

Permit No.: IDS-02756-1
Application No.: IDS-02756-1

United States Environmental Protection Agency
Region 10
1200 Sixth Avenue
Seattle, Washington 98101
206/553-0523

AUTHORIZATION TO DISCHARGE UNDER THE
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

In compliance with the provisions of the Clean Water Act, 33 U.S.C. § 1251 et seq., as amended by the Water Quality Act of 1987, P.L. 100-4 (the "CWA"),

THE CITY OF BOISE, THE ADA COUNTY HIGHWAY DISTRICT, BOISE STATE
UNIVERSITY, THE IDAHO TRANSPORTATION DEPARTMENT DISTRICT 3,
DRAINAGE DISTRICT #3, AND THE CITY OF GARDEN CITY
(hereinafter "co-permittees ")

are authorized to discharge from all municipal separate storm sewer system outfalls existing as of the effective date of this permit, to the Boise River and its tributaries in accordance with the conditions set forth herein.

This permit shall become effective November 29, 2000

This permit and the authorization to discharge shall expire at midnight, November 29, 2005

Signed this 30th day of October, 2000

Randall F. Smith, Director
Office of Water, Region 10
U.S. Environmental Protection Agency

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PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

- A. PERMIT AREA.** This permit covers all areas within the corporate boundaries of **Boise, Idaho and Garden City, Idaho** served by, or otherwise contributing to discharges from, municipal separate storm sewer systems (MS4) owned or operated by the co-permittees listed in Part I.C.
- B. AUTHORIZED DISCHARGES.** This permit authorizes all existing storm water discharges to waters of the United States from the MS4 subject to the limitations of this permit. This permit also authorizes the discharge of storm water which has commingled with other flows including process wastewater and storm water associated with industrial activity, provided each such other flow is authorized under a separate National Pollutant Discharge Elimination System (NPDES) permit.
- C. CO-PERMITTEES.**

CITY OF BOISE (Boise City)
CITY OF GARDEN CITY (Garden City)
ADA COUNTY HIGHWAY DISTRICT (ACHD)
BOISE STATE UNIVERSITY (BSU)
IDAHO TRANSPORTATION DEPARTMENT DISTRICT 3 (ITD)
DRAINAGE DISTRICT #3 (DD3)

1. Except as described in Part I.C.2., the co-permittees' obligations to comply with the terms and conditions of this permit shall be joint and several.
2. Each co-permittee shall be individually obligated (and the remaining co-permittees shall not be obligated) to comply with those terms or conditions of this permit which:
 - a. relate exclusively to discharges from portions of the MS4 owned or operated solely by that co-permittee;
 - b. are identified in this permit as being the obligation of a single, named co-permittee; or
 - c. have been identified in Table III.A or the Cooperative Agreement approved by EPA under Part II.F. of this permit as being the responsibility of that co-permittee .

PART II. STORM WATER MANAGEMENT PROGRAM

Each co-permittee shall implement a Storm Water Management Program (SWMP) designed to limit, to the Maximum Extent Practicable (MEP), the discharge of pollutants to and from that portion of the MS4 owned, operated, or utilized by that co-permittee . Each co-permittee shall implement the SWMP in accordance with the schedule contained in Part II, and as summarized in Table III.A, of the permit.

A. COMPONENTS OF STORM WATER MANAGEMENT PROGRAM.

1. *Structural Controls:* Each co-permittee shall operate and maintain the storm water structural controls for which it is the owner or operator, in a manner so as to reduce the discharge of pollutants to the MEP.
 - a. Design Manuals. Design Manuals. Co-permittees shall adopt design manuals that incorporate Best Management Practices (BMPs) and operation and maintenance criteria for all existing and future structural controls under the jurisdiction of the co-permittees. This requirement may be satisfied by adopting by reference all or elements of the design manuals and guidebooks developed by other co-permittees, including the *January 1997 Boise Storm Water Best Management Practices (BMP) Guidebook*, the *July 1994 ITD Catalog of Storm Water Best Management Practices (BMP's)*, the *June 1999 City of Boise Storm Water Management Design Manual*, and the *December 1999 ACHD Development Policy Manual*. Design practices shall be incorporated into co-permittees' design, maintenance, and operation of all existing and future controls. The design manuals shall be based on sound engineering practices and shall utilize methodologies to control the addition of pollutants to storm water runoff to the MEP. Co-permittees shall finalize and implement the design manuals **no later than two years from the effective date of the permit**.
 - b. Operation and Maintenance Program. Co-permittees shall develop and implement an operation and maintenance program, to include the following:
 - c. Definitive inspection and maintenance schedules for all co-permittee-owned structural controls which include the frequency of routine inspections. Actual inspections shall also be tracked.
 - c. Guidelines and criteria for maintenance activities that are to be implemented for co-permittee-owned structural controls, as well as a description of the maintenance activities required such as "disposal of sediment" and "removal of debris."
 - c. A description of the inspection, operation, and maintenance of storm water retention facilities owned or operated by co-permittees .

The program shall incorporate measures, such as the assessment of retention basin outfalls, to evaluate the effectiveness of the proposed operation and maintenance program. Such measures shall be selected by the co-permittees, and a justification included in the program as to why they were chosen. The program shall ensure that co-permittees maintain drainage controls and structures to ensure that they operate as designed, such that the reduction of pollutants (including floatables) is maintained. Such structures include, but are not limited to: grates, basins, irrigation boxes, sediment tanks, skimmer boxes, drains, and pipes. The entire program shall be developed, and its implementation begun, **no later than one year from effective date of the permit**.
 - c. Inspection and Maintenance Record Keeping. Each co-permittee that owns or operates structural controls shall maintain an internal record-keeping system to track inspections and maintenance for those portions of the MS4 operated by the co-permittee. The record-keeping system shall be in place and operable **within one year from effective date of the permit**. A joint record-keeping system to track activity undertaken by two or more co-permittees is allowable under this Part of the permit.

- d. Annual Report. Copies of the **design manuals** shall be included in the **second annual report** of this permit term. Any **revisions or additions to the manual** shall be reported to the address in Section IV.E, along with the reason why the manual was altered, in the **first annual report after such changes occurred**. Co-permittees shall include with the **first annual report** a copy of the **operations and maintenance program**, including a maintenance schedule, for all structural controls owned or operated by co-permittees. Each co-permittee that has carried out **inspections and maintenance activities** shall submit a **summary** of such activity with **each annual report**. The summary shall include information on the number of structures cleaned, the number of hours dedicated to such cleaning, etc. Co-permittees shall also provide a summary of any data collected as part of the evaluation of the retention facilities as described above.
2. *Floatables*: The co-permittees shall ensure the establishment of a program to reduce the discharge of floatables (e.g., litter and other human-generated solid refuse). The floatables control program shall include source controls and, where necessary, structural controls.
 - a. Awareness and local authority cooperation. The co-permittees shall incorporate into their public education program information designed to reduce the amount of floatables which can end up in the storm sewer system. The co-permittees shall work with other authorities charged with enforcing litter control, and incorporate information on the existence of fines, penalties etc., for violations of such ordinances into any distribution of public education materials (which can be undertaken in conjunction with II.A.11.a). Each co-permittee shall determine and utilize methods to reduce litter within their respective jurisdictions. There shall be methods in place to control litter on a daily basis, as well as control litter that may result from a major public event.
 - b. Highway cleanup. The co-permittees shall implement a program or programs, such as the Adopt-a-Highway program, to facilitate litter removal from selected highways two times a year or as needed.
 - c. Operation and Maintenance Program. The co-permittees shall ensure that the streets for which they have maintenance authority and responsibility are swept as needed to reduce the discharge of pollutants to the MEP. Co-permittees shall compile a report on the sweeping activity and shall assess the above levels of effort in each of the designated land use type areas with respect to the mitigation of contribution of pollutants from the highways and other public areas that are maintained. The report shall be completed **within 18 months of the effective date of the permit**.
 - d. Annual Report. Co-permittees shall include in the **annual reports** any **cooperative efforts** undertaken with other authorities charged with enforcing litter control. Co-permittees shall report on any **interim results from the evaluation of the road sweeping program** during the **first annual report**. Co-permittees shall record and present **statistics from highway cleanup program(s)**, such as the Adopt-a-Highway program, that measure effectiveness and possible application on other co-permittee-maintained streets and roadways in **each annual report**. **Operation and Maintenance programs including reports of street sweeping** with the number of road miles that have been swept by land use type, shall be submitted with the **second annual report**.

3. *Areas of New Development and Significant Redevelopment:* Co-permittees shall adopt and utilize a comprehensive master planning process to develop, implement, and enforce controls to reduce the discharge of pollutants to the MEP from areas of new development and significant redevelopment.
 - a. Design Practice Manuals. Each co-permittee shall develop and finalize a design manual incorporating BMPs or adopt for use the BMPs prepared by another approved source. Co-permittees shall ensure that adopted BMPs are utilized and followed by developers, contractors and others involved in land development activities, to ensure that minimum requirements, standards and procedures are applied before, during and after land development activities. In addition, co-permittees shall ensure that developers, contractors and others involved in land development activities have in place Operation and Maintenance plans at the time of permitting for storm water facilities on new development and redevelopment (including residential, commercial and industrial land uses). Manuals shall be developed and implemented within **two years of the effective date of the permit**.
 - b. Project review. Project review and approval procedures shall be developed that include the ability to conduct inspections and follow-up after construction to ensure that approved Operation and Maintenance plans are being followed. Implementation of these procedures shall begin **within two years of the effective date of the permit**.
 - c. Record keeping. Co-permittees shall develop and maintain an internal record keeping system to track all activity on project review and approval actions. This activity shall be completed and implemented within **two years from the effective date of the permit**.
 - d. Annual Report. Co-permittees shall include copies of **design manuals** that include measures for areas of new development and significant redevelopment in the **second annual report**. The City of Boise shall include a copy of the City of Boise Storm Water Management Design Manual in its first annual report submission. **Project review and approval procedures** for new development and significant redevelopment shall also be submitted as part of the **second annual report**. A summary of each co-permittees previous year's **recordkeeping activity** shall be provided in each **annual report beginning the second year**.
4. *Roadways:* Each co-permittee shall operate and maintain public streets, roads, and highways under its jurisdiction and for which it has authority in a manner so as to reduce to the MEP the discharge of pollutants including those related to deicing or sanding activities.
 - a. Management Practices. Co-permittees shall develop a management practices program. This program shall include those management practices identified during the inventory of co-permittee-owned storm water facilities and audit of site activities undertaken as part of the application for the MS4 Permit. The program shall also evaluate ways to reduce pollutant discharges associated with road maintenance and rehabilitation operations. The program shall be submitted and implemented **within two years of the effective date of the permit**.
 - b. Snow and Ice Control and Removal Programs. Co-permittees shall monitor the application of chemicals and sand applied to roadways for snow and ice control. Co-

permittees shall implement programs for proper storage of de-icing materials to prevent materials from entering the storm sewer system (e.g., using covers or roofs for stockpiled materials), and research alternatives to salt for use in de-icing **within two years of the effective date of the permit.**

- c. Annual Report. Co-permittees shall submit the **management practices program** that includes ways to reduce pollutants from road maintenance and rehabilitation in the **second annual report**. In addition, co-permittees shall report the **amount (in appropriate units) of chemicals** applied to roads as part of the snow and ice control program in **each annual report beginning with the second report**. The **alternatives to salt** for de-icing and a **statement indicting that de-icing materials are properly stored** shall be in the **second annual report**.
5. *Flood Management*: Each co-permittee shall ensure that any flood management projects it undertakes include an assessment of the impacts on receiving water quality. Co-permittees shall also evaluate the feasibility of retro-fitting existing structural flood control devices to provide additional pollutant removal from storm water.
- a. Inventory of Structural Flood Control Devices. **Within one year of the effective date of the permit**, co-permittees shall complete an inventory of all existing structural flood control devices (e.g., storm sewer inlets, detention basins, drainage channels) within their jurisdictions to determine the feasibility of retrofitting them to provide additional pollutant removal. Co-permittees shall consider retrofits such as installation of in-line sediment trap devices, detention facilities or wetlands/riparian vegetation. Such evaluation should be carried out in conjunction with the sediment analysis component of section IV. B. of this permit.
 - b. Flood Management Projects. Co-permittees shall develop procedures **within one year of the effective date of the permit** to assure that flood management projects assess the impacts on the water quality of the receiving water.
 - c. Annual Report. In the **first annual report**, co-permittees shall provide **procedures assessing water quality impacts from all flood management projects**. An **inventory of existing structural flood control devices** shall also be provided in the **first annual report** including information whether retrofit to provide additional pollutant removal is feasible.
6. *Pesticide, Herbicide, and Fertilizer Application*: Co-permittees shall implement controls to reduce to the MEP the discharge of pollutants related to the application of pesticides, herbicides, and fertilizers applied by the co-permittee's employees or contractors to public right of ways, parks, and other municipal facilities. Co-permittees with jurisdiction over lands not directly owned by that entity (e.g., private lands within an incorporated city) shall implement controls such as educational activities, permits, certifications, and other measures to reduce the discharge of pollutants related to application and distribution of pesticides, herbicides, and fertilizers by commercial and wholesale distributors and applicators.
- a. Application Management. Co-permittees shall develop a list of regionally appropriate landscaping plants and turf with recommended fertilizer application rates. Co-permittees shall establish planting/landscape policies which encourage use of vegetation (either indigenous or imported) that is self sustainable without the need for

pesticides or fertilizers. This task shall be completed **within one year of the effective date of the permit.**

- b. Distribution of Educational Materials. Co-permittees shall distribute educational materials to all contracted applicators. This task shall be completed **within 18 months of the effective date of the permit.**
 - c. Outreach Method Identification. Co-permittees shall identify and utilize outreach methods to educate homeowners and commercial businesses, such as greenhouses, nurseries, landscaping and yard-care businesses, on the impact of pesticides, herbicides, and fertilizers on aquatic resources and on the means to decrease their usage. Information should include the use of alternatives to commercial pesticides, as well as information on locally available methods for proper disposal of pesticides, herbicides and fertilizers after they have been used. Co-permittees may undertake this component of the storm water management plan as part of the overall public education component, identified in II.A.11.a.
 - d. Annual Report. Co-permittees shall include **the list of regionally appropriate landscape plants and turf and plant policies** with the **first annual report**. Co-permittees shall report on the **distribution of information** to contracted applicators in the **second annual report**. Information regarding what **outreach activities** have taken place on the effects of pesticides, herbicides, and fertilizers shall be in **each annual report**.
7. *Illicit Discharges and Improper Disposal*: Each co-permittee shall implement an ongoing program to detect and remove (or require the discharger to the MS4 to remove or obtain a separate NPDES permit for) illicit discharges and improper disposal into the MS4. Each co-permittee shall effectively prohibit non-storm water discharges to the MS4, other than those authorized under a separate NPDES permit. Unless identified by any co-permittee, IDEQ, or the Water Office Director, as sources of pollutants to waters of the United States, the following non-storm water discharges need not be addressed by co-permittee's illicit discharge and improper disposal program:
- C water line flushing;
 - C landscape irrigation;
 - C diverted stream flows;
 - C rising ground waters;
 - C uncontaminated ground water infiltration (as defined at 40 CFR 35.2005(20)) to separate storm sewers;
 - C uncontaminated pumped ground water;
 - C discharges from potable water sources;
 - C foundation drains;
 - C air conditioning condensate;
 - C irrigation water;
 - C springs;
 - C water from crawl space pumps;
 - C footing drains;
 - C lawn watering;
 - C individual residential car washing;
 - C flows from riparian habitats and wetlands;
 - C de-chlorinated swimming pool discharges; or
 - C street wash waters.

Discharges and flows from emergency fire fighting activities need not be addressed by co-permittee's illicit discharge and improper disposal program unless such discharges and flows are determined by any co-permittee, IDEQ, or the Water Office Director, as significant sources of pollutants to waters of the United States. Each co-permittee shall prevent (or require the owner or operator of the sanitary sewer to eliminate) un-permitted discharges of dry and wet weather overflows from sanitary sewers into the MS4. Each co-permittee shall limit the infiltration of seepage from sanitary sewers into the MS4. Each co-permittee shall provide education activities, public information activities, and other appropriate activities to facilitate the proper management and disposal of used oil and toxic materials (including antifreeze, paint, solvents, pesticides, and herbicides). Appropriate programs include the collection of used motor oil at curbside residences and the collection of hazardous waste at central locations. If conducted, these programs should be publicized on a regular basis.

- a. Inspection and Enforcement. Co-permittees shall work together to implement a program to inspect and enforce against illicit connections. The program can be based on the *Boise City Stormwater Investigation Manual* and the *December 1998 ACHD Stormwater Investigation Manual*. Co-permittees shall use the results of existing and on-going dry-weather screening and citizen reports as the primary basis for locating illicit discharges. Co-permittees shall ensure that an appropriate number of personnel receive training in the detection of illicit connections. The program shall include a requirement to update the inventory, within **6 months of the effective date of the permit**, of all major outfalls within the jurisdictions of the co-permittees. Co-permittees shall ensure compliance with this program element by inspecting 20% or more of the major outfalls per permit year, totaling 100% of outfalls by the conclusion of the first permit term. If illicit connections are identified or detected, co-permittees shall require their disconnection.
- b. Storm Water Management and Discharge Control Ordinance Enforcement. The City of Boise shall ensure enforcement of *Title 8, Chapter 15, The City of Boise Storm Water Management and Discharge Control Ordinance* (adopted May 2000). The City of Garden City shall ensure enforcement of *Garden City Code Title 4, Chapter 14, Ordinances for Stormwater Management and Discharge Control* (adopted on September 14, 1999). Each co-permittee shall require the elimination of illicit connections as expeditiously as possible and the immediate cessation of improper disposal practices upon identification of responsible parties. Where elimination of an illicit connection within seven (7) days is not possible, the co-permittee shall require an expeditious schedule for removal of the discharge. In the interim, the co-permittee shall require the owner or operator of the illicit connection to take all reasonable and prudent measures to minimize the discharge of pollutants to the MS4.

- c. Complaint Procedures. Co-permittees shall implement complaint investigation procedures (such as those outlined in the City of Boise and Ada County Stormwater Investigation Manuals) to guide staff through recording, investigating and following up on complaints regarding violations reported by the general public. Co-permittees shall publicize the availability of an approved complaint referral process and post notices informing the public of the existence of such resources. Co-permittees shall utilize appropriately trained staff in operating such a complaint response program. A program incorporating all such initiatives shall be in place and operational within **one year from the effective date of the permit**.
 - d. Annual Report. Co-permittees shall submit the **list of major outfalls** that was compiled in the **first annual report**. Co-permittees shall report the progress of the **inspection and enforcement program** to eliminate illicit connections to the storm sewer system in **each annual report**. The **annual reports** shall include summaries of activities carried out under this initiative, including the **number of outfalls/inspections** undertaken, **results of such inspections**, and **follow-up actions** taken. Copies of **complaint investigation procedures** shall be included in the **first annual report**.
8. *Spill Prevention and Response*: Co-permittees shall implement a program to prevent, contain, and respond to spills that may discharge into the MS4. The spill response program may include a combination of spill response actions by the co-permittee (and/or another public or private entity), and legal requirements for private entities within the co-permittee's municipal jurisdiction.
- a. Spill Response Task Group. Co-permittees shall participate in an interagency spill response task group, such as the Boise City Fire Department Task Group, to ensure that a coordinated response to spills is achieved and that impacts upon aquatic resources from spilled pollutants are controlled to the MEP. As part of this activity, co-permittees shall provide educational materials and outreach to operators of industrial and commercial activity that have a potential to spill liquid and solid wastes during transportation of such materials. If participation does not already occur, co-permittees shall begin participation **within one year of the effective date of the permit**.
 - b. Annual Report. Co-permittees shall report on **activities undertaken** in conjunction with the interagency spill response task group, such as meetings attended, meeting notes, and copies of any cooperative agreements listing the responsibilities of relevant parties in **all annual reports**.
9. *Industrial & High Risk Runoff*: Co-permittees shall implement a program to identify, monitor, and control pollutants in storm water discharges to the MS4 from the following sources:

- C municipal landfills;
- C hazardous waste treatment, storage, disposal and recovery facilities and facilities that are subject to Section 313 of the Emergency Planning and Community Right to Know Act (EPCRA, 42 U.S.C. §11023); and
- C any other industrial or commercial discharge the co-permittee determines is contributing a substantial pollutant loading to the MS4.

The program shall include:

- C priorities and procedures for inspections and establishing and implementing control measures for such discharges; and
 - C a monitoring (or self-monitoring) program for facilities identified under this section, including the collection of quantitative data on the following constituents: Any pollutants limited in an existing NPDES permit for an identified facility; oil and grease; chemical oxygen demand (COD); pH; five-day biochemical oxygen demand (BOD₅); total suspended solids (TSS); total phosphorous; total Kjeldahl nitrogen (TKN); nitrate plus nitrite nitrogen; and any information on discharges required under 40 CFR 122.21(g)(7)(iii) and (iv). Data collected by the industrial facility to satisfy the monitoring requirements of an NPDES or State discharge permit may be used to satisfy this requirement. Co-permittees may require the industrial facility to conduct self-monitoring to satisfy this requirement.
- a. Database of Facilities. Co-permittees shall develop and maintain a database of priority industrial sites based on the above criteria within **one year of the effective date of the permit**. The database shall contain information on the primary economic activity conducted at the site (characterized by Standard Industrial Classification (SIC) code), the location of the facility, and a summary of the facility's storm water management plan and permit requirements.
 - b. Inspection and Monitoring of High Risk Facilities. Co-permittees shall work together to inspect and monitor such facilities for compliance with the storm water ordinance and the NPDES industrial storm water general permit within **one year of the effective date of the permit**. Whenever possible, such inspections should be in conjunction with pretreatment inspections conducted by the City of Boise. The inspection program shall be developed utilizing state statutes, local ordinances, contracts, or joint powers agreements. The agreements shall be developed to ensure that the program is carried out as devised. The memorandum of understanding between the Ada County Highway District and the City of Boise shall apply upon the **effective date of the permit**. Other permittees should consider developing similar agreements. The inspection and monitoring program shall include provisions to record observations of a facility, report findings to the inspected facility, follow up with the facility if necessary, and exercise legal authority to issue notices of violations, fines, etc., as and when appropriate. All activity regarding the monitoring and inspection of such facilities shall be maintained in the centralized database described above.

- c. Educational Materials. The *Storm Water Commercial and Industrial Best Management Practices Handbook*, developed by the City of Boise Public Works, shall be distributed with inspections as well as when requested.
 - d. Inspection Program. Co-permittees shall develop, formalize, and implement an inspection program of high risk industrial and other commercial facilities. The inspection program may be developed utilizing contract or joint powers agreements and shall be implemented within **one year of the effective date of the permit**.
 - e. Annual Report. Copies of the **inspection programs, including any agreements or MOUs**, shall be included in the **first annual report**. A **listing of any activities** taken place such as monitoring inspections, issuance of citations etc. shall be summarized from the industrial and commercial priority database and included in **each annual report**.
10. *Construction Site Runoff*: Co-permittees shall develop and implement a program to reduce to the MEP the discharge of pollutants from constructions sites, including:
- c requirements for the use and maintenance of appropriate structural and nonstructural BMPs to reduce pollutants discharged to the MS4 during the time construction is underway;
 - c procedures for site planning which incorporate considerations for potential short and long term water quality impacts and which minimize these impacts;
 - c prioritized inspection of construction sites and enforcement of control measures;
 - c appropriate education and training measures for construction site operators; and
 - c notification of appropriate building permit applicants of their potential responsibilities under the NPDES permitting program for construction site runoff.
- a. Construction Site Discharge Control Program. Co-permittees shall implement a Construction Site Discharge Control Program **18 months from the effective date of the permit**. The program shall contain elements to control the contribution of pollutants from construction site activity to the MEP. The program shall require the owner or operator of the development site to prepare, and submit for approval, Erosion and Sediment Control (ESC) plans for construction within the boundaries of the co-permittee's jurisdiction. Co-permittees shall implement procedures for site plan review that incorporate consideration of potential water quality impacts from such construction sites. Approved ESC plans shall require BMPs and shall contain provisions addressing material containment, spill prevention, and other practices as applicable. Initiatives such as outreach and educational activities for construction site planners, developers, builders and operators shall be included in the implementation of the program. Such activities must extend to all construction activity within the municipality and all construction sites, regardless of size or ownership.
 - b. Inspection and Compliance. Co-permittees shall conduct inspections of construction sites to ensure compliance with the measures outlined in II.A.10(a) within **18 months of the effective date of the permit**. Co-permittees shall undertake enforcement measures against those operators of sites in violation of the measures in II.A.10(a), including the issuance of notices of violation and stop work orders.

- c. Database and Record Keeping. Co-permittees shall develop and maintain a database of all active and completed construction sites permitted within their jurisdiction and completed during the term of this permit. Such a database shall contain basic information regarding the nature of the construction activity, size of land clearing and grading activities, and contact information on the contractor and/or developer and shall be utilized within **one year of the effective date of the permit**.
 - d. Annual Report. **Each annual report beginning with the second**, shall include the following: **the number of site plans that were reviewed, the number that passed review and the number that required revision prior to passing review; the number of inspections carried out summarized by month or other similar calendar-based total; the number of citations, notice-of-violations, or stop-work-orders issued by co-permittees; the type and number of educational materials distributed by co-permittees; the outreach events that representatives of co-permittees attended in order to disseminate information regarding the purpose of the program; and a summary of information compiled in the database of all active and completed construction activity**. Copies **construction site discharge programs** shall be included in the **second annual report**.
11. *Public Education*: Co-permittees shall implement a public education program as follows:
- a. Public Education Program. The co-permittees shall implement a program to inform the public of the impact of pollutants in storm water on waters of the United States and how to avoid adding such pollutants to storm water runoff. This public education program shall include the following activities:
 - (1) The distribution of public education flyers, inserts or booklets to householders regarding appropriate methods for disposing of used motor oil and similar substances
 - (2) Programs and activities to promote awareness of locations where the drain discharges and promote importance of maintaining clean water resources. Examples of such activities and programs include a stenciling program and participation in educational forums such as Water Awareness Week
 - (3) Promoting the collection and/or composting of yard wastes from residential and commercial sites. Co-permittees shall promote the “Keep watershed clean” campaign and shall distribute copies of flyers previously developed, including but not limited to, the Storm Water Ordinance (developed by the City of Boise), RiverCare Tips to Protect Water Quality (developed by the City of Boise), and the Storm Water Trooper bookmark (developed by the City of Boise);
 - (4) Co-permittees shall distribute the *Storm Water Commercial and Industrial BMPs Handbook* to commercial and industrial facilities identified as priorities due to the nature of the industrial and commercial activities to be found at such sites. Co-permittees shall make available the *Storm Water Plant Materials - A Resource Guide* to other facilities and make developers and contractors aware of the existence of such information; and
 - (5) Co-permittees shall document the complaints received from the general public regarding violations to the storm water ordinance, and the co-permittees’ response to complaints.

- b. Annual Report. **Each annual report** shall include data on the following:
- c **the number and type of flyers, inserts, or booklets distributed to householders regarding household hazardous waste ;**
 - c **the amount (in gallons) of used motor oil collected; the number of storm water inlets and drains stenciled during the year;**
 - c **the number of students and teachers attending “Water Awareness Week;”**
 - c **the amount (cubic yards) of yard wastes collected from residential and commercial sites;**
 - c **the number of flyers distributed including, but not limited to, the Storm Water Ordinance, RiverCare Tips, and the Storm Water Trooper bookmark;**
 - c **the number of Storm Water Commercial and Industrial BMPs handbooks distributed to commercial and industrial facilities;**
 - c **the number of Storm Water Plant Materials - A Resource Guide distributed to other facilities, and a list of developers and contractors receiving such information; and**
 - c **a list derived from a database, or similar record keeping procedure, that documents the complaints received regarding violations to the storm water ordinance, to include detail on what follow up was taken, and the resolution of the original complaint.**

The annual reports shall include a **description of who the target audience was** for the distribution of the educational flyers, booklets, etc., and why they were chosen.

B. DEADLINES FOR PROGRAM COMPLIANCE. Except as provided in Part II.A and Table III.A, compliance with the SWMP shall be required **30 days from the effective date** of the permit.

C. LEGAL AUTHORITY. Each co-permittee shall operate pursuant to legal authority established by statute, ordinance or series of contracts which authorizes or enables the co-permittee at a minimum to:

1. Control through ordinance, permit, contract, order or similar means, the contribution of pollutants to the MS4 by storm water discharges associated with industrial activity and the quality of storm water discharged from sites of industrial activity;
2. Prohibit through ordinance, order or similar means, illicit discharges to the MS4;
3. Control through ordinance, order or similar means the discharge to the MS4 of spills, dumping or disposal of materials other than storm water;
4. Control through interagency agreements among co-permittees the contribution of pollutants from one portion of the MS4 to another portion of the MS4;
5. Require compliance with conditions in ordinances, permits, contracts or orders; and

6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance and noncompliance with permit conditions including the prohibition on illicit discharges to the MS4.

Co-permittees shall include with the **first annual report** a demonstration that each co-permittee possesses legal authority that satisfies the six criteria listed above. Co-permittees shall include with this demonstration copies of all statutes, ordinances, permits, contracts, orders or inter-jurisdictional agreements that they contend demonstrate the adequacy of their legal authority.

- D. STORM WATER MANAGEMENT PROGRAM RESOURCES.** Each co-permittee shall provide adequate finances, staff, equipment, and support capabilities to implement the SWMP as described in Part II.A and summarized in Table III.A.
- E. STORM WATER MANAGEMENT PROGRAM MODIFICATION.** Only those portions of the SWMP specifically required as permit conditions shall be subject to the modification requirements of 40 CFR §§ 122.62, 122.63 and 124.5. Addition of the following components, controls, or requirements by co-permittees shall be considered minor changes to the Storm Water Management Program and not require modifications to the Permit: replacement of an ineffective or infeasible BMP; implementing a requirement of the SWMP with an alternate BMP expected to achieve the goals of the original BMP; and changes required as a result of schedules contained in Part III of this Permit.
- F. COOPERATIVE AGREEMENT.** Co-permittees shall draft an enforceable Cooperative Agreement and submit it to EPA for approval **no later than one year from the effective date of this permit**. This Cooperative Agreement shall identify the roles and responsibilities of the co-permittees under this permit and shall be signed by all co-permittees and entered into within **one month** of written or verbal approval from EPA.

PART III. SCHEDULES FOR IMPLEMENTATION OF STORM WATER MANAGEMENT PROGRAM. The co-permittees shall implement the complete SWMP described in Parts II.A.1 through 11. Table III.A summarizes the SWMP, includes the dates by which specific components must be initiated, developed, implemented, or reported upon, and identifies the co-permittee(s) which have responsibility for each specific component. Modifications to the SWMP shall be consistent with Part II.E. of this permit.

TABLE III.A.		
Storm Water Management Program — Schedules for Implementation and Compliance		
STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
STRUCTURAL CONTROLS (II.A. 1)		
(a) Design Manuals. Finalize and implement design manuals incorporating best management practices and operation and maintenance criteria or adopt for use design manuals prepared by other approved sources	— Within two years of the effective date of the permit.	(a) Each co-permittee is responsible for its own design manual
(b) Operation and Maintenance Program. Develop and implement an operation and maintenance program to include schedules of planned and actual inspection and maintenance activity on all structural controls owned or operated by co-permittees.	— Within one year of the effective date of the permit.	(b) Each co-permittee is responsible for developing its own program for its own respective system. ACHD will take the lead for developing a standard form.
(c) Inspection and Maintenance Record Keeping. Develop and utilize a record tracking system to record all inspection and maintenance activity with regard to the inspection and maintenance of structural controls carried out in compliance of II.A.1.(b).	— Within one year of the effective date of the permit.	(c) Each co-permittee is responsible for its own respective recordkeeping system.
FLOATABLES (II.A.2)		
(a) Awareness and local authority co-operation. Work with other non-permitted authorities charged with litter control and determine and utilize methods to reduce litter within respective jurisdictions.	— Upon the effective date of the permit	(a) Boise City, BSU, and Garden City (for respective jurisdiction)
(b) Highway Cleanup. Implement a program or programs, such as the Adopt-a-Highway program, to facilitate litter removal from selected highways two times a year or as needed.	— Upon the effective date of the permit.	(b) ACHD and ITD (for respective jurisdiction)

**TABLE III.A.
Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
(c) Operation and maintenance program. Evaluate the effectiveness of the current level of road-sweeping activity on preventing pollutants from entering the storm sewer system.	— Within 18 months of the effective date of the permit.	(c) ACHD, Boise City, ITD, and BSU (for respective jurisdiction)
AREAS OF DEVELOPMENT AND SIGNIFICANT REDEVELOPMENT (II.A.3)		
<p>(a) Design Practice Manuals. Ensure that new development and significant re-development projects, designed by developers and contractors and others involved in land development activities, apply minimum requirements, standards, and procedures, as detailed in the respective design manuals, both during and after such land development activities.</p> <p>(b) Project review. Project review and approval process for new development and significant re-development shall be developed and adopted.</p> <p>(c) Record Keeping. Develop and maintain an internal record keeping system to track all activity on project review and approval actions.</p>	<p>— Two years from the effective date of the permit.</p> <p>— Implemented within two years of the effective date of the permit.</p> <p>— System to be completed and in use two years from the effective date of the permit.</p>	<p>(a) ACHD, Boise City, and DD3 (with opportunity to adopt by reference part or all of Boise Storm Water Management Design Manual), Garden City</p> <p>(b) ACHD, Boise City, DD3, and Garden City</p> <p>(c) ACHD, Boise City, DD3, and Garden City</p>
ROADWAYS (II.A.4)		
(a) Management Practices. Evaluate ways to reduce pollutant discharges associated with road maintenance and rehabilitation operations. The program shall also include the management practices identified during the inventory of co-permittee-owned storm water facilities and audit of site activities listed in the permit application.	— Within two years of the effective date of the permit.	(a) ITD, ACHD, Boise City, and BSU (for respective systems)

**TABLE III.A.
Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
(b) Snow and Ice Control and Removal Programs. Monitor the application of chemicals and sand applied to roadways for snow and ice control. Implement programs for proper storage of de-icing materials to prevent materials from entering the storm sewer system (e.g., using covers or roofs for stockpiled materials). Research alternatives to salt for use in de-icing.	— Within two years of the effective date of the permit.	(b) ACHD, ITD, and BSU
FLOOD MANAGEMENT (II.A.5)		
(a) Inventory of Structural Flood Control Devices. Complete an inventory of all structural flood control devices within their jurisdiction to determine the feasibility of retrofitting such devices to provide additional pollutant removal.	— Within one year of the effective date of the permit.	(a) Each co-permittee is responsible for its own respective flood control facilities (except Garden City and ITD).
(b) Flood Management Projects. Develop procedures for flood management projects that assess the impacts to the water quality of the receiving water.	— Within one year of the effective date of the permit	(b) Each co-permittee is responsible for its own respective flood control facilities.
PESTICIDES, HERBICIDES, AND FERTILIZER APPLICATION (II.A.6)		
(a) Application Management. Develop a list of regionally appropriate landscaping plants and turf with information on appropriate application and timing of fertilizers.	— Within one year from the effective date of the permit.	(a) Boise City and Garden City (for respective jurisdictions)
(b) Distribution of Educational Materials. Distribute educational materials to applicators contracted by the co-permittee.	— This task shall be completed within 18 months of the effective date of the permit.	(b) Boise City and Garden City (for respective jurisdictions)
(c) Outreach Method Identification. Identify and utilize outreach methods to educate homeowners, and commercial businesses, on the impact of pesticides, herbicides, and fertilizers on aquatic resources, and means to decrease their usage.	— To be reported on annual report.	(c) Boise City and Garden City (for respective jurisdictions)

**TABLE III.A.
Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
ILLCIT DISCHARGES AND IMPROPER DISPOSAL (IIA.7)		
<p>(a) Inspection and Enforcement. Implement a program to inspect and enforce against illicit connections, including dry-weather screening, citizen reports, and employee training in the detection of illicit connections. If illicit connections are observed, co-permittees shall require their disconnection. The program shall inspect 20% or more of the known major outfalls per permit year, totaling 100% of outfalls by the conclusion of the first permit term.</p>	<p>— Upon the effective date of the permit.</p>	<p>(a) ACHD, Boise City, DD3, ITD, BSU, and Garden City (for respective systems)</p>
<p>Inventory all major outfalls within their jurisdiction.</p>	<p>— Within 6 months of the effective date of the permit.</p>	
<p>(b) Storm Water Management and Discharge Control Ordinance Enforcement. The City of Boise shall enforce Title 8, Chapter 15, The City of Boise Storm Water Management and Discharge Control Ordinance (adopted May 2000). The City of Garden City shall enforce the Garden City Code Title 4, Chapter 14, Ordinances for Storm Water Management and Discharge Control (adopted in September 1999).</p>	<p>— Upon the effective date of the permit.</p>	<p>(b) Boise City and Garden City for its respective ordinances</p>
<p>(d) Complaint Procedures. Implement a complaint manual to guide staff through recording, investigating and following up on complaints regarding violations reported by the general public. Publicize the availability of an approved complaint referral process and post notices informing the public of the existence of such resources. Utilize appropriately trained staff in operating such a complaint response program.</p>	<p>— Within one year from the effective date of the permit.</p>	<p>(d) Each permittee is responsible for developing a complaint manual for their respective system. Report forms shall be forwarded to the co-permittee with jurisdiction when appropriate.</p>

**TABLE III.A.
Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
SPILL PREVENTION AND RESPONSE (II.A.8)		
(a) Spill Response Task Group. Participate in an interagency spill response task group, to ensure that a coordinated response to spills is achieved, and impacts upon aquatic resources from spilled pollutants are controlled to the MEP.	— Upon the effective date of the permit or a maximum of one year from the effective date of the permit.	(a) Boise City, ACHD, DD3, ITD, Garden City, and BSU(reporting responsibility only)
INDUSTRIAL AND HIGH RISK RUNOFF (II.A.9)		
<p>(a) Database of Facilities. Develop and maintain a database of priority industrial sites</p> <p>(b) Inspection and Monitoring of High Risk Facilities. (i) Work together to inspect and monitor such facilities for compliance with the storm water ordinance and the NPDES industrial storm water general permit. (ii) Implement the MOU between the Ada County Highway District and the City of Boise.</p> <p>(c) Educational Materials. Distribute the Storm water Commercial and Industrial Best Management Practices manual</p> <p>(d) Shall develop, formalize, and implement an inspection program of high risk industrial and other commercial facilities. The inspection program may be developed utilizing state statutes, local ordinances, contracts, or joint powers agreements.</p>	<p>— Within one year of the effective date of the permit.</p> <p>— Inspection program to be developed and implementation begun within one year of the effective date of the permit.</p> <p>— Upon the effective date of the permit.</p> <p>— Upon the effective date of the permit.</p> <p>— Within a year of the effective date of the permit.</p>	<p>(a) ACHD</p> <p>(b) (i) ACHD as lead agency Boise City and Garden City as participating agency within respective jurisdictions (ii) ACHD and City of Boise</p> <p>(c) Garden City and Boise City (for respective jurisdiction)</p> <p>(d) ACHD and Garden City</p>
CONSTRUCTION SITE RUNOFF (II.A.10)		
(a) Construction Site Discharge Control Program. Develop and implement a Construction Site Discharge Control Program.	— 18 months from the effective date of the permit.	(a) Boise City, Garden City, ACHD, and ITD (consistent with jurisdiction and authority)

**TABLE III.A.
Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
(b) Inspection and Compliance. Conduct inspections of construction sites.	— 18 months from the effective date of the permit.	(b) Boise City, Garden City, ACHD, and ITD (consistent with jurisdiction and authority)
(c) Database and Record Keeping. Maintain a database of all active and completed construction sites within their jurisdiction.	— within one year of the effective date of the permit.	(c) Boise City, Garden City, ACHD, and ITD (consistent with jurisdiction and authority)
PUBLIC EDUCATION (II.A.11)		
(a) Public Education Program. The plan shall include: (i) the distribution of public education flyers, inserts or booklets to householders regarding appropriate methods for disposing of used motor oil and similar substances, (ii) programs and activities to promote awareness of locations where the drain discharges and promote importance of maintaining clean water resources. Examples of such activities and programs include a stenciling program and participation in educational forums such as “Water Awareness Week.”	— Upon the effective date of the permit.	(i) Boise City and Garden City in respective jurisdictions with participation by other co-permittees (ii) Boise City and Garden City in respective jurisdictions with participation by other co-permittees and ACHD and Boise City (as partners with statewide “Water Awareness Week” program)
(iii) promoting the collection and/or co composting of yard wastes from residential and commercial sites. Promoting the “Keep watershed clean” campaign, and distributing copies of flyers previously developed, including but not limited to, the Storm Water Ordinance, RiverCare Tips, and the Storm Water Trooper bookmark.	— Upon the effective date of the permit	(iii) Boise City

**TABLE III.A.
 Storm Water Management Program — Schedules for Implementation and Compliance**

STORM WATER MANAGEMENT PROGRAM COMPONENT	COMPLIANCE DATE	RESPONSIBILITY
<p>(iv) Distribute the Storm Water Commercial and Industrial BMPs handbook to commercial and industrial facilities identified as priorities due to the nature of the industrial and commercial activities to be found at such sites. The city shall make the Storm Water Plant Materials - A Resource Guide available to other facilities, contractors, and developers.</p> <p>(v) Document complaints received from the general public regarding violations to the storm water ordinance, to follow up on such complaints, and detail actions taken.</p>		<p>(iv) Boise City</p> <p>(v) All co-permittees</p>

PART IV. MONITORING AND REPORTING REQUIREMENTS

A. STORM EVENT DISCHARGES

1. Co-permittees shall implement a wet-weather monitoring program, or contract with another co-permittee to implement such a program, as described in the *Boise NPDES Municipal Storm Water Permit Monitoring Plan*, (Ada County Highway District, June 1998). This program shall provide data necessary to:
 - C assess the effectiveness and adequacy of control measures implemented under the SWMP;
 - C estimate annual cumulative pollutant loadings from the MS4;
 - C estimate event mean concentrations and seasonal pollutants in discharges from major outfalls;
 - C identify and prioritize portions of the MS4 requiring additional controls, and
 - C identify water quality improvements or degradation.

The co-permittees are responsible for conducting any additional monitoring necessary to accurately characterize the quality and quantity of pollutants discharged from the MS4. Improvement in the quality of discharges from the MS4 will be assessed based on the monitoring information required by this section, plus any additional monitoring conducted by the co-permittees.

2. A minimum of **three storm events per site per permit year** shall be analyzed for the parameters listed in Table IV.A. The samples shall be collected from five (5) sites located throughout the jurisdiction of the co-permittees. These sites are identified in Table IV.B. Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to the EPA in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by the Water Office Director, use of an alternate monitoring location may commence **thirty days from the date of the request**.
 - a. *Sample Type, Collection, and Analysis:* The following requirements apply only to samples collected for Part IV.A.
 - (1) For discharges from holding ponds or other impoundments with a retention period greater than 24 hours, (estimated by dividing the volume of the detention pond by the estimated volume of water discharged during the 24 hours previous to the time that the sample is collected) a minimum of one grab sample may be taken.
 - (2) Grab samples taken during the first two hours of discharge shall be analyzed separately for (if required) pH, temperature, oil & grease, E. coli, and volatile organics. For all other parameters, data shall be reported as flow weighted composite samples of the entire event or, at a minimum, the first three hours of discharge.
 - (3) All such samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event. Composite samples may be taken with a continuous sampler or as a combination of a minimum of three sample aliquots taken in each hour of discharge for the entire discharge or for the first three hours of the discharge, with each aliquot being separated by a minimum period of fifteen minutes.

- (4) Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, and other test procedures have not been specified, any available method may be used after approval from the EPA.
- b. Quality Assurance Plan:
- (1) Co-permittees shall develop a Quality Assurance Plan (QAP) for all monitoring requirements identified in the permit. The plan shall be completed and implemented within **120 days of the effective date of the permit**.
 - (2) At a minimum, the plan shall include the following:
 - c Protocols for sampling techniques (field blanks, replicates, duplicates, control samples, etc.),
 - c Sample preservation methods,
 - c Sample shipment procedures,
 - c Instrument calibration procedures and preventive maintenance (frequency, standard, spare parts),
 - c Qualification and training of personnel, and
 - c Analytical test methods with associated method detection limits (when not prescribed in Table IV.A) and quality control checks.
 - (3) Throughout all sample collection and analysis activities, co-permittees shall use the EPA approved quality assurance, quality control, and chain-of-custody procedures described in: *Requirements for Quality Assurance Project Plans*, EPA QA/R-5 and *Guidance on Quality Assurance Project Plans*, EPA QA/G-5. These documents are available on the EPA Region 10 website at: <http://www.epa.gov/r10earth/offices/oea/r10qahome.htm> or available by mail at:

Quality and Data Management Program
Office of Environmental Assessment
U.S. EPA, Region 10
1200 6th Avenue, OEA-095
Seattle, Washington 98101
 - (4) Co-permittees shall amend the QAP whenever there is a modification in sample collection, sample analysis, or other procedure addressed by the QAP.
 - (5) Copies of the QAP shall be kept on site and made available to EPA and/or Idaho Department of Environmental Quality (IDEQ) upon request.
- c. *Sampling Waiver*. When a discharger is unable to collect samples required by Part IV.A. due to adverse climatic conditions, the discharger must submit in lieu of sampling data a description of why samples could not be collected, including available documentation of the event. Adverse climatic conditions which may prohibit the collection of samples includes weather conditions that create dangerous conditions for personnel (such as local flooding, high winds, blizzards, tornadoes, electrical storms, etc.) or otherwise make the collection of a sample impracticable (drought, extended frozen conditions, etc.).
- d. *Storm Event Data*: For Part IV.A, quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. In addition to the parameters listed above, the co-permittees shall maintain records of the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the

end of the previous measurable (greater than 0.1 inch rainfall) storm event ; and an estimate of the total volume (in gallons) of the discharge sampled.

Table IV.A – Representative Monitoring Requirements

PARAMETER	SAMPLING FREQUENCY
Biochemical Oxygen Demand (BOD ₅) (mg/l)	3 representative storm events/permit year
Chemical Oxygen Demand (COD) (mg/l)	3 representative storm events/permit year
Dissolved Oxygen (DO) (mg/l)	3 representative storm events/permit year
Total Suspended Solids (TSS) (mg/l)	3 representative storm events/permit year
Total Dissolved Solids (TDS) (mg/l)	3 representative storm events/permit year
Total Kjeldahl Nitrogen (TKN) (mg/l)	3 representative storm events/permit year
Total Phosphorus (mg/l)	3 representative storm events/permit year
Orthophosphate (mg/l)	3 representative storm events/permit year
Oil & Grease (mg/l)	3 representative storm events/permit year
Total Petroleum Hydrocarbons	3 representative storm events/permit year
Arsenic (µg/l) — Total and Dissolved per EPA Method 200.8 ¹	3 representative storm events/permit year
Cadmium (µg/l) — Total and Dissolved per EPA Method 200.8 ¹	3 representative storm events/permit year
Copper (µg/l) — Total and Dissolved per EPA Method 200.8 ¹	3 representative storm events/permit year
Lead (µg/l) — Total and Dissolved per EPA Method 200.8 ¹	3 representative storm events/permit year
Mercury (µg/l) — Total and Dissolved per EPA Method 200.8 ¹ , 245.1 or 245.2	3 representative storm events/permit year
Nickel (µg/l) — Total and Dissolved per EPA Method 200.8 ¹	3 representative storm events/permit year
Zinc (µg/l) — Total per EPA Method 200.8 ¹	3 representative storm events/permit year
Organochlorine pesticides	3 representative storm events/permit year
Organophosphate pesticides per EPA Method 8141	3 representative storm events/permit year
E. coli, in col/100ml	3 representative storm events/permit year
pH (S.U.)	3 representative storm events/permit year
Discharge, Volume, in cubic feet	3 representative storm events/permit year
Hardness (as CaCO ₃) (mg/l)	3 representative storm events/permit year
Temperature (EC)	3 representative storm events/permit year

Table IV.A – Representative Monitoring Requirements

PARAMETER	SAMPLING FREQUENCY
Volatile Organics as per EPA Method 8260	2/year, 2nd and 4th years of permit coverage
Base/Neutral Organics per EPA Method 8270	2/year, 2nd and 4th years of permit coverage
Acid Organics per EPA Method 8270	2/year, 2nd and 4th years of permit coverage
Pesticide Organics per EPA Method 8081 or Method 8270	2/year, 2nd and 4th years of permit coverage
Note: 1 Alternative Test Procedure approval is required of the lab or co-permittee prior to the submission of monitoring data using Method 200.8.	

Table IV.B – Representative Monitoring Outfall Descriptions

OUTFALL	LOCATION	RESPONSIBLE CO-PERMITTEE
001	51-N at Walnut Street	ACHD
002	Lucky Drive	ACHD
003	Koppel's	ACHD
004	Franklin Road	ACHD
005	Production Avenue	ACHD

B. SEDIMENT ANALYSIS

1. An analysis of sediments and decant water collected from storm water catch basins. The samples shall be collected by the lead sampling entity, as designated in the Cooperative Agreement, from a minimum of **three catch basins** representing residential, commercial, and industrial land uses within the permit area. The location and the rationale behind why the site was chosen shall be submitted to the address in Section IV.E **within six months of the effective date of the permit**. A minimum of **two samples per permit year** shall be collected and analyzed from the representative catch basins. Based upon the results obtained, co-permittees shall assess whether two samples per year can adequately characterize the wastes within the catch basin. Co-permittees shall report their findings in the annual reports following the years' activity. Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, any available method may be used. The following are to be sampled as part of this program:

total suspended solids,
total phosphorous,
ortho-phosphorous,
total petroleum hydrocarbons,
poly-aromatic hydrocarbons,
volatile organic compounds,
E. coli,
copper,
lead,
arsenic,
cadmium,
chromium,
nickel, and
zinc.

Co-permittees shall use the results from the analyses as part of an assessment of the BMPs employed as part of the storm water management program outlined in II.A.1 through 11. Co-permittees shall coordinate amongst themselves to ensure that results are disseminated and to ensure that personnel representing all of the departments and agencies having a role in the storm water management program are aware of the findings. In addition, co-permittees shall report all findings, and actions taken as a result of the findings, in the annual report.

C. FLOATABLES

1. *Floatable monitoring program:* Co-permittees shall establish a minimum of **two monitoring locations** within the permit area to be sampled by the lead sampling entity as designated in the Cooperative Agreement. Co-permittees shall remove floatable material in discharges to or from the MS4 at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The amount of material collected shall be estimated in cubic yards.
2. *Annual Report:* Co-permittees shall submit, within the annual report required by Part IV.E, the following information:
 - a. Percent of MS4 screened during the year and the cumulative percent of system screened;
 - b. An estimate of the amount of floatable material collected (cubic yards);
 - c. A summary of results and actions taken or proposed based on the results of the wet weather screening program.

D. DRY WEATHER DISCHARGES

1. *Dry Weather Screening Program:* Co-permittees shall implement a dry weather screening program, or contract with another co-permittee to implement such a program. The program shall detect the presence of illicit connections and improper discharges to the MS4. Co-permittees shall ensure compliance with the program element by inspecting (or contracting with another co-applicant to inspect) 20% or more of the major outfalls per permit year, totaling 100% of all major outfalls by the conclusion of the first permit term.

2. *Follow-up on Dry Weather Screening Results:* The dry weather program will also include the elimination of suspected sources of illicit connections and improper disposal identified during dry weather screening activities. Each year's results shall be included in the corresponding annual report. Follow-up activities should be prioritized on the basis of:
 - a. magnitude and nature of the suspected discharge;
 - b. sensitivity of the receiving water; and
 - c. other relevant factors.

E. ANNUAL REPORT

1. Within one **(1) year of the effective date of this permit**, and annually thereafter, Permittees shall prepare and submit to EPA and IDEQ an Annual Report postmarked by the 10th day of the following month. In addition, copies of all annual reports, including monitoring summaries, shall be available to the public through the municipal library system. The Annual Report shall include, at a minimum:
 - a. The status of implementing the components of the Storm Water Management Program that are established as Permit conditions;
 - b. Proposed changes to the Storm Water Management Program required by this Permit. Such proposed changes shall be consistent with 40 CFR § 122.26(d)(2);
 - c. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the Part 2 of the Permit Application;
 - d. A summary of the data that co-permittees accumulated throughout the reporting year;
 - e. Annual expenditures and budget for the year following each annual report;
 - f. A summary describing the number and nature of enforcement actions, inspections, and public education programs, including copies of all educational materials distributed in conjunction with efforts to reduce pollutant discharges to the MS4;
 - g. Identification of water quality improvements or degradation;
 - h. A summary of all storm event monitoring conducted throughout the year in a format that includes the requirements of Section I.A as well as a signature of the person responsible for data quality, parameter name, monitoring location, unit of measurement, sample type, method used, and date of sample collection; and
 - i. All other information required by this Permit to be submitted with the Annual Report¹.
2. Preparation and submittal of a system-wide annual report shall be coordinated by **Ada County Highway District**. The report shall indicate which, if any, co-permittees have failed to provide required information on those portions of the MS4 for which they are responsible, by 45 days prior to the report due date. Joint responsibility for report submission shall be limited to participation in preparation of the overview for the entire system and inclusion of the identity of any co-permittee who failed to provide input to

¹ Please note that different sections of the permit contain requirements to submit different documents and programs in different annual reports.

the annual report. Each individual co-permittee shall be individually responsible for content of the report relating to the portions of the MS4 for which they are responsible and for failure to provide information for the system-wide annual report in a timely manner.

3. Signed copies of monitoring summaries, the annual report, requests for SWMP modification, requests for changes in monitoring locations, and all other reports required herein, shall be submitted to:

U.S. EPA, Region 10
Office of Water
NPDES Compliance Unit (OW-133)
1200 6th Avenue
Seattle, Washington 98101

Idaho Department of Environmental Quality
1410 N. Hilton Street
Boise, Idaho 98706-1256

- F. CERTIFICATION AND SIGNATURE OF REPORTS.** All reports required by the permit and other information requested by the Water Office Director shall be signed and certified in accordance with Parts V.K. and V.L. of the permit.

PART V. STANDARD PERMIT CONDITIONS.

- A. DUTY TO COMPLY.** Except as provided in permit conditions in Part V.M Bypass of Treatment Facilities and Part V.N Upset Conditions, nothing in this permit shall be construed to relieve the permittee of the civil or criminal penalties for noncompliance. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.
1. **Civil and Administrative Penalties.** Pursuant to 40 CFR Part 19 and the Act, any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, 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 Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act 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 \$27,500 per day for each violation).
 2. **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 Act 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 \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). 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 Act 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 \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).

3. Criminal Penalties:

- a. Negligent Violations. The Act 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.
- b. 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.
- c. 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.
- d. False Statements. The Act 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 2 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 4 years, or both. The Act 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 6 months per violation, or by both.

- B. DUTY TO REAPPLY.** If co-permittees intend to continue an activity regulated by this permit after the expiration date of this permit, such entities 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 Regional Administrator, the co-permittees must submit a new application at least **180 days before the expiration date** of the permit or in conjunction with the **fourth annual report**. The reapplication package shall contain the information required of 40 CFR 122.21(f) which includes: name and mailing address(es) of the permittee(s) that operate the MS4, and names and titles of the primary administrative and technical contacts for the municipal permittee(s). In addition, permittees shall identify any previously unidentified water bodies that receive discharges from the MS4, a summary of any known water quality impacts on the newly identified receiving waters, a description of any changes in co-applicants, and the identification number of the existing NPDES MS4 permit. The reapplication package may incorporate by reference the fourth annual report when the reapplication requirements can be found within such report.
- C. NEED TO HALT OR REDUCE ACTIVITY NOT A DEFENSE.** It shall not be a defense for a co-permittee 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.
- D. DUTY TO MITIGATE.** Co-permittees shall take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.
- E. PROPER OPERATION AND MAINTENANCE.** Each co-permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by co-permittees to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by co-permittees only when the operation is necessary to achieve compliance with the conditions of the permit.
- F. 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 persons or property or invasion of other private rights, nor any infringement of state or local laws or regulations.

- G. TRANSFERS.** This permit is not transferable to any person except after notice to the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Act. (See 40 CFR 122.61; in some cases, modification or revocation and reissuance is mandatory).
- H. DUTY TO PROVIDE INFORMATION.** Co-permittees shall furnish to the Water Office Director and IDEQ, within the time specified in the request, any information which the Water Office Director or IDEQ may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. Co-permittees shall also furnish to the Water Office Director or IDEQ, upon request, copies of records required to be kept by this permit.
- I. OTHER INFORMATION.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application, or that it submitted incorrect information in a permit application or any report to the Director or IDEQ, it must promptly submit the omitted facts or corrected information.
- J. INSPECTION AND ENTRY.** Co-permittees shall allow the Water Office Director, IDEQ, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:
1. Enter upon co-permittees' premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
 2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
 4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.
- K. MONITORING AND RECORDS.**
1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 2. The co-permittees shall retain records of all monitoring information, including, but not limited to, all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, copies of Discharge Monitoring Reports (DMRs), a copy of the NPDES permit, and records of all data used to complete the application for this permit, for a period of at least five years from the date of the sample, measurement, report or application, or for the term of this permit,

whichever is longer. This period may be extended by request of the Director or IDEQ at any time.

3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The name(s) of the individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The names of the individual(s) who performed the analyses;
 - e. The analytical techniques or methods used; and
 - f. The results of such analyses.

L. SIGNATORY REQUIREMENT. All applications, reports or information submitted to the Director and IDEQ shall be signed and certified.

1. All permit applications shall be signed as follows:
 - a. For a corporation: by a responsible corporate officer.
 - b. For a partnership or sole proprietorship: by a general partner or the proprietor, respectively.
 - c. For a municipality, state, federal, or other public agency: by either a principal executive officer or ranking elected official.
2. All reports required by the permit and other information requested by the Director or IDEQ shall be signed by a person described above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
 - a. The authorization is made in writing by a person described above and submitted to the Director and IDEQ, and
 - b. 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, 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 organization.
3. Changes to authorization. If an authorization under Part V.J.2 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 V.J.2. must be submitted to the Regional Administrator and IDEQ prior to or together with any reports, information, or applications to be signed by an authorized representative.

M. CERTIFICATION. Any person signing documents under this section shall 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 gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

N. REPORTING REQUIREMENTS.

1. Planned changes. Co-permittees shall give notice to the Water Office Director and IDEQ as soon as possible of any planned physical alterations or additions to the permitted facility whenever:
 - a. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR § 122.29(b); or
 - b. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR § 122.42(a)(1).
2. Anticipated noncompliance. Co-permittees shall give advance notice to the Water Office Director and IDEQ of any planned changes in the permitted facility or activity which may result in noncompliance with this permit.
3. Transfers. This permit may be automatically transferred to a new permittee if:
 - a. The current permittee notifies the Director at least 30 days in advance of the proposed transfer date;
 - b. The notice includes a written agreement between the existing and new permittees containing a specific date for transfer of permit responsibility, coverage, and liability between them; and
 - c. The Director does not notify the existing permittee and the proposed new permittee of his or her intent to modify, or revoke and reissue the permit.

If the notice described in paragraph c above is not received, the transfer is effective on the date specified in the agreement mentioned in paragraph b above.

4. Monitoring reports. Monitoring results shall be reported at the intervals specified elsewhere in this permit.
 - a. Monitoring results must be reported on a DMR or other form provided or specified by the Water Office Director for reporting results of monitoring of sludge use or disposal practices.

- b. If co-permittees monitors any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or as specified in the permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the DMR specified by the Water Office Director.
 - c. Calculations for all limitations which require averaging of measurements shall utilize an arithmetic mean unless otherwise specified by the Water Office Director in the permit.
5. Compliance schedules. Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit shall be submitted no later than 14 days following each schedule date.
6. Twenty-four hour notice of noncompliance reporting.
- a. The permittee must report the following occurrences of noncompliance by telephone within 24 hours from the time the permittee becomes aware of the circumstances:
 - (i) any noncompliance that may endanger health or the environment;
 - (ii) any unanticipated bypass that exceeds any effluent limitation in the permit (See Part IV.F., "Bypass of Treatment Facilities");
 - (iii) any upset that exceeds any effluent limitation in the permit (See Part IV.G., "Upset Conditions"); or
 - (iv) any violation of a maximum daily discharge limitation for any of the pollutants
 - b. The permittee must also provide a written submission within five days of the time that the permittee becomes aware of any event required to be reported under subpart 1 above. The written submission must contain:
 - (i) a description of the noncompliance and its cause;
 - (ii) the period of noncompliance, including exact dates and times;
 - (iii) the estimated time noncompliance is expected to continue if it has not been corrected; and
 - (iv) steps taken or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
 - c. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours by the NPDES Compliance Hotline in Seattle, Washington, by telephone, (206) 553-1846.
 - d. Reports must be submitted to the addresses in Part IV.E ("Annual Report").
7. Other noncompliance reporting. The co-permittee(s) must report all instances of noncompliance, not required to be reported within 24 hours, at the time that monitoring

reports for Part IV.E are submitted. The reports must contain the information listed in Part V.L.6 of this permit.

O. BYPASS

1. Bypass not exceeding limitations. Co-permittees may allow any bypass to occur which 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 2 and 3 of this Part.
2. Notice
 - a. Anticipated bypass. If co-permittees know in advance of the need for a bypass, co-permittees shall submit prior notice, if possible at least ten days before the date of the bypass.
 - b. Unanticipated bypass. Co-permittees shall submit notice of an unanticipated bypass as required in Part V.L.6 (“24-hour notice of noncompliance reporting”).
3. Prohibition of bypass.
 - a. Bypass is prohibited, and the Water Office Director or IDEQ may take enforcement action against a co-permittee for bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (3) Co-permittees submitted notices as required under paragraph 2 of this Part.
 - b. The Water Office Director may approve an anticipated bypass, after considering its adverse effects, if the Water Office Director determines that it will meet the three conditions listed above in paragraph 3.a of this Part.

P. UPSET

1. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology-based permit effluent limitations if the requirements of Part V.N.3 of this permit are met. 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.
2. Conditions necessary for a demonstration of upset. A co-permittee who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An upset occurred and that co-permittees can identify the cause(s) of the upset;
 - b. The permitted facility was at the time being properly operated;

- c. Co-permittees submitted 24-hour notice of the upset as required in Part V.L.6 of this permit (24-hour notice of noncompliance reporting); and
 - d. Co-permittees complied with any remedial measures required under Part V.D (“Duty to mitigate”) of this permit.
3. Burden of proof. In any enforcement proceeding co-permittees seeking to establish the occurrence of an upset has the burden of proof.

Q. 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.

R. STATE AND ENVIRONMENTAL LAWS. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve co-permittees from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act, 33 U.S.C. § 1370.

S. ADDITIONAL MONITORING BY CO-PERMITTEES. If co-permittees monitor more frequently than required by this permit, using test procedures approved under 40 CFR Part 136, or equivalent, or as specified in this permit, the results of this monitoring shall be included with the data submitted as part of the annual report required by Part IV.E of this permit.

Upon request by the Director, the permittee must submit results of any other sampling, regardless of the test method used.

PART VI. PERMIT MODIFICATION

A. MODIFICATION OF THE PERMIT. The permit may be modified, revoked and reissued, or terminated for cause as specified in 40 CFR §§122.62, 122.64 and 124.5. The filing of a request by co-permittees for a permit modification, revocation and re-issuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

B. TERMINATION OF COVERAGE FOR A SINGLE CO-PERMITTEE. Permit coverage may be terminated, in accordance with the provisions of 40 CFR §§122.64 and 124.5, for a single co-permittee without terminating coverage for other co-permittees.

PART VII. DEFINITIONS

The following definitions apply to this permit. Except as otherwise specifically provided, terms used in this permit but not defined by this Part shall have the meaning ascribed to them by Section 502 of the Clean Water Act (33 U.S.C. § 1362), 40 CFR § 122.2, and 40 CFR § 122.26(b). These statutory and regulatory definitions are incorporated herein by reference. Some of the statutory and regulatory term definitions are included here for convenience.

“Act” means the Clean Water Act.

“Administrator” means the Administrator of the EPA, or an authorized representative.

“Best Management Practices” means schedules of activities, prohibitions 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 facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

“BMPs” is an acronym for Best Management Practices.

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

“CWA” means Clean Water Act (also referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub.L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483, and Pub. L. 97-117, 33 U.S.C. 1251 et. seq.

“Director” means the Director of the Office of Water, EPA, or an authorized representative.

“Discharge” means discharge from the Municipal Separate Storm Sewer System (MS4).

“DMR” means discharge monitoring report.

“EPA” means the United States Environmental Protection Agency.

“Flood management project” means a project that takes into account the effects on the water quality of the receiving water body(s) and whether or not the structural flood control device can be retrofitted to control water quality.

“Flow-weighted composite sample” means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.

“Grab” sample means an individual sample collected over a period of time not exceeding 15 minutes.

“IDEO” means the Idaho Department of Environmental Conservation.

“Illicit connection” means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

“Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

“Individual residence” means a single or multi-family residences (e.g., single family homes and duplexes, town homes, apartments, etc.).

“Major outfalls,” means municipal separate storm sewer outfalls that discharge from a single pipe with an inside diameter of 36 inches or more or its equivalent (discharge from a single conveyance other than circular pipe which is associated with a drainage area of more than 50 acres); or for municipal separate storm sewers that receive storm water from lands zoned for industrial activity (based on comprehensive zoning plans or the equivalent), outfalls that discharge from a single pipe with an inside diameter of 12 inches or more or its equivalent (discharge from other than a circular pipe associated with a drainage area of 2 acres or more).

“Maximum Extent Practicable,” is the technology-based discharge standard for municipal separate storm sewer systems established by CWA § 402(p).

“MEP,” is an acronym for “Maximum Extent Practicable.”

“Method detection limit (MDL)” mean 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 the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes and processing steps have been followed.

“MS4” is an acronym for “municipal separate storm sewer system.”

“Municipal separate storm sewer system” means the 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 the co-permittees; (ii) designed or used for collecting or conveying storm water; (iii) which is not part of a combined sewer; and (iv) which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.

“Permit year” means the year beginning from the day and month the permit becomes effective.

“QA/QC” means quality assurance/quality control

“Regional Administrator” means the Regional Administrator of Region 10 of the EPA, or the authorized representative of the Regional Administrator.

“Severe property damage” means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural

resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

“Storm sewer,” unless otherwise indicated, refers to a municipal separate storm sewer.

“Storm water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Storm Water Management Program” means the SWMP required by Part II of the permit.

“Structural flood control device” means a device which has been designed and installed for the purpose of storm drainage during storm events.

“SWMP” is an acronym for “Storm Water Management Program.”

“Time-weighted composite” means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

“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 co-permittees. 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.

“Water Office Director” means the Director of the Office of Water United States Environmental Protection Agency, Region 10, or an authorized representative of the Director.

“Waters of the United States” is defined at 40 CFR 122.2.

“24-hour composite” sample means a combination of at least 8 discrete sample aliquots of at least 100 milliliters, collected over periodic intervals from the same location, during the operating hours of a facility over a 24 hour period. The composite must be flow proportional. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of *Standard Methods for the Examination of Water and Wastewater*.