NPDES permit coverage pursuant to Part 2.3 (*Stormwater Discharges Associated with Industrial or Construction Activity*).

### **3.5.9 Litter Control**

Throughout the Permit term, each Permittee must continue to implement methods to reduce litter in their jurisdictions. The Permittee must work cooperatively with others to control litter on a regular basis, and after major public events, in order to reduce the discharge of pollutants to the MS4 and receiving waters.

### **3.5.10 Stormwater Pollution Prevention/Good Housekeeping Training for Staff**

The Permittees must ensure that all persons responsible for the stormwater infrastructure management and O&M activities as required by this Part are trained or otherwise qualified to conduct such activities.

The Permittees must provide training for new staff working on infrastructure management and O&M activities as required by this Part in the first six (6) months of employment.

Existing Permittee staff may comply with this training requirement by attending relevant and appropriate training through in-person or online training courses at least every other year.

If the Permittees utilize outside parties to perform infrastructure management and O&M activities as required by this Part, outside staff must be trained or otherwise qualified to conduct such activities.

This training may be coordinated/combined with other Permittee staff education and training requirements in Parts 3.2.9 (*Illicit Discharge Detection and Elimination Training for Staff*); 3.3.7 (*Construction Runoff Control Training for Staff*); and 3.4.7 (*Permanent Stormwater Control Training for Staff*).



### **3.6 Industrial and Commercial Stormwater Discharge Management**

The Permittees must continue to implement a program to reduce the discharge of pollutants from industrial and commercial operations within their jurisdiction. Throughout the Permit term, the Permittees must conduct educational and/or enforcement efforts to reduce the discharge of pollutants from those industrial and commercial locations which are considered to be significant contributors of phosphorus, bacteria, temperature, and/or sediment to receiving waters. At a minimum, the program must include the program components in Parts 3.6.1 through 3.6.3 below.

#### **3.6.1 Compliance Date**

No later than **April 3, 2026**, the Permittees must ensure that their industrial and commercial stormwater management programs include the required SWMP control measure components described in Parts 3.6.2 through 3.6.3. below.

#### **3.6.2 Inventory of Industrial and Commercial Facilities/Activities**

The Permittees must maintain an inventory of industrial and commercial facility/activity within the Permit Area. A narrative description of the inventory, and a summary of the compliance assistance and inspection activities and any follow-up actions, must be included as part of the SWMP Document required by Permit 2.5.5.

3.6.2.1 At a minimum, the inventory must include information listing the waterbody assessment unit/receiving water body, facility name, address, nature of business or activity, and North American or Standard Industrial Classification code(s) that best reflect the facility's product or service;

3.6.2.2 The inventory must include the following types of facilities: municipal landfills (open and closed); Permittee-owned maintenance yards and facilities; hazardous waste recovery, treatment, storage and disposal facilities; facilities subject to Section 313 of the Emergency Planning and Community Right-to-Know Act, 42 U.S.C. 11023; all industrial sectors listed in 40 CFR §122.26(b)(14); vehicle or equipment wash systems; commercial animal facilities, including kennels, race tracks, show facilities, stables, or other similar commercial locations where improper management of domestic animal waste may contribute pollutants to receiving waters or to the MS4; urban agricultural activities; and other industrial or commercial facility that the Permittees determine is contributing a substantial pollutant loading to the MS4 and associated receiving waters

#### **3.6.3 Inspection of Industrial and Commercial Facilities/Activities**

The Permittees must work cooperatively throughout the Permit term to continue prioritizing and inspecting selected industrial and commercial facilities/activities which discharge to receiving waters or to the MS4. At a minimum, the industrial and commercial facility inspection program must include:

- 3.6.3.1 Priorities and procedures for inspections, including inspector training, and compliance assistance or education materials to inform targeted facility/activity operators of applicable requirements;
- 3.6.3.2 Procedures to record observations and report findings to the inspected facility or activity, and to follow-up with the facility/activity operator as necessary;
- 3.6.3.3 A monitoring (or self monitoring) program for facilities that assesses the type and quantity of pollutants discharging to the MS4s; and
- 3.6.3.4 Procedures to exercise legal authorities to ensure compliance with applicable local stormwater ordinances/regulatory mechanisms.

## 4 SPECIAL CONDITIONS

### 4.1 Temperature Monitoring<sup>3</sup>

To ensure the permitted discharges will comply with temperature criteria for the protection of aquatic life (IDAPA 58.01.02.250.02.(b), .(f)), the Permittees must monitor temperature in stormwater discharges from the MS4 to the Boise River including assessment units 17050114SW005\_06, 17050114SW005\_06a, and 17050114SW005\_06b, to quantify stormwater impacts to this waterbody.

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<sup>3</sup> This provision is a condition of the IDEQ's *Final §401 Water Quality Certification for the NPDES Permit# IDS0275617561 Boise-Garden City Area Municipal Separate Storm Sewer Systems (MS4)*, dated March 29, 2021.

## 5 REQUIRED RESPONSE TO EXCURSIONS ABOVE IDAHO WATER QUALITY STANDARDS

The Permittees will be presumed to be in compliance with applicable Idaho Water Quality Standards if the Permittees are in compliance with the terms and conditions of this Permit. If the Permittees, and/or IDEQ determines that the discharge from the MS4 causes or contributes to an excursion above the Idaho Water Quality Standards, then the Permittees remain in compliance with this Permit as long as the Permittees implement all applicable SWMP control measures required by this Permit and undertakes the following actions in Parts 5.1 through 5.6.

### 5.1 Notification

The Permittees must notify IDEQ -within 30 days of becoming aware that, a discharge from the Permittee's MS4 is causing or contributing to an excursion above the Idaho water quality standards. Upon notification IDEQ may determine that an adaptive management report from the Permittee is required.<sup>4</sup>

Written notification under this Part must be submitted to the address listed in Appendix A.1 and at a minimum, must identify the source of the site-specific information; describe the location, nature, and extent of the known or likely water quality standard excursion in the receiving water; and explain the reasons why the MS4 discharge is believed to be causing or contributing to the problem. For ongoing or continuing excursions, a single written notification provided to IDEQ will fulfill this requirement.

Nothing in this Part precludes any notification required by Part 7.9 (*24-hour Notice of Non-Compliance Reporting*), the institution of any legal action or relieves the Permittees from any responsibilities, liabilities, or penalties established pursuant to any applicable state/Tribal law or regulation under authority preserved by Section 510 of the CWA. No condition of the Permit releases the Permittees from any responsibility or requirements under other environmental statutes or regulations.

#### 5.1.1 Response

Based on a notification provided under this Part or through any other means, IDEQ may notify the Permittee, in writing, that an adaptive management response is required if IDEQ determines that a discharge from the Permittee's MS4 is causing or contributing to an excursion above the Idaho Water Quality Standards in a receiving water.

- 5.1.1.1 IDEQ may elect not to require an adaptive management response from the Permittee if IDEQ determines that the excursion of Idaho Water Quality Standards is already being addressed by a TMDL implementation plan or other enforceable water quality cleanup plan; or if IDEQ concludes the Permittee's contribution to the excursion will be eliminated through implementation of other permit requirements, regulatory requirements, or Permittee actions.

### 5.2 Adaptive Management Report

Within 60 days of receiving a response from IDEQ under Part 5.1.1, or by an alternative date established by IDEQ, the Permittee must review its Stormwater Management Program and submit a report to IDEQ. The Adaptive Management Report must include:

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<sup>4</sup> This provision is a condition of the IDEQ's *Final §401 Water Quality Certification for the NPDES Permit #IDS027561 Boise-Garden City Area Municipal Separate Storm Sewer Systems (MS4)*, dated March 29, 2021.

#### **5.2.1 Existing BMPs**

A description of the operational and/or structural BMPs that are currently being implemented at the location to prevent or reduce any pollutants that are causing or contributing to the excursion above Idaho water quality standards, including a qualitative assessment of the effectiveness of each BMP.

#### **5.2.2 Potential BMPs**

A description of potential additional operational and/or structural BMPs that will or may be implemented in order to prevent or reduce any pollutants that are causing or contributing to the excursion above Idaho water quality standards.

#### **5.2.3 Monitoring/Assessment**

A description of the potential monitoring or other assessment and evaluation efforts that will or may be implemented to monitor, assess, or evaluate the effectiveness of the additional BMPs.

#### **5.2.4 Schedule**

A schedule for implementing the additional BMPs including, as appropriate: funding, training, purchasing, construction, monitoring, and other assessment and evaluation components of implementation.

### **5.3 Review and Approval of Adaptive Management Report**

IDEQ will, in writing, acknowledge receipt of the Adaptive Management Response Report within a reasonable time and notify the Permittee when it expects to complete its review of the report. IDEQ, will either approve the additional BMPs and implementation schedule, or require the Permittee to modify the report as needed. If modifications to the Adaptive Management Report are required, IDEQ will specify a time frame in which the Permittee must submit the revised Report for IDEQ review.

### **5.4 Implementation**

The Permittee must begin implementation of any additional BMPs pursuant to the schedule approved by IDEQ immediately upon receipt of EPA's written notification of approval.

### **5.5 Reporting**

The Permittee must include with each subsequent Annual Report a summary of the status of implementation and the results of any monitoring, assessment or evaluation efforts conducted during the reporting period to assess progress towards addressing the original water quality excursion. A final summary of such adaptive management efforts must be included with the Permit Renewal Application required by Part 8.2.

### **5.6 Permit Revision**

IDEQ will determine, based on the Adaptive Management Report, whether additional permit terms and conditions specific to the Permittee must be added to this Permit. If new or specific permit conditions are warranted, IDEQ will notify the Permittee and the public of its intent to propose additional requirements affecting the Permittee and will accept public comment for a minimum of 30 days on any proposed revisions, pursuant to 40 CFR §§ 122.62 and 124.

## 6 MONITORING, RECORDKEEPING, AND REPORTING REQUIREMENTS

### 6.1 Compliance Evaluation

At least once per year, each Permittee must evaluate their compliance with the requirements of this Permit. This self-evaluation includes assessment of progress toward implementing the SWMP control measures in Part 3, and implementation of individual or collective actions to comply with any additional requirements identified pursuant to Part 6.2 (Monitoring/Assessment and Evaluation Activities). The Permittee(s) may document this self-evaluation using the optional Annual Report format provided in Appendix A.

### 6.2 Stormwater Monitoring and Evaluation Program

The Permittees must continue to conduct a wet weather monitoring and evaluation program, or contract with another entity to conduct such a program. The purpose of this program is to continue to characterize the quality of storm water discharges from the MS4, and to evaluate overall effectiveness of selected storm water management practices. In general, the Permittees must continue a stormwater monitoring and evaluation program that meets the quality assurance (QA) objectives in Part 6.2.6 below and is designed to:

- Broadly estimate reductions in annual pollutant loads of sediment, bacteria, phosphorus and temperature discharged to impaired receiving waters from the MS4s, occurring as a result of the implementation of SWMP activities;
- Assess the effectiveness and adequacy of the permanent stormwater controls and Green Infrastructure techniques and/or improve overall pollutant reduction in stormwater discharges; and
- Identify and prioritize those portions of each Permittee's MS4 where additional controls can be accomplished to reduce the volume of stormwater discharged and/or reduce pollutants in MS4 discharges to waters of the U.S.

#### 6.2.1 Wet Weather Stormwater Outfall Monitoring

The Permittees must continue to conduct wet weather stormwater outfall monitoring according to the *Storm Water Outfall Monitoring Plan* dated October 23, 2014. The Permittees must submit an updated *Stormwater Outfall Monitoring Plan* as part of the Year 1 Annual Report required by Part 6.4.2. A report summarizing all data collected during the permit term must be submitted as required by Part 6.4.3.

#### 6.2.2 Subwatershed Monitoring

The Permittees must continue to conduct monitoring in the Americana Subwatershed to better define wet weather and dry weather flow volumes, sources, and pollutant loads according to the *Americana Subwatershed Monitoring Plan* as updated December 28, 2020. A report summarizing all data collected during the permit term must be submitted as required by Part 6.4.4.

#### 6.2.3 Effectiveness Evaluation of Structural, Non-Structural and/or Green Stormwater Infrastructure Controls

The Permittees must continue to conduct effectiveness evaluations of at least two different types of structural, non-structural, and/or green infrastructure stormwater management controls that are currently mandated by the Permittees at new development or redevelopment sites. Examples of non-structural controls include catch basin cleaning,

street sweeping, and/or leaf litter collection. For each selected control, this evaluation must determine whether the technique is effective at treating or preventing the discharge of sediment, bacteria, and/or nutrients into receiving waters. The results of this effectiveness evaluation, and any recommendations for improved treatment performance, must be submitted to IDEQ as directed by Part 6.4.5.

#### 6.2.4 Representative Sampling

Samples, measurements and/or assessments conducted in compliance with this Permit must be representative of the nature of the monitored discharge or activity.

#### 6.2.5 Additional Monitoring

If the Permittees quantitatively monitor and/or assess pollutants in their MS4 discharges more frequently, or in more locations, than specified in the Monitoring or Evaluation Plans identified in Parts 6.2.1, 6.2.2, or 6.2.3, the results of any additional monitoring must be included with other data submitted to IDEQ as required in Part 6.4.3 (*Monitoring Report*).

#### 6.2.6 Quality Assurance Requirements

The Permittees must maintain a Quality Assurance Project Plan (QAPP) for any monitoring or quantitative assessment activities conducted in compliance with this Permit. Any existing QAPP may be modified to meet the requirements of this Part.

- 6.2.6.1 **QAPP Content:** The QAPP must be designed to assist the Permittees in planning for the collection and analysis of any stormwater discharge, receiving water quality, catch basin sediments, and/or other types of information collected in compliance with this Permit, and in explaining data anomalies when they occur.

At a minimum, the QAPP must reflect the content specified in EPA documents listed in Part 6.2.6.1.6 below, including:

- 6.2.6.1.1 Details on the number of samples, identified sampling locations, type of sample containers, preservation of samples, holding times, analytical detection and quantitation limits for each target compound, analytical methods, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements;
- 6.2.6.1.2 A map with GPS coordinates indicating the location of each monitoring point;
- 6.2.6.1.3 Qualifications and training of all personnel involved with water quality and discharge sampling;
- 6.2.6.1.4 Specifications for the collection and analysis of quality assurance samples for each sampling event, including matrix spiked and duplicate samples and analysis of field transfer blanks (sample blanks); and,
- 6.2.6.1.5 Name(s), address(es), and telephone number(s) of the laboratories used by, or proposed to be used by, the Permittee(s).
- 6.2.6.1.6 **QAPP Procedures:** Throughout all sample collection and analysis activities, the Permittees must use EPA-approved and chain-of-custody procedures described in *Requirements for Quality*

*Assurance Project Plans (EPA/QA/R-5) and Guidance for Quality Assurance Project Plans (EPA/QA/G-5). Copies of these documents can be found at <http://www.epa.gov/quality/qs-docs/q5-final.pdf>*

#### 6.2.6.2 QAPP Updates and Availability

6.2.6.2.1 The Permittees must amend and update the QAPP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAPP.

6.2.6.2.2 Copies of the QAPP must be maintained by the Permittees as part of the Monitoring/Assessment Plan, updated as necessary, and made available to EPA and/or IDEQ upon request.

#### 6.2.7 Analytical Methods

Sample collection, preservation, and analysis must be conducted according to sufficiently sensitive methods/test procedures approved under 40 CFR Part 136, unless otherwise approved by EPA, unless another method is required under 40 CFR subchapters N or O, or other test procedures have been specified in this Permit and/or approved by EPA as an alternative test procedure under 40 CFR §136.5. Where an approved 40 CFR § 136 method does not exist, and other test procedures have not been specified, any available method may be used after approval from EPA.

The Permittees must use sufficiently sensitive analytical methods as follows:

- 6.2.7.1 Permittees must use a method that detects and quantifies the level of the pollutant, or
- 6.2.7.2 Permittees must use a method that can achieve a maximum Minimum Level (ML) less than or equal to those specified in Table 6.2.8 below;
- 6.2.7.3 Permittees may request different MLs. The request must be in writing and must be approved by EPA.

**Table 6.2.8: Minimum Levels**

Pollutant & CAS No. (if available)	Minimum Level in µg/L, unless otherwise specified
Total Ammonia (as N)	50
Cadmium, Total (7440-43-9)	0.1
Copper, Total (7440-50-8)	2.0
Dissolved oxygen	0.2 mg/L
Total Hardness	200 as CaCO <sub>3</sub>
Lead, Total (7439-92-1)	0.16
Nitrate + Nitrite Nitrogen (as N)	100
Oil and Grease (HEM) (Hexane Extractable Material)	5,000



<b>Pollutant &amp; CAS No. (if available)</b>	<b>Minimum Level in µg/L, unless otherwise specified</b>
Soluble Reactive Phosphorus (as P)	10
Phosphorus, Total (as P)	10
Temperature	0.2° C
Total Suspended Solids	5 mg/L
Zinc, Total (7440-66-6)	2.5

### 6.3 Recordkeeping

#### 6.3.1 Retention of Records

The Permittees must retain records and information documenting implementation of all control measures required by this Permit (including a copy of this Permit and all Annual Reports) for a period of at least five years from the date of the report, sample, or measurement, or for the term of this Permit, whichever is longer. This period may be extended at the request of EPA or IDEQ at any time.

Information and records include, but are not limited to, records of all data or information used to develop and implement the SWMP control measures and/or used to complete the application for this Permit; such material may include inspection and maintenance records; all monitoring, calibration, and monitoring equipment maintenance records; all original strip chart recordings for any continuous monitoring instrumentation; and copies of reports required by this Permit.

#### 6.3.2 Availability of Records

At a minimum, the Permittees must retain all records associated with this Permit in a location and format that are accessible to EPA and IDEQ. The Permittees must make all records described above available to the public if requested to do so in writing. The public must be able to view the records during normal business hours. The Permittees may charge the public a reasonable fee for copying requests.

The Permittee must submit the records referred to in Part 6.3.1 above to EPA and IDEQ when such information is requested.

### 6.4 Reporting Requirements

At a minimum, the Permittees must submit reports and/or documents required by this Permit to IDEQ in an electronic portable document format (PDF) that is saved and stored on a compact disc or other portable electronic storage device.

All submittals must be sent to the Addresses in Appendix A.

#### 6.4.1 Electronic Copy Submissions

Prior to the Permit expiration date, IDEQ may provide the Permittees with instructions for submitting required Annual Reports and/or other documents electronically using a system specific to the Idaho Pollutant Discharge Elimination System (IPDES) program. After a Permittee begins using such an electronic system, the Permittees are no longer required to submit such materials to IDEQ via U.S. Postal Mail.

#### 6.4.2 Annual Report

No later than **January 30th** of each year beginning in **Calendar Year 2023** the Permittees must submit an Annual Report to IDEQ. EPA recommends the Permittees use the Annual Report Format provided in Appendix B.

- 6.4.2.1 The reporting period for the Year 1 Annual Report will be from **October 1, 2021 – September 30, 2022**. Reporting periods for subsequent Annual Reports are specified in Table 6.4.2 below.

<b>Table 6.4.2 Annual Report Deadlines</b>		
	<b>Reporting Period</b>	<b>Due Date</b>
Year 1 Annual Report	October 1, 2021 – September 30, 2022	January 30, 2023
Year 2 Annual Report	October 1, 2022 – September 30, 2023	January 30, 2024
Year 3 Annual Report	October 1, 2023 – September 30, 2024	January 30, 2025
Year 4 Annual Report	October 1, 2024 – September 30, 2025	January 30, 2026
Year 5 Annual Report	October 1, 2025 – September 30, 2026	September 30, 2026

6.4.2.2 EPA recommends the Permittees use the MS4 Annual Report Format provided in Appendix B. The Annual Report must reflect the status of the Permittees' implementation of the Permit requirements during the relevant reporting period, and must include:

- 6.4.2.2.1 Any summaries, descriptions, and/or other information the Permittee uses to demonstrate compliance with the Permit during the relevant reporting period.
- 6.4.2.2.2 A current website address where the Permittee's SWMP Document is available as an electronic portable data format (PDF) document;
- 6.4.2.2.3 If applicable, notice to IDEQ that the individual Permittee is relying on another Permittee or outside entity to satisfy any obligations under this Permit;
- 6.4.2.2.4 Notification of any annexations, incorporations, or jurisdictional boundary changes resulting in an increase or decrease in the individual Permittee's area of responsibility during the reporting period; and
- 6.4.2.2.5 Annual expenditures for the reporting period, and estimated budget for the reporting period following each Annual Report
- 6.4.2.2.6 Point(s) of contact responsible SWMP implementation for the Permittee, and for authorization, certification and signature pursuant to Part 8.5 (*Signatory Requirements*).

6.4.2.3 Preparation and submittal of the Annual Reports may be coordinated by Ada County Highway District. Each Permittee is responsible for content of their

organization's SWMP documentation and Annual Report(s) relating to SWMP implementation for portions of the MS4s for which they are responsible.

- 6.4.2.4 The Permittees must make a copy of each Annual Report (including any required attachments) available to the public through the Permittee-maintained website required by Part 3.1.8 (*Publicly Accessible Website*).

#### 6.4.3 Stormwater Outfall Monitoring Report

The Permittees must submit a final report summarizing all monitoring data collected during the permit term as an attachment to the Permit Renewal Application required by Part 8.2 no later than **April 3, 2026**. All Final Monitoring Reports must summarize and evaluate the information collected, and include reference to:

- 6.4.3.1 the date, exact place, and time of sampling or measurements;
- 6.4.3.2 the name(s) of the individual(s) who performed the sampling or measurements;
- 6.4.3.3 the date(s) analyses were performed;
- 6.4.3.4 the names of the individual(s) who performed the analyses; the analytical techniques or methods used; and
- 6.4.3.5 the results of such analyses, including both visual and narrative summary interpretation of the data collected, a discussion of any quality assurance issues, and a narrative discussion comparing data collected to any previously collected or historical information, as appropriate. Raw monitoring data must be submitted in a spreadsheet or text-format electronic file.

#### 6.4.4 Subwatershed Monitoring Report

The Permittees must submit a report summarizing the subwatershed monitoring activities as directed by Permit Part 6.2.2. The Subwatershed Monitoring Report must be submitted as an attachment to the Permit Renewal Application required by Part 8.2 no later than **April 3, 2026**.

#### 6.4.5 Structural, Nonstructural and/or Green Stormwater Infrastructure Controls Effectiveness Evaluation Report

The Permittees must submit a report summarizing the evaluation of selected structural, non-structural or green stormwater infrastructure controls as directed by Part 6.2.3. The Controls Effectiveness Evaluation Report must be submitted as an attachment to the Permit Renewal Application required by Part 8.2 no later than **April 3, 2026**.

### 6.5 Addresses

Any reports or submittals required by this Permit must be sent to the Addresses listed in Appendix A.

## 7 COMPLIANCE RESPONSIBILITIES

### 7.1 Duty to Comply

The Permittee must comply with all conditions of this Permit. Any permit noncompliance constitutes a violation of the CWA and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

### 7.2 Penalties for Violations of Permit Conditions

#### 7.2.1 Civil and Administrative Penalties.

Pursuant to 40 CFR §19 and the CWA, any person who violates sections 301, 302, 306, 307, 308, 318 or 405 of the CWA, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the CWA, is subject to a civil penalty not to exceed the maximum amounts authorized in the United States Code (USC) by section 309(d) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) (currently \$55,800 per day for each violation).

7.2.1.1 **Administrative Penalties:** Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR §19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by section 309(g)(2)(A) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) [currently \$22,320 per day for each violation, with the maximum amount of any Class I penalty assessed not to exceed \$55,800]. Pursuant to 40 CFR §19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by section 309(g)(2)(B) of the CWA and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. § 2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. § 3701 note) [currently \$22,320 per day for each violation, with the maximum amount of any Class II penalty not to exceed \$278,995].

#### 7.2.1.2 Criminal Penalties:

##### 7.2.1.2.1 Negligent Violations.

The CWA provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both.

##### 7.2.1.2.2 Knowing Violations.

Any person who knowingly violates such sections, or such conditions

or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both.

#### 7.2.1.2.3 **Knowing Endangerment.**

Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the Act, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

#### 7.2.1.2.4 **False Statements.**

The CWA provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than two years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than four years, or both. The CWA further provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.

### **7.3 Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for the Permittees in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Permit.

### **7.4 Duty to Mitigate**

The Permittee(s) must take all reasonable steps to minimize or prevent any discharge or disposal in violation of this Permit that has a reasonable likelihood of adversely affecting human health or the environment.

## 7.5 Proper Operation and Maintenance

The Permittees must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the Permittees to achieve compliance with the conditions of this Permit. Proper operation and maintenance also includes BMPs, adequate laboratory controls, and appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary facilities or similar systems which are installed by the Permittees only when the operation is necessary to achieve compliance with the conditions of this Permit.

## 7.6 Toxic Pollutants

The Permittees must comply with effluent standards or prohibitions established under section 307(a) of the CWA for toxic pollutants within the time provided in the regulations that establish those standards or prohibitions, even if the Permit has not yet been modified to incorporate the requirement.

## 7.7 Planned Changes

The Permittee(s) must give notice to the Director and the responsible IDEQ office as soon as possible of any planned physical alterations or additions to the permitted facility whenever:

- The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source as determined in 40 CFR §122.29(b); or
- The alteration or addition could significantly change the nature or increase the quantity of the pollutants discharged. This notification applies to pollutants that are not subject to effluent limitations in the permit.

## 7.8 Anticipated Noncompliance

The Permittee(s) must give advance notice to the Director and IDEQ, using the addresses provided in Appendix A, of any planned changes in the permitted facility or activity which may result in noncompliance with this Permit.

## 7.9 Twenty-Four Hour Notice of Noncompliance Reporting

The Permittee(s) must report to IDEQ the following occurrences of noncompliance by telephone within 24 hours from the time the Permittee becomes aware of the following circumstances; see Appendix A.2:

- Any discharge to or from the MS4 which could result in noncompliance that may endanger human health or the environment;
- Any unanticipated bypass that results in or contributes to an exceedance of any effluent limitation in this Permit. See Part 7.10 (*Bypass of Treatment Facilities*);
- Any upset that results in or contributes to an exceedance of any effluent limitation in this Permit. See Part 7.11 (*Upset Conditions*).

### 7.9.1 Written Report

The Permittee(s) must also provide a written submission within five (5) business days of the time that the Permittee(s) becomes aware of any event required to be reported under subpart 1 above. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times; the estimated time noncompliance is expected to continue if it has not been corrected; and all steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance. The

Permittee(s) must submit the written report to IDEQ as specified in Appendix A.

#### 7.9.2 Written Report Waiver

DEQ may waive the written report on a case-by-case basis.

### 7.10 Bypass of Treatment Facilities

#### 7.10.1 Bypass not exceeding limitations

The Permittee(s) may allow any bypass to occur that does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 7.10.2 and 7.10.3 of this Part.

#### 7.10.2 Notice

7.10.2.1 Anticipated bypass: If the Permittee(s) knows in advance of the need for a bypass, it must submit prior notice, to the Director, if possible at least 10 days before the date of the bypass.

7.10.2.2 Unanticipated bypass: The Permittee must submit notice of an unanticipated bypass as required under Part 7.9 (*Twenty-four Hour Notice of Noncompliance Reporting*).

#### 7.10.3 Prohibition of Bypass

Bypass is prohibited, and the Director may take enforcement action against the Permittee(s) for a bypass, unless:

- The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- The Permittee(s) submitted notices as required under Part 7.10.2 above.

#### 7.10.4 Optional Approval.

The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three conditions listed above in Part 7.10.3.

### 7.11 Upset Conditions

#### 7.11.1 Effect of an Upset

An upset constitutes an affirmative defense to an action brought for noncompliance with a technology-based permit effluent limitation if the Permittee(s) meet the requirements of Part 7.11.2 of this section. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.

#### 7.11.2 Conditions Necessary for a Demonstration of Upset

To establish the affirmative defense of upset, the Permittee(s) must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:



- An upset occurred and that the Permittee(s) can identify the cause(s) of the upset;
- The permitted facility was at the time being properly operated;
- The Permittee(s) submitted notice of the upset as required under Part 7.9 (*Twenty-four Hour Notice of Noncompliance Reporting*) and,
- The Permittee(s) complied with any remedial measures required under Part 7.4 (*Duty to Mitigate*).

#### **7.11.3 Burden of proof**

In any enforcement proceeding, the Permittee(s) seeking to establish the occurrence of an upset has the burden of proof.

#### **7.12 Other Noncompliance**

The Permittee must report all instances of noncompliance, not required to be reported within 24 hours, as part of each Annual Report. Such noncompliance reports must contain all the information listed above in Part 7.9.1.

#### **7.13 Removed Substances**

All collected screenings, grit, solids, sludges, filter backwash water, decant water, and/or other pollutants removed in the course of maintenance, and/or treatment or control of stormwater and other wastewaters must be managed and disposed of in a manner such as to prevent such pollutants from entering the waters of the U.S.

## **8 GENERAL REQUIREMENTS**

### **8.1 Permit Actions**

This Permit or coverage under this Permit may be modified, revoked and reissued, or terminated for cause by EPA as specified in 40 CFR §§122.62, 122.64, or 124.5. The filing of a request by the Permittee(s) for a permit modification, revocation and reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition. Permit coverage may be terminated, in accordance with the provisions of 40 CFR §§122.64 and 124.5, for a single Permittee without terminating coverage for the other Permittees subject to this Permit.

### **8.2 Duty to Reapply**

If the Permittees intend to continue its operational control and management of discharges from the MS4 as regulated by this Permit after the Permit expiration date, the Permittees must apply for and obtain a new permit. In accordance with 40 CFR §122.21(d), and unless permission for the application to be submitted at a later date has been granted by the Director, the Permittee must submit an application at least 180 days before the Permit expiration date, or no later than **April 3, 2026**.

#### **8.2.1 Contents of a Permit Renewal Application**

The Permit Renewal Application must contain the information required by 40 CFR 122.21(f) which includes: name and mailing addresses of the Permittee(s) that operate the MS4(s), and the names and titles of the primary administrative and technical contacts for the Permittee(s). In addition, the Permittee must identify the identification number of the existing NPDES MS4 permit; and any previously unidentified water bodies that receive discharges from the MS4. The following attachments must be submitted as part of a complete Permit Renewal Application:

- 8.2.1.1 Updated SWMP Document, as required by Part 2.5.3 and described in Appendix B;
- 8.2.1.2 MS4 Map, and the accompanying Outfall Inventory, as required by Part 3.2.2;
- 8.2.1.3 List of MS4 outfall locations with dry weather flows identified by the Permittee as being associated with irrigation return flows and/or groundwater seepage,

including latitude/longitude and physical description/characteristics, as required by Part 3.2.6.2;

- 8.2.1.4 Enforcement Response Policy for Construction Site Runoff Control, as required by Part 3.3.6;
- 8.2.1.5 Green Infrastructure Strategy document, as required by Part 3.4.2.3;
- 8.2.1.6 Enforcement Response Policy for Permanent Stormwater Management Controls, as required by Part 3.4.5.2;
- 8.2.1.7 If applicable, a written summary of the Permittee's adaptive management actions to date, as required by Part 5.5;
- 8.2.1.8 A Wet Weather Stormwater Outfall Monitoring Report summarizing data collected as a result of the *Storm Water Outfall Monitoring Plan* dated October 23, 2014; see Part 6.2.1 and Part 6.4.3; and
- 8.2.1.9 A Subwatershed Monitoring Report summarizing data collected as a result of the *Americana Subwatershed Monitoring Plan* dated December 28, 2020; see Part 6.2.2 and Part 6.4.4; and
- 8.2.1.10 A Stormwater Controls Effectiveness Evaluation Report, summarizing the evaluation of selected structural, non-structural or green stormwater infrastructure controls; see Part 6.2.3. and Part 6.4.5.

### **8.3 Duty to Provide Information**

The Permittees must furnish to EPA and IDEQ, within the time specified in the request, any information that the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this Permit, or to determine compliance with this Permit. The Permittees must also furnish to EPA or IDEQ, upon request, copies of the records required to be kept by this Permit.

### **8.4 Other Information**

When the Permittees become aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application, or any report or document to EPA or IDEQ, the Permittees must promptly submit the omitted facts or corrected information in writing.

### **8.5 Signatory Requirements**

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

#### **8.5.1 All applications must be signed and certified:**

- For a corporation: by a principal corporate officer.
- For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
- For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.

#### **8.5.2 Duly Authorized Representative.**

All Annual Reports required by this Permit and other information requested by EPA or IDEQ must be signed by a person described in Part.8.5.1 above or by a duly authorized

representative of that person. A person is a duly authorized representative only if:

- 8.5.2.1 The authorization is made in writing by a person described above and submitted to the Director
- 8.5.2.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, owner or operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position.); and
- 8.5.2.3 Written authorization is submitted to the Director and IDEQ.

### 8.5.3 Changes to Authorization.

If an authorization under Part 8.5.2 above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Part 8.5.2 must be submitted to EPA and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

### 8.5.4 Certification.

Any person signing a document under this Part must make the following certification:

*"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."*

## 8.6 Availability of Reports

In accordance with 40 CFR §2, information submitted to EPA pursuant to this Permit may be claimed as confidential by the Permittees. In accordance with the CWA, permit applications, permits, and effluent data are not considered confidential. Any confidential claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, EPA may make the information available to the public without further notice to the Permittee. If a claim is asserted, the information will be treated in accordance with the procedures in 40 CFR §2, Subpart B (Public Information) and 41 Federal Register 36924 (September 1, 1976), as amended.

## 8.7 Inspection and Entry

The Permittee must allow the Director; IDEQ; or an authorized representative (including an authorized contractor acting as a representative of the Director), upon the presentation of credentials and other documents as may be required by law, to:

### 8.7.1 Enter

Upon the Permittee' premises where a regulated facility or activity is located or conducted,

or where records must be kept under the conditions of this Permit;

#### **8.7.2 Access**

Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

#### **8.7.3 Inspect**

Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

#### **8.7.4 Sample, monitor, evaluate or audit**

At reasonable times, for the purpose of assuring permit compliance or as otherwise authorized by the CWA, any discharges, substances or parameters at any location.

### **8.8 Property Rights**

The issuance of this Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

### **8.9 Transfers**

Coverage under this Permit is not transferable to any person except after written notice to the Director. The Director may require modification or revocation and reissuance of the Permit to change the name of the Permittee(s) and incorporate such other requirements as may be necessary under the CWA. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory.)

### **8.10 State/Tribal Laws**

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the individual Permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State/Tribal law or regulation under authority preserved by Section 510 of the CWA. No condition of the Permit releases the Permittees from any responsibility or requirements under other environmental statutes or regulations.

### **8.11 Oil and Hazardous Substance Liability**

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the individual Permittees from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject under Section 311 of the Clean Water Act or Section 106 of the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

### **8.12 Severability**

The provisions of this Permit are severable, and if any provision of this Permit, or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

### **8.13 Re-opener Clause**

This Permit is subject to modification, revocation and reissuance, or termination at the request of any interested person (including the Permittee) or upon EPA initiative. However, permits may only be modified, revoked or reissued, or terminated for the reasons specified in 40 CFR §§122.62 or 122.64, and 40 CFR §124.5. This includes new information which was not available at the time of permit issuance and would have justified the application of different permit conditions at the time of issuance, including but not limited to future monitoring results. All

requests for Permit modification must be addressed to EPA in writing and shall contain facts or reasons supporting the request.

## 9 DEFINITIONS

All definitions contained in Section 502 of the Act and 40 CFR Part 122 apply to this Permit and are incorporated herein by reference. For convenience, simplified explanations of some regulatory/statutory definitions have been provided but, in the event of a conflict, the definition found in the statute or regulation takes precedence.

*Administrator*, as used in this Permit without qualifier, means the Administrator of the United States Environmental Protection Agency, or an authorized representative [40 CFR §122.2].

*Animal facility* see *commercial animal facility*.

*Annual Report* means the periodic self –assessment submitted by the Permittee(s) to document incremental progress towards meeting the stormwater management requirements and implementation schedules as required by this Permit.

*Appropriate* means reasonable in intensity, duration, and magnitude.

*Appropriate Action*, as used in Part 3.2.6 of this Permit, means documentation in the Permittees' Annual Reports and SWMP Document(s) of the MS4 outfall location(s) where the Permittee determines that the source of the ongoing dry weather flow is from either irrigation or groundwater seepage.

*Best Management Practice*, or *BMP*, means schedules of activities, prohibition of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage. See 40 CFR §§ 122.2 and 122.44(k). For the purposes of this Permit, *BMP* broadly refers to any type of structural or non-structural practice or activity undertaken by the Permittee in the course of implementing its SWMP. *BMP* refers to operational activities, physical controls or educational measures that are applied to reduce the discharge of pollutants and minimize potential impacts upon receiving waters, and accordingly, refers to both structural and nonstructural practices that have direct impacts on the release, transport, or discharge of pollutants. See also "*stormwater control measure (SCM)*."

*Bioretention* means the water quality and water quantity stormwater management practice using the chemical, biological and physical properties of plants, microbes and soils for the removal of pollution from stormwater runoff.

*Bypass* means the intentional diversion of waste streams from any portion of a treatment facility.

*Canopy Interception* is the interception of precipitation, by leaves and branches of trees and vegetation that does not reach the soil.

*CFR* means the Code of Federal Regulations, which is the official annual compilation of all regulations and rules promulgated during the previous year by the agencies of the United States government, combined with all the previously issued regulations and rules of those agencies that are still in effect.

*CGP* and/or *Construction General Permit* means the current available version of EPA's NPDES *General Permit for Stormwater Discharges for Construction Activities in Idaho*, Permit No. IDR12- 0000. EPA's CGP is posted on EPA's website at [www.epa.gov/npdes/stormwater/cgp](http://www.epa.gov/npdes/stormwater/cgp).

*Commercial Animal Facility* as used in this Permit, means a business that boards, breeds, or grooms animals including but not limited to dogs, cats, rabbits or horses.

*Common Plan of Development* means a contiguous construction project or projects where

multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan. The “plan” is broadly defined as any announcement or piece of documentation or physical demarcation indicating construction activities may occur on a specific plot; included in this definition are most subdivisions and industrial parks.

*Construction activity* includes, but is not limited to, clearing, grading, excavation, and other site preparation work related to the construction of residential buildings and non-residential buildings, and heavy construction (e.g., highways, streets, bridges, tunnels, pipelines, transmission lines and industrial non-building structures).

*Control Measure*, as used in this Permit, refers to any action, activity, Best Management Practice or other method used to control the discharge of pollutants in MS4 discharges to waters of the United States.

*CWA* means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, 33 U.S.C. § 1251 et seq. [40 CFR §122.2].

*Deleterious Materials* is defined at IDAPA 58.01.02.010.21, and means any nontoxic substance which may cause the tainting of edible species of fish, taste and odors in drinking water supplies, or the reduction of the usability of water without causing physical injury to water users or aquatic and terrestrial organisms.

*Director* means the Regional Administrator of EPA Region 10, or the Director of EPA Region 10 Water Division, or an authorized representative. After July 1, 2021, upon transfer of the NPDES program to IDEQ, “Director” also refers to an authorized representative of the Idaho Department of Environmental Quality.

*Discharge* when used without qualification means the “discharge of a pollutant” as defined at 40 CFR §122.2.

*Discharge of a pollutant* means any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. This definition includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works. This term does not include an addition of pollutants by any “indirect discharger” [40 CFR §122.2].

*Discharge of Stormwater Associated with Construction Activity* as used in this Permit, refers to a discharge of pollutants in stormwater runoff from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow areas, concrete truck washout, fueling) or other industrial stormwater directly related to the construction process are located, and which are required to be managed under an NPDES permit. See the regulatory definitions of stormwater discharge associated with large and small construction activity at 40 CFR §122.26(b)(14)(x) and 40 CFR §122.26(b)(15), respectively

*Discharge of Stormwater Associated with Industrial Activity* as used in this Permit, refers to the discharge from any conveyance that is used for collecting and conveying stormwater and that is directly related to manufacturing, processing or raw materials storage areas at an industrial



plant included in the regulatory definition of stormwater discharge associated with industrial activity at 40 CFR §122.26(b)(14).

*Discharge-related Activities* include: activities which cause, contribute to, or result in stormwater point source pollutant discharges and measures to control stormwater discharges, including the siting, construction, and operation of best management practices to control, reduce or prevent stormwater pollution.

*Disconnect* for the purposes of this permit, means the change from a direct discharge into receiving waters to one in which the discharged water flows across a vegetated surface, through a constructed water or wetlands feature, through a vegetated swale, or other attenuation or infiltration device before reaching the receiving water.

*Effluent limitation* means any restriction imposed by the Director on quantities, discharge rates, and concentrations of "pollutants" which are "discharged" from "point sources" into "waters of the United States," [40 CFR §122.2]. The terms and conditions of this Permit are a type of effluent limitations and refers to actions designed to reduce pollutant discharges.

*Engineered Infiltration* is an underground device or system designed to accept stormwater and slowly exfiltrates it into the underlying soil. This device or system is designed based on soil tests that define the infiltration rate. Entity means a governmental body, or a public or private organization

*Erosion* means the process of carrying away soil particles by the action of water.

*Evaporation* means rainfall that is changed or converted into a vapor.

*Evapotranspiration* means the sum of evaporation and transpiration of water from the earth's surface to the atmosphere. It includes evaporation of liquid or solid water plus the transpiration from plants.

*Extended Filtration* is a structural stormwater device which filters stormwater runoff through a soil media and collects it in an underdrain which slowly releases it after the storm is over.

*Existing Permanent Controls*, in the context of this Permit, means post- construction or permanent stormwater management controls designed to treat or control runoff on a permanent basis and that were installed prior to the effective date of this Permit.

*Facility or Activity* means any NPDES point source or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

*Grab sample* means a single water sample or measurement of water quality taken at a specific time.

*Green infrastructure* is defined in Section 502 of the Clean Water Act and means the range of measures that use plant or soil systems, permeable pavement or other permeable surfaces or substrates, stormwater harvest and reuse, or landscaping to store, infiltrate, or evapotranspire stormwater and reduce flows to sewer systems or to surface waters..

*Green Stormwater Infrastructure (GSI)* see *green infrastructure*.

*Hazardous materials* is defined at IDAPA 58.01.02.010.47 and means a material or combination of materials which, when discharged in any quantity into state waters, presents a substantial present or potential hazard to human health, the public health, or the environment. Unless otherwise specified, published guides such as Quality Criteria for Water (1976) by EPA, Water Quality Criteria (Second Edition, 1963) by the state of California Water Quality Control Board, their subsequent revisions, and more recent research papers, regulations and guidelines will be

used in identifying individual and specific materials and in evaluating the tolerances of the identified materials for the beneficial uses indicated.

*Hydromodification* means changes to the stormwater runoff characteristics of a watershed caused by changes in land use.

*Illicit connections* means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer, and includes, but are not limited to, pipes, drains, open channels, or other conveyances that have the potential to allow an illicit discharge to enter the MS4.

*Illicit discharge* is defined at 40 CFR § 122.26(b)(2) and means any discharge to a municipal storm sewer that is not composed entirely of stormwater except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges from firefighting activities. See 40 CFR 122.26(b)(2).

*Impaired water* means any water body that does not meet applicable water quality standards for one or more beneficial uses by one or more pollutants. For the purposes of this Permit, *impaired water* includes any water body that IDEQ includes in its 2020 Integrated Report, as a “Category 4a” water of the state for which a total maximum daily load has been completed and approved; as a “Category 4b” water of the state that have pollution control requirements in place other than a TMDL and are expected to meet standards; and/or as a “Category 5” water of the state where a TMDL is necessary.

*Impairment pollutants*, for the purposes of this Permit, means any pollutant identified by IDEQ as a cause of impairment of any water body that receives MS4 discharges authorized under this Permit. See also “*impaired water*.”

*Indian Tribe* means any Indian Tribe, band, group, or community recognized by the Secretary of the Interior and exercising governmental authority over a Federal Indian Reservation [40 CFR §122.2].

*Industrial Activity* as used in this Permit refers to the eleven categories of industrial activities included in the definition of discharges of “stormwater associated with industrial activity” at 40 CFR §122.26(b)(14).

*Industrial Stormwater* as used in this Permit refers to stormwater runoff associated with the definition of *discharges of stormwater associated with industrial activity*.

*Infiltration* is the process by which stormwater penetrates into soil.

*Interconnection* means the point (excluding sheet flow over impervious surfaces) where the Permittee’s MS4 discharges to another MS4 or other storm sewer system, through which the discharge is eventually conveyed to a water of the United States. Interconnections shall be treated similarly to outfalls throughout the Permit.

*Low Impact Development or LID* means stormwater management and land development techniques, controls and strategies applied at the parcel and subdivision scale that emphasize conservation and use of on-site natural features integrated with engineered, small scale hydrologic controls to more closely mimic pre-development hydrologic functions.

*Method Detection Limit (MDL)* means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

*Minimum Level (ML)* means either the sample concentration equivalent to the lowest calibration

point in a method or a multiple of the method detection limit (MDL). Minimum levels may be obtained in several ways: They may be published in a method; they may be sample concentrations equivalent to the lowest acceptable calibration point used by a laboratory; or they may be calculated by multiplying the MDL in a method, or the MDL determined by a lab, by a factor.

*Major outfall* is defined in 40 CFR §122.26(b)(5) and in general, means a municipal storm sewer outfall that discharges from a single pipe with an inside diameter of 36 inches or more.

*MEP or maximum extent practicable*, means the technology-based discharge standard for municipal separate storm sewer systems to reduce pollutants in stormwater discharges that was established by Section 402(p) of the Clean Water Act, 33 U.S.C §1342(p)..

*Measurable Goal* means a quantitative measure of progress in implementing a component of a stormwater management program.

*Minimize* means to reduce and/or eliminate to the extent achievable using control measures (including BMPs) that are technologically available, economically practicable, and achievable in light of best industry or municipal practices.

*"MS4"* means "municipal separate storm sewer system," and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System as defined in 40 CFR 122.26(b). The term, as used within the context of this Permit, refers to those portions of the municipal separate storm sewer systems within the corporate limits of the City of Boise and City of Garden City that are owned and/or operated by the Permittees, namely: Ada County Highway District, Boise State University, City of Boise, City of Garden City, Drainage District #3 and/or the Idaho Transportation Department District #3.

*Municipality* means a city, town, borough, county, parish, district, association, or other public body created by or under State law and having jurisdiction over disposal of sewage, industrial wastes, or other wastes, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA.

*Municipal Separate Storm Sewer* is defined in 40 CFR §122.26(b)(8) and means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains): (i) Owned or operated by a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States; (ii) Designed or used for collecting or conveying stormwater; (iii) Which is not a combined sewer; and (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

*National Pollutant Discharge Elimination System (NPDES)* means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of CWA [40 CFR §122.2].

*New Permanent Controls*, in the context of this Permit, means post- construction or permanent stormwater management controls designed to treat or control runoff on a permanent basis that are installed after the effective date of this permit.

*Nuisance* means anything which is injurious to the public health or an obstruction to the free use, in the customary manner, of any waters of the State [IDAPA 58.01.02.010.67].

*Outfall* is defined at 40 CFR §122.26(b)(9) means a point source (see definition below) at the point where a municipal separate storm sewer discharges to waters of the United States, and does not include open conveyances connecting two municipal separate storm sewers or pipes, tunnels, or other conveyances which connect segments of the same stream or other waters of the United States and are used to convey waters of the United States.

*Owner or operator* means the owner or operator of any “facility or activity” subject to regulation under the NPDES program.

*Permanent Stormwater Controls, or practices, permanent controls, and/or Post-construction stormwater management controls* means those structural and non-structural controls that are designed to treat or control pollutants in stormwater runoff on a permanent basis.

*Permitting Authority* means the U.S. Environmental Protection Agency. After July 1, 2021, upon transfer of the NPDES program to IDEQ, permitting authority refers to the Idaho Department of Environmental Quality.

*Point Source* is defined at 40 CFR §122.2 and means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

*Pollutant* means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials [except those regulated under the Atomic Energy Act of 1954, as amended (42 U.S.C. § 2011 et seq.)], heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water [40 CFR §122.2].

*Pollutant(s) of concern*, for the purposes of this Permit, means any pollutant identified by IDEQ as a cause of impairment of any water body that receives MS4 discharges authorized under this Permit. See also “impaired water.”

*Post- construction stormwater management controls* or “permanent stormwater controls” means those controls designed to treat or control runoff on a permanent basis once construction is complete. See also “new permanent controls” and “existing permanent controls.”

*Redevelopment*, for the purposes of this Permit, means the alteration, renewal or restoration of any developed land or property that results in land disturbance of 5,000 square feet or more, and that has one of the following characteristics: land that currently has an existing structure, such as buildings or houses; or land that is currently covered with an impervious surface, such as a parking lot or roof; or land that is currently degraded and is covered with sand, gravel, stones, or other non-vegetative covering.

*Repair of Public Streets, Roads and Parking Lots* means repair work on Permittee-owned or Permittee-managed streets and parking lots that involves land disturbance, including asphalt removal or regrading of 5,000 square feet or more. This definition excludes the following activities: pot hole and square cut patching; overlaying existing asphalt or concrete paving with asphalt or concrete without expanding the area of coverage; shoulder grading; reshaping or regrading drainage ditches; crack or chip sealing; and vegetative maintenance.

*Storm sewershed* means, for the purposes of this Permit, all the land area that is drained by a network of municipal separate storm sewer system conveyances to a single point of discharge into a water of the United States.

*Significant contributors of pollutants* means any discharge that causes or could cause or contribute to a violation of surface water quality standards.

*Small Construction Activity* is defined at 40 CFR §122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

*Snow management* means the plowing, relocation and collection of snow.

*Soil amendments* are components added to in situ or native soils to increase the spacing between soil particles so that the soil can absorb and hold more moisture. The amendment of soils changes various other physical, chemical and biological characteristics so that the soils become more effective in maintaining water quality.

*Source control* means practices that control stormwater before pollutants have been introduced into stormwater.

*“Storm event” or “measurable storm event”* for the purposes of this Permit means a precipitation event that results in an actual discharge from the outfall and which follows the preceding measurable storm event by at least 48 hours (2 days).

*Stormwater* and *stormwater runoff* as used in this Permit means stormwater runoff, snow melt runoff, and surface runoff and drainage, and is defined at 40 CFR §122.26(b)(13). “Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels, or pipes into a defined surface water channel or a constructed infiltration facility.

*Stormwater Control Measure (SCM) or Stormwater Management Program Control Measure*, means the physical, structural, and/or managerial measures that, when used singly or in combination, reduce the downstream quality and quantity impacts of stormwater runoff. Also, SCMs means a permit condition used in place of or in conjunction with effluent limitations to prevent or control the discharge of pollutants. This may include a schedule of activities, prohibition of practices, maintenance procedures, or other management practices. SCMs may include, but are not limited to, treatment requirements; operating procedures; practices to control plant site runoff, spillage, leaks, sludge, or waste disposal, or drainage from raw material storage. See *best management practices* (BMPs).

*Stormwater Facility* means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, and modular pavement.

*Stormwater Management Practice or Stormwater Management Control* means practices that manage stormwater, including structural and vegetative components of a stormwater system.

*Stormwater Management Project* means a project that takes into account the effects on the water quality of the receiving waters and whether a structural stormwater control device can be retrofitted to control water quality.

*Stormwater Management Program (SWMP)* refers to a comprehensive program to manage the

quality of stormwater discharged from the municipal separate storm sewer system. For the purposes of this Permit, the SWMP consists of the actions and activities conducted by the Permittees as required by this Permit and described in the Permittees' SWMP Document(s). A "SWMP Document" is the written summary describing the unique and/or cooperative means by which an individual Permittee or entity implements the specific stormwater management control measures required by this Permit within their jurisdiction.

*Stormwater Pollution Prevention Plan (SWPPP)* means a site-specific plan designed to describe the control of soil, raw materials, or other substances to prevent pollutants in stormwater runoff; a SWPPP is generally developed for a construction site, or an industrial facility. For the purposes of this Permit, a SWPPP means a written document that identifies potential sources of pollution, describes practices to reduce pollutants in stormwater discharges from the site, and identifies procedures or controls that the site operator will implement to reduce impacts to water quality and comply with applicable Permit requirements.

*Snow management* means the plowing, relocation, and collection of snow.

*Structural flood control device* means a device designed and installed for the purpose of storm drainage during storm events.

*Subwatershed* for the purposes of this Permit means a smaller geographic section of a larger watershed unit with a drainage area between 2 to 15 square miles and whose boundaries include all the land area draining to a point where two second order streams combine to form a third order stream. A subwatershed may be located entirely within the same political jurisdiction.

*Total Maximum Daily Load, or TMDL* means the sum of the individual wasteload allocations for point sources, load allocations (LAs) for non-point sources, and natural background. Such load shall be established at a level necessary to implement the applicable water quality standards with seasonal variations and a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality [IDAPA 58.012.02.010.100].

*Toxic Substance* is defined at IDAPA 58.01.02.010.99, and means any substance, material or disease-causing agent, or a combination thereof, which after discharge to waters of the State and upon exposure, ingestion, inhalation or assimilation into any organism (including humans), either directly from the environment or indirectly by ingestion through food chains, will cause death, disease, behavioral abnormalities, malignancy, genetic mutation, physiological abnormalities (including malfunctions in reproduction) or physical deformations in affected organisms or their offspring. Toxic substances include, but are not limited to, the one hundred twenty-six (126) priority pollutants identified by EPA pursuant to Section 307(a) of the federal Clean Water Act.

*Treatment* means the reduction and removal of pollutants from stormwater.

*Treatment control* stormwater management means practices that 'treat' stormwater after pollutants have been incorporated into the stormwater.

*Uncontaminated*, for the purposes of this Permit, means that the MS4 discharge does not:

- result in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 117.21 or 40 CFR 302.6 at any time since November 16, 1987; or
- result in the discharge of a reportable quantity for which notification is or was required pursuant to 40 CFR 110.6 at any time since November 16, 1987; or
- Contribute to a violation or exceedance of an applicable Idaho Water Quality Standard.

*Upset* means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [40 CFR §122.41(n)].

*“Urban Agriculture”* and *“Urban Agricultural Activities”* means the growing, processing, and distribution of food and other products through intensive plant cultivation and animal husbandry in and around cities. For the purposes of this Permit, the term includes activities allowed and/or acknowledged by the Permittees through a local comprehensive plan ordinance, or other regulatory mechanism.

*Waters of the United States* or *waters of the U.S.* means those waters defined in 40 CFR §120.2.

*Watershed* is defined as all the land area that is drained by a waterbody and its tributaries.

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

## APPENDIX A - ADDRESSES & CONTACT INFORMATION

- 1. Notifications, and Permit Renewal Applications:** Such documents must be signed as required by Part 7.5, and submitted by U.S. Postal Mail to the IDEQ address below

*Regional Administrator  
Boise Regional Office  
Idaho Department of Environmental Quality  
Attn: Water Quality Program  
1445 N. Orchard St.  
Boise, ID 83706*

- 2. Reporting of Discharges Containing Hazardous Materials or Deleterious Material:<sup>5</sup>**

All spills of hazardous material, deleterious material or petroleum products which may impact waters (ground and surface) of the state shall be immediately reported.

Call 911 if immediate assistance is required to control, contain or clean up the spill.

If no assistance is needed in cleaning up the spill, contact the Boise Region IDEQ office at 208-373-0550 during normal working hours or Idaho State Communications Center after normal working hours.

If the spilled volume is above federal reportable quantities, contact the National Response Center.

For immediate assistance: Call 911

National Response Center: (800) 424-8802

Idaho State Communications Center: (800) 632-8000

See also Part 7.9 (*Twenty-Four Hour Notice of Noncompliance Reporting*).

- 3. Annual Reports, including any necessary attachments as required by this Permit:**

Such documents must be signed as required by Part 7.5, and submitted by U.S. Postal Mail to the IDEQ address below:

*Regional Administrator, Boise Regional Office Water Quality Program  
Idaho Department of Environmental Quality  
1445 N. Orchard St.  
Boise, ID 83706*

- 4. General Contact Information for EPA and IDEQ**

<i>EPA Region 10</i>	<i>Toll Free Phone Number</i>	<i>Phone Number</i>
EPA Region 10 Water Division, NPDES Permitting Section 1200 6th Avenue, Suite 155	800 424-4372, extension 6650	206-553-6650

<sup>5</sup> This provision is a condition of the IDEQ's *Final §401 Water Quality Certification for the NPDES Permit# IDS0275617561 Boise-Garden City Area Municipal Separate Storm Sewer Systems (MS4)*, dated March 29, 2021.



<b><i>EPA Region 10</i></b>	<b><i>Toll Free Phone Number</i></b>	<b><i>Phone Number</i></b>
Mail Code 19-CO4 Seattle WA 98101  EPA, Region 10 Enforcement & Compliance Assurance Division 1200 6th Avenue, Suite 155 Mail Code 20-CO4 Seattle, Washington 98101	800 424-4372, extension 1846	(206) 553-1846
<b><i>IDEQ State Office</i></b>	<b><i>Toll Free Phone Number</i></b>	<b><i>Phone Number</i></b>
Surface Water Program 1410 North Hilton Street Boise, ID. 83706		208-373-0502
<b><i>IDEQ Regional Office</i></b>	<b><i>Toll Free Phone Number</i></b>	<b><i>Phone Number</i></b>
Boise Regional Office 1445 N. Orchard St. Boise, ID 83706	888-800-3480	208-373-0550

## **APPENDIX B – ANNUAL REPORT TEMPLATE**

This Appendix contains an example template for the Annual Report required by Part 6.4.2. See separate document.